



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Tuesday, 9 November 2021

Authorised by the Parliament of New South Wales

TABLE OF CONTENTS

Bills	6303
Better Regulation Legislation Amendment (Miscellaneous) Bill 2021	6303
Local Government Amendment (COVID-19—Elections Special Provisions) Bill 2021	6303
Electric Vehicles (Revenue Arrangements) Bill 2021	6303
Water Industry Competition Amendment Bill 2021	6303
Coastal Management Amendment Bill 2021	6303
Assent	6303
Announcements	6303
Covid-Safe Plan	6303
Bills	6303
Payroll Tax Amendment (Payroll Tax Waiver) Bill 2021	6303
First Reading	6303
Civil Liability Amendment (Child Abuse) Bill 2021	6304
Messages	6304
Documents	6304
Advocate for Children and Young People	6304
Reports	6304
Office of Children's Guardian	6304
Reports	6304
Ageing and Disability Commission	6304
Reports	6304
Official Community Visitors	6304
Reports	6304
Law Enforcement Conduct Commission	6304
Reports	6304
Information and Privacy Commission	6305
Reports	6305
Ombudsman	6305
Reports	6305
Child Death Review Team	6305
Reports	6305
Inspector of Custodial Services	6305
Reports	6305
Independent Commission Against Corruption	6306
Reports	6306
Inspector of the Independent Commission Against Corruption	6306
Reports	6306
Inspector of the Law Enforcement Conduct Commission	6306
Reports	6306
NSW Electoral Commission	6306

TABLE OF CONTENTS—*continuing*

Reports	6306
Independent Commission Against Corruption	6306
Reports	6306
Tabled Papers not Ordered to be Printed	6306
Tabling of Papers	6307
Committees	6307
Selection of Bills Committee	6307
Reports	6307
Documents	6308
Auditor-General	6308
Reports	6308
Committees	6308
Standing Committee on Social Issues	6308
Reports	6308
Committee on Children and Young People	6309
Reports	6309
Standing Committee on Law and Justice	6309
Government Response	6309
Standing Committee on Social Issues	6309
Government Response	6309
Documents	6309
Floodplain Harvesting	6309
Further Return to Order: Correspondence	6309
Further Return to Order	6309
Further Return to Order	6309
Claim of Privilege	6309
Sydney Science Park Rail Infrastructure	6309
Correspondence	6309
NSW Generations (Debt Retirement) Fund	6310
Correspondence	6310
Return to Order	6310
Claim of Privilege	6310
Sydney Science Park	6310
Return to Order	6310
Westinvest Fund	6310
Return to Order	6310
Agricultural Industry Workforce	6310
Return to Order	6310
Claim of Privilege	6310
Audit of Uber	6310
Return to Order	6310
Claim of Privilege	6310

TABLE OF CONTENTS—*continuing*

The Hon. Brad Hazzard	6311
Return to Order	6311
Claim of Privilege	6311
COVID-19 and Correctional Facilities	6311
Return to Order	6311
Claim of Privilege	6311
Return to Order	6311
Western Sydney and South-West Sydney Public Schools	6311
Return to Order	6311
Claim of Privilege	6311
School Infrastructure NSW	6311
Further Return to Order	6311
Claim of Privilege	6311
Transport Asset Holding Entity of New South Wales	6312
Further Return to Order	6312
Claim of Privilege	6312
Sydney Science Park Water Services	6312
Return to Order	6312
Claim of Privilege	6312
Insurance and Care NSW	6312
Variation of Order	6312
COVID-19 and Correctional Facilities	6312
Variation of Order	6312
Revenue NSW	6313
Variation of Order	6313
New Intercity Fleet	6313
Dispute of Claim of Privilege	6313
Biobanks	6313
Dispute of Claim of Privilege	6313
Dam Infrastructure	6313
Dispute of Claim of Privilege	6313
Business of the House	6313
Postponement of Business	6313
Rulings	6314
ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2021	6314
Business of the House	6314
Suspension of Standing and Sessional Orders: Order of Business	6314
Bills	6315
ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2021	6315
Discharge of Order of the Day and Withdrawal of Bill	6315
Presiding Officers	6315

TABLE OF CONTENTS—*continuing*

President of the Legislative Council.....	6315
Presentation.....	6315
Governor	6315
Assumption of the Administration of the Government	6315
Address-In-Reply.....	6315
His Royal Highness Prince Philip The Duke of Edinburgh.....	6315
Budget	6315
Budget Estimates and Related Papers 2020-21	6315
Bills.....	6315
Children’s Guardian Amendment (Child Safe Scheme) Bill 2021	6315
Second Reading Debate.....	6315
Instruction to Committee of the Whole	6316
In Committee	6316
Rulings.....	6319
Supplementary Questions	6319
Members	6319
Representation of Ministers Absent During Questions	6319
Questions Without Notice.....	6319
The Hon. Paul Toole and Disclosure of Interests	6319
Screen Industry Economic Recovery.....	6319
Schools Renewable Energy Infrastructure Pilot Project.....	6320
Barwon Land Acquisition and National Parks Management.....	6321
Higher School Certificate 2021	6321
Parramatta Local Government Elections	6322
State-Owned Corporations Projects.....	6322
Mental Health and Suicide Prevention Support.....	6323
Egg Production and Animal Welfare.....	6324
Wagga Wagga Electorate Arts Funding	6324
Small Business Economic Recovery	6325
Hawkins-Rumker Coalfield and Aboriginal Sacred Sites	6326
Inner West Light Rail and School Transport.....	6326
Aboriginal Languages Trust	6326
Land Use Change and Carbon Accounting.....	6327
COVID-19 Micro-Business Grant Program	6327
Kindergarten Orientation	6328
The Hon. Brad Hazzard	6329
Supplementary Questions for Written Answers	6330
Schools Renewable Energy Infrastructure Pilot Project.....	6330
Questions Without Notice: Take Note.....	6330
Take Note of Answers to Questions	6330
The Hon. Paul Toole and Disclosure of Interests	6330
Schools Renewable Energy Infrastructure Pilot Project.....	6330

TABLE OF CONTENTS—*continuing*

The Hon. Brad Hazzard	6330
Screen Industry Economic Recovery	6331
Schools Renewable Energy Infrastructure Pilot Project	6332
Land Use Change and Carbon Accounting	6332
Small Business Economic Recovery	6333
COVID-19 Micro Business Grant Program	6333
State-Owned Corporations Projects	6333
Mental Health and Suicide Prevention Support	6334
Warragamba Dam	6334
Higher School Certificate 2021	6334
Take Note of Questions to Answers	6334
Deferred Answers	6335
Animal Welfare Legislation	6335
Sydney Science Park	6335
School Certificate of Exemption	6335
Cooler Classrooms Program	6335
Kangaroo Harvesting Licences	6336
Warragamba Dam Wall	6336
Animal Cruelty Laws	6336
COVID-19 and Auslan Interpreters	6336
Building and Construction Industry	6336
Building and Construction Industry	6337
Building and Construction Industry	6337
Poker Machines and Money Laundering	6338
Riverina Conservatorium of Music	6338
Sydney Science Park	6338
Greyhound Welfare	6338
Written Answers to Supplementary Questions	6339
Cooler Classrooms Program	6339
Public Sector Employees	6349
Committees	6349
Legislation Review Committee	6349
Reports	6349
Public Accountability Committee	6349
Report and Government Response	6349
Portfolio Committee No. 7 - Planning and Environment	6350
Report and Government Response	6350
Joint Standing Committee on Electoral Matters	6353
Report and Government Response	6353
Privileges Committee	6354
Reports	6354
Portfolio Committee No. 2 - Health	6354

TABLE OF CONTENTS—*continuing*

Reports	6354
Portfolio Committee No. 6 - Transport and Customer Service	6356
Reports	6356
Bills	6356
Plastic Reduction and Circular Economy Bill 2021	6356
Crimes Legislation Amendment Bill 2021	6356
First Reading	6356
Children's Guardian Amendment (Child Safe Scheme) Bill 2021	6357
In Committee	6357
Adoption of Report	6370
Third Reading	6370
Payroll Tax Amendment (Payroll Tax Waiver) Bill 2021	6370
Second Reading Speech	6370
Second Reading Debate	6371
Third Reading	6374
Plastic Reduction and Circular Economy Bill 2021	6374
Second Reading Speech	6374
Second Reading Debate	6379
In Committee	6389
Adjournment Debate	6400
Adjournment	6400
Kristallnacht Commemoration	6400
Housing and Rental Affordability	6401
The Greens Local Government Representatives	6402
Hunter Region Emergency Services	6402
Palliative Care	6403
Payroll Tax	6404

LEGISLATIVE COUNCIL

Tuesday, 9 November 2021

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

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

Bills

BETTER REGULATION LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2021
LOCAL GOVERNMENT AMENDMENT (COVID-19—ELECTIONS SPECIAL PROVISIONS) BILL 2021

ELECTRIC VEHICLES (REVENUE ARRANGEMENTS) BILL 2021

WATER INDUSTRY COMPETITION AMENDMENT BILL 2021

COASTAL MANAGEMENT AMENDMENT BILL 2021

Assent

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

Announcements

COVID-SAFE PLAN

The PRESIDENT (14:32): I advise members of the arrangements in place for COVID-safe sittings of the House for the remaining three sitting weeks of this year. I table the most recent iteration of the COVID-safe plan to support the sittings of the Legislative Council, dated 5 November 2021, which was circulated by the Clerk to members on that day.

Document tabled.

The PRESIDENT: The arrangements specified in the plan are broadly similar to those which applied during the October sittings, including rapid antigen testing upon arrival at Parliament House each day. However, as room density limitations have increased to allow one person per two square metres, the plan allows for all members to participate in proceedings in the Chamber and lower gallery so that the upper gallery no longer needs to be used. I invite those members to join us. Finally, the wearing of masks is recommended; however, it is no longer mandatory in the Chamber. I thank all honourable members.

Bills

PAYROLL TAX AMENDMENT (PAYROLL TAX WAIVER) 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 a later hour.

Motion agreed to.

CIVIL LIABILITY AMENDMENT (CHILD ABUSE) BILL 2021**Messages**

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

*Documents***ADVOCATE FOR CHILDREN AND YOUNG PEOPLE****Reports**

The PRESIDENT: According to the Advocate for Children and Young People Act 2014, I table the report of the Advocate for Children and Young People for year ended 30 June 2021, received out of session and authorised to be made public on 26 October 2021.

The Hon. DAMIEN TUDEHOPE: I move:

That the report be printed.

Motion agreed to.

OFFICE OF CHILDREN'S GUARDIAN**Reports**

The PRESIDENT: According to the Children's Guardian Act 2019, I table the report of the Office of the Children's Guardian for year ended 30 June 2021, received out of session and authorised to be made public on 26 October 2021.

The Hon. DAMIEN TUDEHOPE: I move:

That the report be printed.

Motion agreed to.

AGEING AND DISABILITY COMMISSION**Reports**

The PRESIDENT: According to the Ageing and Disability Commissioner Act 2019, I table the report of the NSW Ageing and Disability Commission for year ended 30 June 2021, received out of session and authorised to be made public on 26 October 2021.

The Hon. DAMIEN TUDEHOPE: I move:

That the report be printed.

Motion agreed to.

OFFICIAL COMMUNITY VISITORS**Reports**

The PRESIDENT: According to the Ageing and Disability Commissioner Act 2019, I table the report of Official Community Visitors for year ended 30 June 2021, received out of session and authorised to be made public on 26 October 2021.

The Hon. DAMIEN TUDEHOPE: I move:

That the report be printed.

Motion agreed to.

LAW ENFORCEMENT CONDUCT COMMISSION**Reports**

The PRESIDENT: According to the Law Enforcement Conduct Commission Act 2016, I table the following reports:

- (1) Report of the Law Enforcement Conduct Commission for year ended 30 June 2021, received out of session and authorised to be made public on 26 October 2021.

- (2) Report of the Law Enforcement Conduct Commission entitled *Review of the effectiveness of the NSW Police Force Conduct Management Plan Report*, dated October 2021, received out of session and authorised to be made public on 26 October 2021.
- (3) Report of the Law Enforcement Conduct Commission entitled *Discussion Paper: Review of the operation of the amendments to the consorting law under Part 3A Division 7 of the Crimes Act 1900*, dated October 2021, received out of session and authorised to be made public on 26 October 2021.
- (4) Report of the Law Enforcement Conduct Commission entitled *Operation Krosno—Report pursuant to S132 Law Enforcement Conduct Commission Act 2016*, dated October 2021, received out of session and authorised to be made public on 26 October 2021.

The Hon. DAMIEN TUDEHOPE: I move:

That the reports be printed.

Motion agreed to.

INFORMATION AND PRIVACY COMMISSION

Reports

The PRESIDENT: According to the Annual Reports (Departments) Act 1985, I table the report of the Information and Privacy Commission for year ended 30 June 2021, received out of session and authorised to be made public on 26 October 2021.

The Hon. DAMIEN TUDEHOPE: I move:

That the report be printed.

Motion agreed to.

OMBUDSMAN

Reports

The PRESIDENT: According to the Ombudsman Act 1974, I table the report of the NSW Ombudsman for year ended 30 June 2021, received out of session and authorised to be made public on 26 October 2021.

The Hon. DAMIEN TUDEHOPE: I move:

That the report be printed.

Motion agreed to.

CHILD DEATH REVIEW TEAM

Reports

The PRESIDENT: According to the Community Services (Complaints, Reviews and Monitoring) Act 1993, I table the report of the NSW Child Death Review Team for year ended 30 June 2021, received out of session and authorised to be made public on 26 October 2021.

The Hon. DAMIEN TUDEHOPE: I move:

That the report be printed.

Motion agreed to.

INSPECTOR OF CUSTODIAL SERVICES

Reports

The PRESIDENT: According to the Inspector of Custodial Services Act 2012, I table the report of the Inspector of Custodial Services for year ended 30 June 2021, received out of session and authorised to be made public on 29 October 2021.

The Hon. DAMIEN TUDEHOPE: I move:

That the report be printed.

Motion agreed to.

INDEPENDENT COMMISSION AGAINST CORRUPTION**Reports**

The PRESIDENT: According to the Independent Commission Against Corruption Act 1988, I table the report of the Independent Commission Against Corruption for year ended 30 June 2021, received out of session and authorised to be made public on 29 October 2021.

The Hon. DAMIEN TUDEHOPE: I move:

That the report be printed.

Motion agreed to.

INSPECTOR OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION**Reports**

The PRESIDENT: According to the Independent Commission Against Corruption Act 1988, I table the report of the Office of the Inspector of the Independent Commission Against Corruption for year ended 30 June 2021, received out of session and authorised to be made public on 29 October 2021.

The Hon. DAMIEN TUDEHOPE: I move:

That the report be printed.

Motion agreed to.

INSPECTOR OF THE LAW ENFORCEMENT CONDUCT COMMISSION**Reports**

The PRESIDENT: According to the Law Enforcement Conduct Commission Act 2016, I table the report of the Office of the Inspector of the Law Enforcement Conduct Commission for year ended 30 June 2021, received out of session and authorised to be made public on 29 October 2021.

The Hon. DAMIEN TUDEHOPE: I move:

That the report be printed.

Motion agreed to.

NSW ELECTORAL COMMISSION**Reports**

The PRESIDENT: According to the Electoral Funding Act 2018, I table the report of the New South Wales Electoral Commission for year ended 30 June 2021, received out of session and authorised to be made public on 29 October 2021.

The Hon. DAMIEN TUDEHOPE: I move:

That the report be printed.

Motion agreed to.

INDEPENDENT COMMISSION AGAINST CORRUPTION**Reports**

The PRESIDENT: Pursuant to section 77A of the Independent Commission Against Corruption Act 1988, I table the report entitled *Special Report No. 2022/01 of the Office of Inspector of the Independent Commission Against Corruption regarding the Decision of Hold a Further Public Inquiry into Operation Keppel*, dated 29 October 2021, received out of session and authorised to be made public on 29 October 2021.

The Hon. DAMIEN TUDEHOPE: I move:

That the report be printed.

Motion agreed to.

TABLED PAPERS NOT ORDERED TO BE PRINTED

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

The following papers were ordered to be printed:

- (1) COVID-Safe plan, dated 9 September 2021.
- (2) COVID-Safe plan, dated 8 October 2021.
- (3) COVID-Safe plan, dated 18 October 2021.

TABLING OF PAPERS

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

Annual Reports (Statutory Bodies) Act 1984—Report of the Audit Office of New South Wales for year ended 30 June 2021.

I move:

That the report be printed.

Motion agreed to.

Committees

SELECTION OF BILLS COMMITTEE

Reports

The Hon. SHAYNE MALLARD: I table report No. 52 of the Selection of Bills Committee, dated 9 November 2021. I move:

That the report be printed.

Motion agreed to.

The Hon. SHAYNE MALLARD (14:37): According to paragraph 4 (1) of the resolution establishing the Selection of Bills Committee, I move:

- (1) That:
 - (a) the Crimes Amendment (Display of Nazi Symbols) Bill 2021 be referred to the Standing Committee on Social Issues for inquiry and report;
 - (b) the bill be referred to the committee at the conclusion of the mover's second reading speech;
 - (c) the resumption of the second reading debate on the bill not proceed until the tabling of the committee report; and
 - (d) the committee report by the first sitting day of 2022.
- (2) That the following bills not be referred to a standing committee for inquiry and report, this day.
 - (a) Crimes Legislation Amendment (Sexual Consent Reforms) Bill 2021;
 - (b) Customer Service Legislation Amendment Bill 2021;
 - (c) Payroll Tax Amendment (Payroll Tax Waiver) Bill 2021;
 - (d) Plastic Reduction and Circular Economy Bill 2021;
 - (e) Crimes Legislation Amendment Bill 2021; and
 - (f) Road Transport Amendment (Prohibition of U-turns and 3-point Turns in School Zones) Bill 2021.

The Hon. WALT SECORD (14:38): As the shadow Minister for Police and Counter Terrorism, I contribute to debate on the decision to refer the Crimes Amendment (Display of Nazi Symbols) Bill 2021 to the Standing Committee on Social Issues, chaired by the Hon. Peter Poulos. I have been informally advised that the committee is likely to hear evidence in late January and report in the first week of February, when Parliament is set to resume. Put simply, the bill bans the display of Nazi and Neo-Nazi symbols and flags. It is the first such bill in Australia. Last night the Leader of the Government in the Legislative Council, the Hon. Don Harwin, contacted me in relation to the Government's intention to refer the bill. I appreciate that courtesy.

However, unfortunately, the referral will delay consideration of the bill until next year. Rather than see the bill defeated by the Perrottet Government, I reluctantly agreed to the referral. The Government's decision is perplexing and frustrating. I have not encountered anyone who believes that there is a reason to fly the Nazi flag in New South Wales, so what possible reason would there be to delay the bill? 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 the Nazi flag, the likely answer would have been: Who in Australia would ever display or carry one in a public rally? Hopefully, the committee inquiry will be an occasion for groups to come forward and explain their support for the bill.

The bill has been the subject of several years of consultation, discussion and advice from a wide range of Jewish and Indian community groups, including the Hindu Council of Australia and the NSW Jewish Board of Deputies. I put on record my profound appreciation to the NSW Jewish Board of Deputies president Lesli Berger and CEO Darren Bark for their longstanding support for banning Nazi symbols. I have incorporated their observations and suggestions into the bill. I have also incorporated all of the suggestions from the Hindu Council of Australia. The legislation has been carefully crafted to avoid confusion with Hindu, Buddhist and Jain religious practices, whose symbols were co-opted and twisted by the Nazis. The bill was specifically designed to ban the hooked cross. There are also exemptions for academic, research and artistic purposes. Many European countries have had similar laws for decades, including Germany, Austria and France, where it is unlawful to publicly fly Nazi flags. However, there are no such laws in Australia. It is still surprising and distressing that we now have a real need to review the legality of flying a Nazi flag in New South Wales and Australia.

Finally, the bill has support from the NSW Jewish Board of Deputies, the Australian Association of Jewish Holocaust Survivors and Descendants, the NSW Association of Jewish Service & Ex-Service Men & Women, the Australia/Israel & Jewish Affairs Council and the Melbourne-based Anti-Defamation Commission. Darren Bark, CEO of the NSW Jewish Board of Deputies, is on the record as saying:

After a long standing call by the NSW Jewish Board of Deputies to tackle this issue, it is encouraging to see legislation to ban the Nazi swastika being introduced into NSW Parliament.

We have worked together with the Hindu Council of NSW to provide feedback and will engage with this bill through the parliamentary process.

Should the legislation be passed it will be an important tool in fighting antisemitism.

In conclusion, I hope that the bill proceeds and the Perrottet Government eventually extends its support to the bill and its aims. Unfortunately, a small pocket in the Government adheres to the controversial comments made seven years ago in March 2014 by then Federal Attorney-General George Brandis, QC. In response to Federal Indigenous Labor Senator Nova Peris, he declared:

People do have a right to be bigots ... In [this] ... country, people do have rights to say things that other people find offensive ... or bigoted.

They were disgraceful comments, and I hope that those in this Government who want to see the banning of Nazi symbols prevail. I thank the House for its consideration.

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (14:42): I was not planning to speak and will not take up the time of the House. However, I must briefly respond to the Hon. Walt Secord, whose characterisation of the Government's position is not completely accurate. I welcome the opportunity that referral of the bill to the parliamentary committee will bring to make sure that the arguments for and any arguments against the bill are aired during the committee process. It will be a brief process, which will ensure that the House is well informed to be able to make a decision early in the new year.

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

Motion agreed to.

Documents

AUDITOR-GENERAL

Reports

The CLERK: According to the Government Sector Audit Act 1983, I announce receipt of a Special Report of the Auditor-General entitled *Compliance with the NSW Cyber Security Policy*, dated 28 October 2021, received out of session and authorised to be printed on 28 October 2021.

Committees

STANDING COMMITTEE ON SOCIAL ISSUES

Reports

The CLERK: According to standing order, I announce receipt of report No. 59 of the Standing Committee on Social Issues entitled *Review of the Heritage Act 1977*, dated October 2021, together with transcripts of evidence, submissions, answers to questions taken on notice, and supplementary questions and correspondence, received out of session and authorised to be printed on 22 October 2021.

The Hon. PETER POULOS (14:45): I move:

That the House take note of the report.

Debate adjourned.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Reports

The CLERK: According to standing order, I announce receipt of report No. 3/57 of the Committee on Children and Young People entitled *2021 Review of the annual reports and other matters of the Office of the Advocate for Children and Young People and the Office of the Children's Guardian*, dated October 2021, received out of session and authorised to be printed on 25 October 2021.

The Hon. PETER POULOS (14:46): On behalf of the Hon. Greg Donnelly: I move:

That the House take note of the report.

Debate adjourned.

STANDING COMMITTEE ON LAW AND JUSTICE

Government Response

The CLERK: According to standing order, I announce receipt of the Government's response to report No. 75 of the Standing Committee on Law and Justice entitled *2020 Review of the Workers Compensation Scheme*, dated 30 April 2021, received out of session and authorised to be printed on 30 April 2021.

STANDING COMMITTEE ON SOCIAL ISSUES

Government Response

The CLERK: According to standing order, I announce receipt of the Government's response to report No. 58 of the Standing Committee on Social Issues entitled *Gay and Transgender hate crimes between 1970 and 2010: Final report*, tabled 4 May 2021, received out of session and authorised to be printed on 4 November 2021.

Documents

FLOODPLAIN HARVESTING

Further Return to Order: Correspondence

The CLERK: According to the resolution of the House of Wednesday 13 October 2021, I table correspondence relating to a further order for papers regarding floodplain harvesting, received on Tuesday 26 October 2021 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, advising that the regulator is not subject to the control and direction of the Minister and the Legislative Council should liaise directly with the regulator in relation to the resolution.

Further Return to Order

The CLERK: According to the resolution of the House of Wednesday 13 October 2021, I table documents relating to a further order for papers regarding floodplain harvesting, received on Monday 1 November 2021 from the Chief Regulatory Officer, Natural Resources Access Regulator, together with an indexed list of the documents.

Further Return to Order

The CLERK: According to the resolution of the House of Wednesday 13 October 2021, I table additional documents relating to a further order for papers regarding floodplain harvesting, received on Wednesday 3 November 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of the documents.

Claim of Privilege

The CLERK: I table a return identifying additional documents received on Wednesday 3 November 2021 considered privileged, which should not be made public or tabled. According to standing order, the documents are available for inspection by members of the Legislative Council only.

SYDNEY SCIENCE PARK RAIL INFRASTRUCTURE

Correspondence

The CLERK: According to the resolution of the House of Wednesday 13 October 2021, I table correspondence relating to an order for papers regarding Luddenham rail line and station for the Sydney Science Park proposal, received on Tuesday 26 October 2021 from the Secretary of the Department of Premier and

Cabinet, stating that the relevant departments hold no documents covered by the terms of the resolution and lawfully required to be provided.

NSW GENERATIONS (DEBT RETIREMENT) FUND

Correspondence

The CLERK: According to the resolution of the House of Wednesday 13 October 2021, I table correspondence relating to an order for papers regarding the NSW Generations Fund (Debt Retirement Fund), received on Tuesday 26 October 2021 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, stating that the relevant departments hold no documents covered by the terms of the resolution and lawfully required to be provided.

Return to Order

The CLERK: According to the resolution of the House of Wednesday 13 October 2021, I table documents relating to an order for papers regarding the NSW Generations Fund (Debt Retirement Fund), received on Monday 1 November 2021 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of the documents.

Claim of Privilege

The CLERK: I table a return identifying documents received on Monday 1 November 2021 considered to be privileged and which should not be made public or tabled. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

SYDNEY SCIENCE PARK

Return to Order

The CLERK: According to the resolution of the House of Wednesday 9 June 2021, I table an additional document relating to an order for papers regarding the Sydney Science Park proposal, received on Tuesday 26 October 2021 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an updated indexed list of non-privileged documents.

WESTINVEST FUND

Return to Order

The CLERK: According to the resolution of the House of Wednesday 13 October 2021, I table documents relating to an order for papers regarding the WestInvest Fund, received on Tuesday 26 October 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of the documents.

AGRICULTURAL INDUSTRY WORKFORCE

Return to Order

The CLERK: According to the resolution of the House of Wednesday 13 October 2021, I table documents relating to an order for papers regarding the agricultural workforce planning for the 2020 and 2021 harvest seasons, received on Wednesday 3 November 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of the documents.

Claim of Privilege

The CLERK: I table a return identifying documents received on Wednesday 3 November 2021 which are considered to be privileged and should not be made public or tabled. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

AUDIT OF UBER

Return to Order

The CLERK: According to the resolution of the House of Wednesday 20 October 2021, I table documents relating to an order for papers regarding the audit of Uber, received on Wednesday 3 November 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of the documents.

Claim of Privilege

The CLERK: I table a return identifying documents received on Wednesday 3 November 2021 which are considered to be privileged and should not be made public or tabled. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

THE HON. BRAD HAZZARD**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 13 October 2021, I table documents relating to an order for papers regarding the classification of the Hon. Brad Hazzard, MP, as a casual COVID-19 contact, received on Wednesday 3 November 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of the documents.

Claim of Privilege

The CLERK: I table a return identifying documents received on Wednesday 3 November 2021 which are considered to be privileged and should not be made public or tabled. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

COVID-19 AND CORRECTIONAL FACILITIES**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 13 October 2021, I table documents relating to an order for papers regarding the COVID-19 outbreaks within correctional facilities, received on Wednesday 3 November 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of the documents.

Claim of Privilege

The CLERK: I table a return identifying documents received on Wednesday 3 November 2021 which are considered to be privileged and should not be made public or tabled. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

Return to Order

The CLERK: According to the resolution of the House of Wednesday 13 October 2021, I table documents relating to an order for papers regarding the COVID-19 outbreaks within correctional facilities, received on Tuesday 9 November 2021 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of the documents.

WESTERN SYDNEY AND SOUTH-WEST SYDNEY PUBLIC SCHOOLS**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 9 June 2021, I table documents relating to an order for papers regarding public schools in western Sydney and south-west Sydney, received on Wednesday 3 November 2021 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of the documents.

Claim of Privilege

The CLERK: I table a return identifying documents received on Wednesday 3 November 2021 which are considered to be privileged and should not be made public or tabled. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

SCHOOL INFRASTRUCTURE NSW**Further Return to Order**

The CLERK: According to the resolution of the House of Wednesday 23 June 2021, I table documents relating to a further order for papers regarding Schools Infrastructure NSW projects, received on Wednesday 3 November 2021 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of the documents.

Claim of Privilege

The CLERK: I table a return identifying documents received on Wednesday 3 November 2021 that are considered to be privileged and should not be made public or tabled. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

TRANSPORT ASSET HOLDING ENTITY OF NEW SOUTH WALES**Further Return to Order**

The CLERK: According to the resolution of the House of Wednesday 13 October 2021, I table documents relating to a further order for papers regarding Transport Asset Holding Entity of New South Wales received on Wednesday 3 November 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of the documents.

Claim of Privilege

The CLERK: I table a return identifying documents received on Wednesday 3 November 2021 that are considered to be privileged and should not be made public or tabled. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

SYDNEY SCIENCE PARK WATER SERVICES**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 13 October 2021, I table documents relating to an order for papers regarding water services for the Sydney Science Park proposal, received on Wednesday 3 November 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of the documents.

Claim of Privilege

The CLERK: I table a return identifying documents received on Wednesday 3 November 2021 that are considered to be privileged and should not be made public or tabled. According to standing order, I advise that the documents are available for inspection by members of the Legislative Council only.

INSURANCE AND CARE NSW**Variation of Order**

The PRESIDENT: According to sessional order, I inform the House that on Thursday 27 October 2021 the Clerk received correspondence from the Director, Legal Branch of the Department of Premier and Cabinet, requesting that the scope of the following order for papers be varied:

- (1) Administration of Insurance and Care NSW (icare)—Further order (20 October 2021), requesting that the due date be 17 November 2021.

I table the correspondence. I further inform the House that the relevant member who moved the motion for the order for papers has not agreed to the request from the Department of Premier and Cabinet. The question is that the varied term of the order for papers be agreed to.

Motion agreed to.

COVID-19 AND CORRECTIONAL FACILITIES**Variation of Order**

The PRESIDENT: According to sessional order, I inform the House that on Thursday 28 October 2021 the Clerk received correspondence from the Director, Legal Branch of the Department of Premier and Cabinet requesting that the scope of the following order for papers be varied:

- (1) COVID-19 outbreaks within correctional facilities, requesting that the resolution be amended.

I table the correspondence. I further inform the House that the relevant member who moved the motion for the order for papers has agreed to the request from the Department of Premier and Cabinet to vary the resolution to read as follows:

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) copies of all final minutes of the meetings between the COVID-19 Command Post and Justice Health and any attachments or supporting documents used in the deliberations of the COVID-19 Command Post from 1 June 2021 to 22 October 2021.

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

Motion agreed to.

REVENUE NSW**Variation of Order**

The PRESIDENT: According to sessional order, I inform the House that on Tuesday 2 November 2021 the Clerk received correspondence from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet requesting that the scope of the following order for papers be varied:

- (1) Revenue NSW investigations—Further order, requesting that the due date be 16 December 2021.

I table the correspondence. I further inform the House that the relevant member who moved the motion for the order for papers and the Department of Premier and Cabinet has agreed to the following variation:

Revenue NSW investigations—Further order, that the due date be 1 December 2021.

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

Motion agreed to.

NEW INTERCITY FLEET**Dispute of Claim of Privilege**

The PRESIDENT: I inform the House that, as reported in the House on Thursday 14 October 2021, the Hon. Keith Mason, AC, QC, was appointed as an Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege on certain documents lodged with the Clerk on Wednesday 9 December 2020 and Thursday 28 January 2021 relating to an order for papers regarding the New Intercity Fleet.

The Hon. Keith Mason, AC, QC, invited submissions from the relevant agencies through the Department of Premier and Cabinet. On Thursday 28 October 2021 correspondence attaching an updated indexed list of non-privileged documents was received from the Principal Legal Officer, Legal Branch of the Department of Premier and Cabinet indicating that the claims of privilege over two disputed documents provided by the Department of Premier and Cabinet were no longer pressed. The documents were made public on 28 October 2021.

I further inform the House that on Wednesday 3 November 2021 correspondence was received from Transport for NSW indicating that the claim of privilege over four disputed documents provided by Transport for NSW were no longer pressed. The documents were made public on 3 November 2021. The dispute over the remainder of the documents is in progress. I table the correspondence.

BIOBANKS**Dispute of Claim of Privilege**

The PRESIDENT: I inform the House that on 2 November 2021 the Clerk received correspondence from Ms Cate Faehrmann disputing the validity of a claim of privilege on documents lodged with the Clerk on 1 September 2021 and 15 September 2021 relating to biobanks. Pursuant to standing orders, a retired Supreme Court judge, the Hon. Keith Mason, AC, QC, was appointed as an Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege. The Clerk has released the disputed documents to the Hon. Keith Mason, AC, QC, for evaluation and report.

DAM INFRASTRUCTURE**Dispute of Claim of Privilege**

The PRESIDENT: I inform the House that on 2 November 2021 the Clerk received correspondence from Ms Cate Faehrmann disputing the validity of a claim of privilege on documents lodged with the Clerk on 4 August 2021 and 11 August 2021 relating to dam infrastructure projects, further order. Pursuant to standing orders, a retired Supreme Court judge, the Hon. Keith Mason, AC, QC, was appointed as an Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege. The Clerk has released the disputed documents to the Hon. Keith Mason, AC, QC, for evaluation and report.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. ADAM SEARLE: I move:

That business of the House notice of motion No. 1 be postponed until the first sitting day in 2022.

Motion agreed to.

Ms CATE FAEHRMANN: I move:

That business of the House notice of motion No. 2 be postponed until Tuesday 23 November 2021.

Motion agreed to.

Mr DAVID SHOEBRIDGE: I move:

That business of the House notice of motion No. 3 be postponed until Tuesday 23 November 2021.

Motion agreed to.

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

That Government business order of the day No. 1 be postponed until the next sitting day.

Motion agreed to.

The Hon. DAMIEN TUDEHOPE: On behalf of the Hon. Natalie Ward: I move:

That Government business order of the day No. 2 be postponed until a later hour.

Motion agreed to.

Rulings

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

The PRESIDENT (15:31): Upon resumption on Wednesday 20 October of the second reading debate on the ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2021, introduced by the Hon. Robert Borsak, the Hon. Don Harwin took a point of order relating to clause 4.6A of the bill, which seeks to establish a contingency fund of 25 per cent of the appropriation made to the four integrity agencies. The Hon. Don Harwin argued that the provision contravenes section 5 of the Constitution Act and tabled advice from the Crown Solicitor which states:

The bill is, in my view, a bill "for appropriating any part of the public revenue", within the meaning of the second paragraph of section 5 of the Constitution Act 1902. The bill could not, therefore, originate in the Legislative Council.

The Deputy President reserved his ruling at that time, indicating that the advice would be circulated and inviting members to make submissions on the matter. I note that the Hon. Adam Searle submitted that the second reading debate should proceed and that the matter should be determined at the third reading stage. However, I am of the view that the appropriate course in relation to the bill is for me to rule on the matter immediately.

On Tuesday 26 October the Clerk and I met with Mr Bret Walker, AO, SC, for advice on the matter. The ruling I am about to give reflects the advice received at that meeting. Mr Walker's advice is that while much of the bill could be introduced in the Legislative Council, the contingency fund provided for in clause 4.6A is an appropriation. Therefore, the bill before the House is a money bill and must be introduced in the Legislative Assembly. However, according to Mr Walker, a new bill excluding clause 4.6A would not be a money bill and could be introduced in the Legislative Council. I note that this interpretation is consistent with a 2007 ruling of President Primrose relating to a notice of motion given by Ms Lee Rhiannon to introduce the Parliamentary Remuneration Amendment (MPs Fair Wages) Bill. At that time President Primrose ruled:

... the long title is clear in its intent. In seeking to amend the Parliamentary Remuneration Act 1989, the bill clearly deals with appropriation from the public revenue. Accordingly, the bill may not be introduced in the Legislative Council, and I direct the Clerks to remove the notice from the notice paper. However, nothing in section 5 of the Constitution Act 1902 limits the power of the House to deal with the bill if it is introduced in the Legislative Assembly and forwarded to this House ...

In line with the advice from Bret Walker and the previous ruling of President Primrose, I uphold the Hon. Don Harwin's point of order and request that the Hon. Robert Borsak, or any other member, move a motion at the appropriate time that the order of the day be discharged and the bill withdrawn. The member may then elect to substitute a new bill without the provisions relating to the contingency fund. Alternatively, the bill could be introduced in its current form in the Legislative Assembly.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. ROBERT BORSAK: I seek leave to move a motion to suspend standing and sessional orders to allow private members' business item No. 1329 outside the order of precedence relating to the ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2021 to be called on forthwith.

Leave granted.

The Hon. ROBERT BORSAK (15:34): By leave: I move:

That standing and sessional orders be suspended to allow private members' business item No. 1329 outside the order of precedence relating to the ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2021 to be called on forthwith.

Motion agreed to.

Bills

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

Discharge of Order of the Day and Withdrawal of Bill

The Hon. ROBERT BORSAK: I move:

That the order of the day for resumption of the second reading debate on the bill be discharged from the *Notice Paper* and the bill withdrawn.

Motion agreed to.

Presiding Officers

PRESIDENT OF THE LEGISLATIVE COUNCIL

Presentation

The Hon. DON HARWIN: I have ascertained that it will be the pleasure of Her Excellency the Governor to receive the Legislative Council to present its President to Her Excellency at Government House on Friday 19 November 2021 at 1.30 p.m.

Governor

ASSUMPTION OF THE ADMINISTRATION OF THE GOVERNMENT

ADDRESS-IN-REPLY

HIS ROYAL HIGHNESS PRINCE PHILIP THE DUKE OF EDINBURGH

The Hon. DON HARWIN: I have ascertained it to be the pleasure of Her Excellency the Governor to receive the Legislative Council's Address-in-Reply to the message dated 2 May 2019 communicating the fact of her assumption of the administration of the State; the Legislative Council's Address-in-Reply to Her Excellency's opening speech to both Houses of Parliament on the opening of the session; and the Legislative Council's address of condolence to Her Majesty the Queen and members of the royal family passed by the Legislative Council on the death of His Royal Highness the Duke of Edinburgh. I move:

That on 19 November 2021 the House do proceed to Government House and there at 1.30 p.m. present to Her Excellency the Governor the Address-in-Reply to Her Excellency's message communicating the fact of her assumption of the administration of the Government of the State, and, after, present to Her Excellency the Address-in-Reply to the speech Her Excellency had been pleased to make to both Houses of Parliament on the opening of the session.

Motion agreed to.

Budget

BUDGET ESTIMATES AND RELATED PAPERS 2020-21

Debate resumed from 17 November 2020.

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

Motion agreed to.

Bills

CHILDREN'S GUARDIAN AMENDMENT (CHILD SAFE SCHEME) BILL 2021

Second Reading Debate

Debate resumed from 14 October 2021.

The Hon. TAYLOR MARTIN (15:39): On behalf of the Hon. Natalie Ward: In reply: The Children's Guardian Amendment (Child Safe Scheme) Bill 2021 implements key recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. I take the opportunity to clarify and respond to some of the issues raised in debate on the bill so there can be no doubt about its appropriateness. The Leader of

the Opposition raised the resourcing of the NSW Office of the Children's Guardian [OCG]. The Child Safe Scheme will be funded by the Office of the Children's Guardian. It will be administered by the child safe directorate and builds on its significant expertise in this area. Reprioritisation of existing resources across the Education, Health and Stronger Communities clusters will assist with addressing the one-off costs—in effect, half a million dollars for each cluster. This will contribute to the development of the self-assessment tool, which will be of benefit to child-related organisations in those key clusters.

The Leader of the Opposition also raised the issue of support for smaller, less well-resourced organisations. Capability building and support will be the foundation of the Child Safe Scheme. Resources and other supports are offered for free by the OCG to all organisations. They include guidelines that will be approved by the Minister, a code of conduct, e-learning and face-to-face training. Additional resources, which will align to the legislative requirements under the scheme, will be developed over the coming year. That includes a self-assessment tool to enable organisations to identify their strengths and areas for improvement. It is envisaged that the self-assessment tool will generate a free action report for organisations, which will be tailored to their circumstances and identify specific actions that they can take to create a child-safe organisation.

The approach to regulation was also raised in debate on the bill. The scheme is designed to support small and large organisations by building their individual capability. That means regulatory effort for the vast majority of organisations will be of light touch, focusing on education and building on the strengths of what they are already doing. However, enforcement measures, including a compliance notice, would be issued following an investigation that identifies risk to children coupled with poor practice. A compliance notice would be issued where an organisation is unwilling to implement practices consistent with the Child Safe Standards.

Child Safe action plans were also raised. They only need to be developed and implemented by prescribed New South Wales government agencies, such as the Department of Education, the Department of Communities and Justice and NSW Health. They do not need to be developed and implemented by every Child Safe organisation. I believe that the bill will pass with amendments that will be supported by the Government. I will not speak at length on those as the Government's position will be made clear in the Committee stage. I acknowledge the dedication of the NSW Children's Guardian and her office to protecting children and young people in organisations across our State. I commend the bill to the House.

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

Motion agreed to.

Instruction to Committee of the Whole

The Hon. MARK LATHAM (15:43): According to sessional order, I move:

That it be an instruction to the Committee of the Whole that it has the power to consider amendments to include in the objects of the new part 3 (a) that nothing in the Child Safe Standards is to be interpreted as a reasonable requirement for any organisation to engage in teaching, advocacy or promotion of gender fluidity and other related amendments.

Without going into detail, there has been some argy-bargy behind the scenes as to what is a legitimate amendment in the Committee of the Whole. Certainly, given the track record of the NSW Office of the Children's Guardian and some of the dubious things in the bill, and in the office's interpretation of the Child Safe Standards, it is perfectly legitimate for this Chamber to put some boundaries around the operation of the agency and its interpretation of the Child Safe Standards. I know the Government has some ideas about boundaries and restrictions to ensure that the terms, conditions and recommendations of the royal commission are followed to the letter. In my contribution to the second reading debate, I raised my concerns about the teaching and promotion of gender fluidity. Whether the House agrees or not, these are legitimate matters to be debated by the Committee of the Whole. I move this motion to allow that to happen.

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

Motion agreed to.

In Committee

The CHAIR (The Hon. Trevor Khan): There being no objection, the Committee will deal with the bill as a whole. I have three sets of amendments: The Greens amendments on sheet c2021-110C, Government amendments on sheet c2021-108 and One Nation amendments on sheet 56CD.2.

The Hon. MARK LATHAM (15:46): I move One Nation amendment No. 1 on sheet 56CD.2:

1. Page 3, Line 28, after 'Standards' and before 'as', insert 'as specifically determined by the Royal Commission Into Institutional Responses to Child Sexual Abuse'

This is an amendment to ensure that the administration of the Child Safe Standards is as per the recommendations and work of the Royal Commission into Institutional Responses to Child Sexual Abuse. The objective on page 3 of the bill, in the objects of the part, is to adopt the Child Safe Standards; the amendment will add the words "as specifically determined by the Royal Commission into Institutional Responses to Child Sexual Abuse". It is my very strong belief that this needs to be spelled out clearly in the legislation.

There is talk in the bill of the Child Safe Standards changing over time. There are various interpretations made of the work of the royal commission. This legislation is only before the House because of the very clear recommendations of the royal commission. The Office of the Children's Guardian and the Advocate for Children and Young People should not become political activist organisations that wander off in their own direction with their own priorities and their own politics. They should stick to the very purpose of the bill and the very fine work of the royal commission that was conducted by the Federal Government and that has now been adopted in New South Wales as a guiding policy for the development of this statute. We need to ensure that the proper process and intent is followed, and that is what One Nation amendment No. 1 seeks to achieve.

The Hon. TAYLOR MARTIN (15:48): The Government does not support the amendment.

The Hon. PENNY SHARPE (15:49): I will talk about the Opposition's position in relation to this amendment. A series of amendments will be moved, from 1 to 6; the Labor Opposition will use a similar argument about why it does not support those amendments. The objects of this part of the bill are about the Child Safe Scheme and they talk about the Child Safe Standards as the primary framework that guides child-safe practice. They are drawn from the royal commission and they are important. The framework that is set out in this part of the bill sets out the way in which it will be implemented and the way in which it will put the scheme in place. This amendment narrows the scope very much. Let's remember that what we know about child-safe organisations and child sexual abuse changes all the time. There is a need to have some flexibility as these standards are put in place. Labor opposes the amendment because it believes that the framework in the bill as drafted is a better way to approach the adoption of the Child Safe Standards, the need for implementation and guidance, and the way in which it will roll out over time.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Latham has moved One Nation amendment No. 1 on sheet 56CD.2. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. MARK LATHAM (15:51): I move One Nation amendment No. 2 on sheet 56CD.2:

2. Page 3, Line 28, omit 'primary'

The purpose of the amendment is to omit the word "primary" from the objects of part 8A (a), which currently reads:

... adopting the Child Safe Standards as the primary framework that guides child safe practice ...

I take that being in this legislation as a shocking reflection on the Department of Education and other agencies in New South Wales that deal with children according to time-tested, thorough Child Safe Standards and practices. Why should the Office of the Children's Guardian and this legislation be the primary framework when the NSW Department of Education has over many years—indeed, many decades—built up practices, guidelines and training of teachers about the reporting of child safety concerns and a mandatory reporting system to keep our children in schools safe from all manner of problems and dangers?

At a time when the education Minister and the department are trying to reduce the paperwork, the time spent on administrative tasks and the red tape that applies to being a teacher in New South Wales, why should the Office of the Children's Guardian be allowed to come over the top and provide the primary framework for these child-safe practices? The Department of Education, looking after many hundreds of thousands of children in New South Wales, has done a pretty good job. Of course, none of these things are perfect, but wouldn't you trust in the department that has done this over decades instead of a relatively new agency and a relatively new statute coming over the top to be the primary framework? Now, we do not want a territory dispute. We do not want duplication of effort. I am glad to see the Minister is here; she has been trying to bring down the administrative time for teachers. Well, this looks like a new set of arrangements for teachers, principals and, indeed, the department to answer to the Office of the Children's Guardian when nobody has identified a problem in our schools that needs this level of correction.

We hear a lot of talk from honourable members opposite and around the Chamber about trusting in our teachers. We should trust in their training, guidelines, standards and practices, accumulated over many years, to get this right in the all important area of children's safety. Deleting the word "primary" puts it in the proper perspective: that this child-safe statute under the Children's Guardian would be a safety net, very much

supplementary to everything else that has been tried and tested around New South Wales. If there were cracks in the system—say it is in community sporting clubs or some set of agencies that have not had the thorough examination of these issues over time, unlike the Department of Education—then it would be appropriate for the Children's Guardian and this legislation to be used. But I do not see why the Children's Guardian and this legislation should be the primary framework.

We are talking about a big change in practice in New South Wales. I looked at the annual report of the Office of the Children's Guardian. It said that the office interacts with 30,000 organisations in New South Wales. It proclaims the office's values of trust and respect. Are we really expecting that, for the 2,200 government schools and non-government schools in New South Wales, the office is going to come over the top and be the primary framework provider for looking after children's safety? It is quite an insult to the education department.

I do not know what happened around the Cabinet table. One would have thought that the education Minister might have stepped in and said, "Can't we make it very clear that the guardian really would only be supplementary in some desperate, unexpected circumstance in education?" Trust in the department, which has invested a huge amount of money in this area over a long period of time. Trust in the department, rather than reinventing the wheel, causing duplication and waste, and ultimately downgrading the importance of schools, principals, teachers and the education department in an area where, they will tell you, they have done a lot of training and a lot of work. By and large in New South Wales we would be fairly happy with their performance. The Leader of the Opposition nods her head in agreement with that. Why are we reinventing the wheel and establishing a new primary framework?

The Hon. TAYLOR MARTIN (15:56): I am reliably informed that the Government does not support this amendment.

The Hon. PENNY SHARPE (15:56): I listened very carefully to the Hon. Mark Latham in relation to this amendment. The Labor Opposition does not support the amendment, for the very same reason that Mr Latham had for making his arguments. To remove "primary" from this part of the bill is to say this is the only framework that guides child-safe practice. That is a problem. The very arguments the member has just made about schools and the work they have done around their child-safe practices under this are guided by this but also includes the work they have got. Taking "primary" out means this is the only framework. The Opposition opposes this amendment.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Latham has moved One Nation amendment No. 2 on sheet 56CD.2. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. MARK LATHAM (15:57): By leave: I move One Nation amendments Nos 3 to 6 on sheet 56CD.2 in globo:

3. Page 3, Line 39, omit subsection (iv)
4. Page 3, Line 43, omit subsection (B)
5. Page 4, Lines 1-2, omit subsection (C)
6. Page 4, Line 3, omit subsection (vi)

The amendments all delete subsections in the bill that are concerned with enforcing compliance. I mentioned earlier that the New South Wales Office of the Children's Guardian interacts with 30,000 organisations that have various activities and levels of care and guidance for children, particularly the Department of Education, which is by far the greatest guardian of children in New South Wales when they are outside the home. Again, we do not need a compliance system that comes over the top, reinventing the wheel and adding red tape, bureaucracy, administrative time and paperwork, particularly for the education department.

My concern, expressed in these amendments, is about the role of our teachers and the work they have done fairly successfully over a long period of time. I do not exactly know what interaction the Office of the Children's Guardian is planning, but I do know that in the past the officers have been political activists. I outlined the full record of that in my contribution to the second reading debate. There was the Warriewood West childcare centre, the bodgie survey results the office presented to Parliamentary Committee No. 3, the way in which it handled the exposure draft of this legislation, and its guidelines about gendered pronouns for three- and four-year-old children. These are concerns about an activist organisation that might come over the top in terms of compliance and start to stand over organisations that need to get on with their jobs, most particularly our schools. I very much recommend these amendments to the Chamber and trust they can be dealt with before question time.

The CHAIR (The Hon. Trevor Khan): According to sessional order, it being 4.00 p.m., I will now leave the chair and report progress.

The PRESIDENT: The Committee reports progress. Further consideration of business before the Committee is set down as an order of the day for a later hour. According to sessional order, business is now interrupted for questions.

Rulings

SUPPLEMENTARY QUESTIONS

The PRESIDENT (16:00): A number of points of order have been taken in recent weeks about supplementary questions. The increasingly legalistic and technical nature of these points of order is a concern, especially when the supplementary question clearly arises from the Minister's answer or is relevant to the subject matter of the original question. I wish to indicate to members the approach I will take in ruling on points of order on supplementary questions so that there is no doubt. Members would be familiar with the longstanding ruling, starting with President Burgmann and commonly referred to by many of my predecessors, that supplementary questions must be related to the answer given by the Minister and must seek to elucidate the answer, that is, make the answer clearer.

I note the intervention of President Harwin in stopping the clock to prevent the practice of taking points of order to use up a member's time to ask a question or a Minister's time to complete an answer. Question time is an important opportunity for members to seek information from the Government. I remind members that they should not raise points of order in a way that hampers the free flow of questions and answers in the Chamber. As noted by President Primrose in 2008:

In accordance with the traditions of this House I always extend the maximum latitude possible to members during question time. A more strict legalistic approach would likely result in few questions being asked and answered, and even fewer members being present in the Chamber to listen to either.

They are sage words indeed. I will be adopting the same principle in relation to supplementary questions. Unless a supplementary question is so far from the original question or answer as to be unreasonable, points of order on this matter will generally not be upheld.

Members

REPRESENTATION OF MINISTERS ABSENT DURING QUESTIONS

The Hon. DAMIEN TUDEHOPE: I will be taking questions on behalf of the Hon. Natalie Ward, who is absent.

Questions Without Notice

THE HON. PAUL TOOLE AND DISCLOSURE OF INTERESTS

The Hon. PENNY SHARPE (16:02): My question is directed to the Minister for Mental Health, Regional Youth and Women. Earlier this week the Minister said, "Everyone has to be really open about declaring conflicts. It is something we are taught." What steps has the Minister taken to ensure that the Deputy Premier and Leader of the National Party has made all the declarations required as an MP and as a Minister?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:02): I thank the honourable member for her question. I am glad to hear that she enjoyed the article in the Telegraph. She must have read it to get to that last line. I am really glad to hear that she enjoyed it.

The Hon. Penny Sharpe: Every word.

The Hon. BRONNIE TAYLOR: I am glad to hear that. All declarations, as far as I know, are in order, and any that are not have been made to be in order. We all declare what is required under all of the different regulations existing within the parliamentary system.

SCREEN INDUSTRY ECONOMIC RECOVERY

The Hon. PETER POULOS (16:03): My question is addressed to the Minister for the arts. Will the Minister update the House on how the New South Wales Government is supporting jobs and economic recovery in the screen and post, digital and visual effects [PDV] sectors?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (16:03): Yes, I absolutely will. We are absolutely committed to supporting jobs in the screen and PDV sectors as a means of stimulating economic recovery across the State. Since the beginning of the pandemic, New South Wales has been home to more than 90 screen productions, which have supported over 10,000 jobs and through that many families. Also during this time more than 350 projects undertook post-production, visual and digital effects in New South Wales, supporting 6,300

jobs, including 350 trainees. That is on top of the 10,000 jobs. Since the announcement in November 2020 of \$35 million a year in new funding for the Made in NSW fund over five years, nine international productions and 12 local TV drama series have been supported by the fund to 5 November 2021. Those productions will contribute more than \$840 million to the local economy and will support 8,000 local jobs.

Last Friday I announced that the New South Wales Government secured *The Lost Flowers of Alice Hart* through the Made in NSW fund, a seven-part Amazon original series based on Australian author Holly Ringland's international bestselling novel. Starring Sigourney Weaver, the series is a tale of female resilience, friendship and the power to overcome tragedy. It is produced by Made Up Stories, Amazon Studios and Endeavor Content and will be the first significant, but by no means the last, Amazon original produced in Australia. Filming has begun on the series, which will use locations in Sydney and the Hunter region and on the mid North Coast. That production alone will support close to 300 jobs and contribute more than \$30 million to the New South Wales economy in production expenditure.

The Government's 10 per cent PDV rebate for the post-production, digital and visual effects sector, introduced in October 2019, has seen the attraction of work into New South Wales with a value in excess of \$500 million. New South Wales is home to 60 per cent of Australia's PDV sector, and those figures will continue to grow as the Government expands the PDV rebate to encompass the digital games industry. With over 16,000 jobs supported since the pandemic, there has never been a better time to be in the screen sector, and there is no better place than New South Wales for screen sector support.

SCHOOLS RENEWABLE ENERGY INFRASTRUCTURE PILOT PROJECT

The Hon. JOHN GRAHAM (16:07): My question is directed to the Minister for Education and Early Childhood Learning. What is the Minister's response to community concerns that 92 per cent of the renewable energy grant funding went to schools in Coalition electorates?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:07): I thank the Deputy Leader of the Opposition for his question. I am happy to talk about our Schools Renewable Energy Infrastructure Pilot Project, which was announced as part of the 2020-21 budget. It is a great initiative that gives us an opportunity to look at how we can best utilise the eight million square metres of roof space that we have in our public schools across New South Wales.

The Hon. Courtney Houssos: And they are just magically all in Coalition electorates.

The Hon. SARAH MITCHELL: If members opposite ask a question, they should listen to the answer. This pilot project will assess the cost and benefits that might be derived from the large-scale implementation of solar photovoltaic [PV] systems, batteries and demand-response initiatives, including voluntary cutting or shifting use of energy to better match supplies in the grid, which can also help to reduce peak-demand requirements and cost in our schools. The member asked me what my response is to community concerns about where the schools are and how they were chosen. I have publicly responded to this issue in the media. I could have happily talked about it in budget estimates, but I was not asked. Apparently the question was not worthy of estimates, but it was worthy of a drop to *The Daily Telegraph* the next day.

The Hon. Courtney Houssos: Correct. That is right.

The Hon. SARAH MITCHELL: If you had asked, I would have answered.

The PRESIDENT: Order! Members will cease interjecting. The Minister will resist the temptation to respond to interjections.

The Hon. SARAH MITCHELL: The Department of Education and School Infrastructure teams chose the 24 schools for inclusion. They were selected because of the need to install solar PV panels and batteries at those schools to generate electricity and to provide the additional electrical capacity required to run the air conditioning that is being installed as part of the Cooler Classrooms Program. The schools were chosen by the department based on the needs of that electrical upgrade. Obviously this must be done in communities where the electricity grid is more constrained. That is the direct advice from School Infrastructure NSW, so it should not be a surprise that it is often required in regional electorates.

Largely, those electrical upgrades under the pilot project are being provided to small schools. As I said, it is a pilot project. It is proposed that an assessment of all New South Wales public schools will be undertaken to determine their suitability for solar PV systems, batteries and demand-response initiatives. It is also worth noting that more than 70 per cent of New South Wales public schools already have solar PV panels installed. The only people who want to politicise this investment in renewable energy are the members opposite. The schools were chosen by School Infrastructure NSW and the Department of Education based on need, and I will back them 100 per cent.

The Hon. JOHN GRAHAM (16:10): I ask a supplementary question. Will the Minister elucidate on that part of her answer where she talked about the decision-making process? Is this one of the programs in the scope for the Premier's grants review to stamp out pork-barrelling? Will it be examined?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:10): It is not a grant project; it is a Schools Renewable Energy Infrastructure Pilot Project. The decision-making of this—

The Hon. Bronnie Taylor: Point of order: I am sorry that it is so early in question time to be taking a point of order about the constant interjections from the Hon. John Graham. The Minister politely listened to the question. I ask that the Hon. John Graham be called to order and the Minister be allowed to answer the question.

The PRESIDENT: All members know that repeated interjections are disorderly. Dare I say, the Hon. John Graham has pushed the envelope right to the edge. I call the Hon. John Graham to order for the first time. The Minister has the call.

The Hon. SARAH MITCHELL: As I said, it is not a grant program. It is a pilot for schools, which were selected by School Infrastructure to take part.

The Hon. COURTNEY HOUSSOS (16:12): I ask a second supplementary question. The Minister in her answer said that an assessment of all schools will be undertaken. Will she elucidate her answer to explain when that assessment will be completed?

The Hon. Walt Secord: Good question.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:12): It is a good question. It is nice to get a good one. As part of the pilot project it is proposed that an assessment will be done. Schools have only recently tendered for the pilot. I am happy to take on notice the time frames for the pilot and the assessment and provide that to the member as soon as possible. I will try to get an answer by the end of question time today. If not, I will do it as soon as I can.

BARWON LAND ACQUISITION AND NATIONAL PARKS MANAGEMENT

The Hon. MARK BANASIAK (16:12): My question is directed to the Leader of the Government, representing the Minister for Energy and Environment. In a recent article in *The Sydney Morning Herald* on 26 October 2021 relating to the acquisition of two properties, Mount Westwood Station and Koonaburra Station in the Barwon electorate, the Minister said it is to protect "precious habitat and biodiversity for future generations". Does the Minister agree that that is categorically untrue, given that reserves and protected systems are suffering chronic decline, mega-fires and loss of biodiversity because this Government has not embraced active and adaptive management in our existing national parks? How will the Government manage an additional 166,924 hectares of national park when it is allowing the existing park and reserve system to die?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (16:13): I thank the Hon. Mark Banasiak for his question, which included detail about two new national parks and general policy indications. I will refer his question to the Minister for Energy and Environment for a response and come back to him as soon as possible.

HIGHER SCHOOL CERTIFICATE 2021

The Hon. WES FANG (16:14): My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister please update the House on the 2021 HSC?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:14): I thank the Hon. Wes Fang for his question. As most of us are aware, the 2021 HSC written exams kicked off this morning with almost 70,000 students sitting down for their first English paper. I think there are a few parents of HSC students in the Chamber, so I am sure we wish all of them the very best of luck after what has been a pretty tough year. Almost 70,000 students are set to receive their HSC this year. Yesterday I had the opportunity to join with Tokyo 2020 Olympic medallist and all-round champion, Melissa Wu, Matt Carroll from the Australian Olympic Committee and a number of students to wish them all the very best for their written exams.

In the face of the challenges posed this year by COVID, lockdowns and learning from home, I think it is fair to say that these students have demonstrated enormous determination, resilience and persistence in the lead-up to the exams. Of course, the exams were originally scheduled to begin about a month ago and the decision that we made to delay them was not made lightly. However, giving students the chance to sit their exams safely is the fairest and most equitable outcome. Of course, a number of changes were made to the operation of exams this year to make them possible for students and to ensure that we have strict COVID-safe exam protocols in place. All of our exam staff are fully vaccinated and masks will be worn by students and staff. Students will also check in, complete a health screening before entering the exam rooms and be seated one and a half metres apart. The

exam rooms are well ventilated. I thank our school staff and communities who have done an outstanding job in ensuring that these protocols are in place.

The same vigilance for the COVID-safe protocols will be practised in our marking centres this year as well. Marking the HSC is a major and rigorous operation. For one English exam paper alone, 10 different markers will be involved to ensure students receive a fair result. I give a shout-out to the more than 5,500 markers who will be working both in our marking centres and online to ensure that students receive their results in time for the university offers. I also acknowledge our principals, teachers, school support staff, parents and carers, all of whom have been our HSC students' cheerleaders, quizmasters, guidance counsellors and so much more during this period.

The past 18 months have been like no other and school communities have gone above and beyond for all of our students across New South Wales but particularly the class of 2021. Not only have teachers, principals and support staff kept our students safe, but they have also ensured that teaching and learning could continue, whether from home or in the classroom. They really prepared our students, not just for these final exams but for life after school. So we thank them. I also thank NSW Education Standards Authority, the three school sectors, their leaders and their communities. Everybody has worked hard together to deliver COVID-safe exams, support the wellbeing of students and make sure that we have everything in place. As the finishing line approaches I remind our students that it is more important than ever to take care of themselves. It means, when they are not sitting exams, that they should keep being healthy, keep being active and reach out for support if they need it. There are a lot of great resources on our Stay healthy HSC hub. We say it every year but, particularly this year, we are all behind you.

PARRAMATTA LOCAL GOVERNMENT ELECTIONS

The Hon. MARK BANASIAK (16:17): My question without notice is directed to the Leader of the Government, representing the Minister for Local Government. Why are no Liberals running in the December local government election for the second largest city, the City of Parramatta council? Why are the people of the western suburbs of Sydney not worthy of Liberal representation, or is it simply a case that the Liberals remain a party for the citizens of the Eastern Suburbs and the North Shore?

The Hon. Don Harwin: Point of order: The question is about party political matters, not the portfolio of the Minister for Local Government. It is therefore out of order.

The Hon. Mark Banasiak: To the point of order: Last time I checked, the Leader of the Government was a Liberal.

The PRESIDENT: I would call that a cheeky question. It is out of order.

STATE-OWNED CORPORATIONS PROJECTS

The Hon. ROSE JACKSON (16:18): My question without notice is directed to the Minister for Finance and Small Business in his capacity as shareholder Minister for WaterNSW. What is the Minister's response to evidence given to the Warragamba Dam inquiry yesterday, 8 November, where one ecologist resigned as a result of pressure put on her to downplay her findings on the threat to endangered species and another ecologist said his recommendations were ignored completely in the final environmental impact statement? What guarantees can the Minister give that public sector proponents of infrastructure are providing true and accurate advice on these projects?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:19): I thank the member for her question about my role as a shareholding Minister. I will take the opportunity to remind the House about the role of a shareholding Minister. She asked me what my reaction is. My role as a shareholding Minister is to review the financial performance of the relevant State-owned corporation; to review the six-monthly performance report—

The Hon. John Graham: Presumably, following the law comes in at some point in this list.

The PRESIDENT: Order! The Hon. John Graham is already on one call. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: —to review the statements of corporate intent; to table the statements of corporate and annual reports to Parliament; in respect of board matters, to consider relevant candidates for interview; and to review board appointments for Cabinet approval.

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

The Hon. Penny Sharpe: Quarterly reporting to the shareholder Minister on financial and operational performance.

The Hon. DAMIEN TUDEHOPE: I said that. Notwithstanding the very serious issues that the member raises, they are questions more directed to the portfolio Minister who has responsibility for those issues.

The Hon. Penny Sharpe: Promptly informing the shareholder Minister of any matters which are likely to have a significant impact.

The PRESIDENT: Order! It is not instructive for the Minister to have members reading out information to him, coaching and interjecting. I call the Hon. Penny Sharpe to order for the first time. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: To the extent that the issues that have been raised by the member are relevant to the performance of the State-owned corporation, its ability to return dividends in accordance with its charter and to comply with the obligations set out in its statement of corporate intent, when I have meetings with the chair and the CEO, as I do from time to time—

The Hon. Rose Jackson: Who is the CEO of WaterNSW?

The Hon. DAMIEN TUDEHOPE: That is an issue.

The PRESIDENT: Order! The Minister will not respond to the Hon. Rose Jackson. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: To the extent that they are issues that do impact on the financial performance of the organisation, they are things which I would anticipate that it would raise with me and, to the extent that it has not raised them with me, I would anticipate the potential to raise them with it. I am sure that the portfolio Minister would be more than happy to answer the question if it was properly directed to her.

MENTAL HEALTH AND SUICIDE PREVENTION SUPPORT

The Hon. LOU AMATO (16:22): My question is addressed to the Minister for Mental Health, Regional Youth and Women. What is the Government doing to provide better community-based mental health and suicide prevention support?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:22): I thank the honourable member for his question. We know that more than half of people who attempt suicide have never reached out to a support service or accessed services in the 12 months prior to that attempt. This is why the New South Wales Government's work in suicide prevention with the Towards Zero Suicide strategy is so vitally important. People experiencing emotional distress will now be able to access support in two additional ways, thanks to a \$46 million investment. The first is our \$25.1 million in 20 new Safe Havens. The second will be \$21.35 million in 20 new Suicide Prevention Outreach Teams—we are calling them SPOT teams.

The Safe Haven initiative provides an alternative to presenting to the emergency department for people experiencing a suicidal or situational crisis. Instead of struggling alone or heading to a stressful emergency department, anyone who is experiencing mental ill health or mental health distress can now head to one of these purpose-designed, non-clinical Safe Havens. I attended one of these Safe Havens in Campbelltown last week. The focus of the Safe Haven is to provide a service that is relevant and can be accessed by anyone in the community experiencing a crisis. It provides a different type of support for people who are experiencing suicidal thoughts. The peer support team have had their own personal lived experience of suicidal distress and they can help people by linking them to the services and support programs that can assist them.

Safe Havens are not new to Australia. I visited one of the first in Melbourne at St Vincent's Hospital, where I met with peer workers and staff onsite and saw firsthand the significant benefit they offer to people in distress. The first Safe Haven model in the United Kingdom—I have not visited there—has shown a 33 per cent reduction in admissions to mental health inpatient units in its catchments. I will say that again: a 33 per cent reduction in admissions to mental health inpatient units in those catchments where a Safe Haven exists.

Our SPOTs will be based in every local health district to expand our local suicide prevention teams so that more people who are in distress can be supported in the community. The SPOTs consist of combined mental health expertise and peer workers with a lived experience of suicide travelling together in the district to assist those in distress. The team combines clinical and non-clinical staff, which enables the service to provide the unique support and insights of people with lived experience and to escalate to emergency services if required. These teams can assist individuals with referral to mental health and community services as required and help them navigate the healthcare system.

When I visited the Safe Haven last Friday, a gentleman, who had been an Iraqi refugee, said that people within his community and family found mental health extremely difficult to talk about. This incredible gentleman

shared his story. He was a scientist who had worked on a lot of vaccine programs. He said that the day he walked into the Safe Haven it saved his life and it changed his life. There can be no better endorsement than that.

EGG PRODUCTION AND ANIMAL WELFARE

Ms ABIGAIL BOYD (16:25): My question is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Agriculture and Western New South Wales. Given that the Department of Primary Industries recommended to the Minister that New South Wales support the 10-year national plan to phase out conventional cages in egg production, why did the Minister overrule the department's advice and reject the new welfare standards before he had even seen them?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:26): I thank the honourable member for her question, which is directed to the agriculture Minister, the Hon. Adam Marshall, who resides in the other place and whom I represent in this place. As she has asked a specific question in response to a report, I will take the question on notice and provide detail. I will say though that eggs are a very important source of protein. They are an affordable and important source of protein. There are very high-quality producers doing an amazing job providing a vital food source to all of us.

WAGGA WAGGA ELECTORATE ARTS FUNDING

The Hon. WALT SECORD (16:27): My question without notice is directed to the Leader of the Government and the arts Minister. Given the Minister's colleague the Hon. Sarah Mitchell's answer to a question taken on notice where she stated that the New South Wales Government will not proceed with the Riverina Conservatorium of Music stage two project, what is his response to community concerns in Wagga Wagga that his Government has broken its by-election promise and has now abandoned arts funding for the region? Another broken promise!

The PRESIDENT: Let us not editorialise.

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (16:27): I cannot believe that the Opposition is still asking questions of me about this matter. I have answered them so many times that—

The Hon. Penny Sharpe: Well, you didn't tell us that it had been stopped.

The Hon. DON HARWIN: That is just simply not true. The matter has been answered before. The matter has been raised in the public—

The Hon. John Graham: It has been raised in a range of places.

The Hon. Courtney Houssos: Say it. It is ICAC.

The Hon. DON HARWIN: Indeed, it has. There are shouts of "ICAC" coming across from the other side of the Chamber. Given that I was not asked to go and speak to ICAC, it ought to be obvious to members of the Opposition that I have not been involved in this project and that they are asking the wrong Minister about this matter. But I just want to say this: It has been stated by me on several occasions that stage two was subject to a full project scope and costings and completion of the business case and that the process was being led by the Department of Regional NSW, and thus it fell within the responsibilities of the Minister for Regional New South Wales, the Deputy Premier.

The Hon. John Graham: What about your promise?

The Hon. DON HARWIN: It is very simple. The \$20 million project was subject to a full project scope and costings and completion of the business case. That was the promise that was made and if the project did not stack up during the business case process, it would not be funded. So there is no broken promise. We did what we said we would do—that we would have a look at the project. I think Mr Chris Hanger, a deputy secretary of the Department of Regional NSW, made some comments at the hearings about the project not going ahead. That was news to me. But it is not surprising that I did not know because, as I have said now at least three times in the House, I am not the relevant Minister. The process is being led by the Department of Regional NSW.

The Hon. Penny Sharpe: Throw the Nats under the bus.

The Hon. DON HARWIN: It has got nothing to do with the suggestion that the Leader of the Opposition has just made, but I would suggest that if the honourable member wants more details about this project, then he is well advised to ask the Minister who represents the Minister for Regional New South Wales in this Chamber. I am sure she would be more than happy to get the honourable member the information that he is seeking.

The Hon. WALT SECORD (16:31): I ask a supplementary question. Will the Minister elucidate his answer where he said that he was not the relevant Minister? Why then did he issue the press release and go down to Wagga for the announcement?

The Hon. Don Harwin: Go away, for goodness sake. I answered that at estimates. I have answered it in the House. Just go away.

The Hon. WALT SECORD: Mr President, the question is completely in order. It emanates from the material that the Minister presented and I insist that he answer the question.

The PRESIDENT: I think the Minister has answered, in a way. The Minister has now risen to his feet and has the call.

The Hon. Don Harwin: I have forgotten what the question was. Does the honourable member mind repeating it? I was just so disgusted with it in the first place.

The Hon. WALT SECORD: Given the Minister's answer, where he said that he was not the relevant Minister, will he elucidate why he issued the press release and why he travelled down to Wagga to make the announcement then?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (16:32): I distinctly recall the honourable member being in the room at estimates when I was asked this exact question. I would refer him to the answer that I gave, which he heard then.

SMALL BUSINESS ECONOMIC RECOVERY

The Hon. CATHERINE CUSACK (16:32): My question is addressed to the Minister for Finance and Small Business. How are small businesses in New South Wales responding as New South Wales moves into economic recovery?

The Hon. Penny Sharpe: How are those micro-finance grants going? Six weeks.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:33): Don't you like micro-economic grants?

The Hon. Penny Sharpe: How about you get the money to the people who need it?

The Hon. DAMIEN TUDEHOPE: Did you see the press release this afternoon?

The PRESIDENT: Order! The Minister has the call. I suggest he now answer the question.

The Hon. DAMIEN TUDEHOPE: Thank you, Mr President. I thank the member for her question.

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

The Hon. DAMIEN TUDEHOPE: The answer is that small businesses are responding with unprecedented confidence as New South Wales moves into economic recovery. The NAB monthly business survey for October 2021 released this morning reported a further increase in business confidence from a record high in September of plus 26 to reach a new high of plus 29 index points. This soaring business confidence reflects the faster-than-expected speed with which New South Wales has reached our vaccination milestones and moved to reopen our economy. Business conditions also rose by a record 21 index points, from a low of minus five in September after three months of lockdown to reach plus 16, equal to Western Australia but ahead of Queensland on 12 and Victoria on one.

MYOB also reported this morning that electronic funds transfer deposits in New South Wales had surged 3 per cent above the pre-Delta baseline by 22 October. Two of the most important drivers of economic recovery from the pandemic will be opportunity and confidence. By setting out a clear road map for reopening and bringing forward elements of it when justified by quicker than expected achievement of our public health goals we have created opportunity and built confidence. The early data is showing that consumers and businesses are confident in the future of our great State and that together we can power New South Wales back to growth once more, drawing on stores of pent-up demand to get the economy moving.

Targeted stimulus measures will help ensure New South Wales bounces back faster and stronger than ever. For example, \$250 million will be rolled out for two additional \$25 Dine & Discover vouchers for all New South Wales adults in December. Another \$250 million will make \$50 Stay & Rediscover vouchers available for all New South Wales adults from March 2022, to ensure that the expected boost over the summer to the accommodation and tourism sector from pent-up demand continues into what would usually be the autumn

shoulder season. Another \$100 million will be invested in skilling and recovery, including 103,000 fee-free training places and a new IT traineeship program for school-leavers. The package goes on and on. I congratulate small businesses on their robustness and entrepreneurship and look forward to confidently dealing with them as this State moves into its great recovery.

HAWKINS-RUMKER COALFIELD AND ABORIGINAL SACRED SITES

Ms CATE FAEHRMANN (16:36): My question without notice is directed to the arts and Aboriginal affairs Minister. On the weekend, I was shown an Aboriginal sacred site near Rylstone by a local Dabee-Wiradjuri Elder. It was an incredible rock shelter with numerous handprints and even babies' feet, rivalling anything one would see in the Kimberley. The shelter is one of many, along with countless Aboriginal artefacts, threatened by the potential opening up of the Hawkins and Rumker areas for coalmining. Has the Minister been briefed on the cultural significance of that area in particular? What is he doing to protect it?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (16:36): I am familiar with the area that the honourable member is talking about. I do not believe that I have had a specific briefing on the artefacts that she is referring to, but I will be very happy to get a briefing. If I can give some additional information to the honourable member in relation to her question after I have had that briefing, I will of course be delighted to do so.

INNER WEST LIGHT RAIL AND SCHOOL TRANSPORT

The Hon. PETER PRIMROSE (16:37): My question without notice is directed to the Minister for Education and Early Childhood Learning. Given Sydney's Inner West Light Rail has been suspended for up to 18 months just as year 12 students are sitting their HSC exams, how is the Government supporting students and parents who have to change their school drop-off schedules as a result of the suspension?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:37): I thank the honourable member for his question in relation to our students in the inner west. As I said before, HSC exams have kicked off today. Our HSC students obviously need to make their way to the exams in plenty of time. If an issue ever occurs and an exam needs to be delayed, there are some circumstances where presiding officers can do that for a brief period of time. I know that all of our school communities have made sure that students know what they need to do for the HSC exams. They know they need to get there in plenty of time, and they need to find alternative means to get to their school.

I have not been advised by any schools in that community that there are specific concerns or issues in relation to that particular matter, but I am happy to take the question on notice and get some more advice in conversation with my colleague Minister Stokes. As the current transport Minister and also the previous education Minister, he knows full well the importance of those issues and will be happy to provide more support. Like I said, information is readily available to the community about what alternative transport they can utilise. I have not been made aware of any concerns from schools in the inner west about HSC students being particularly impacted.

ABORIGINAL LANGUAGES TRUST

The Hon. TREVOR KHAN (16:39): My question is addressed to the Aboriginal affairs Minister. Will the Minister update the House on the Aboriginal Languages Trust?

The Hon. Walt Secord: Taking credit for Sarah's work.

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (16:39): I thank the Hon. Trevor Khan for his question, and I also acknowledge the Hon. Walt Secord's interjection about the very good work that Minister Mitchell did when she was the Aboriginal affairs Minister. I am very pleased to let the House know that 24 October was the anniversary of the Aboriginal Languages Act passing through New South Wales Parliament and becoming law in 2017, on Minister Mitchell's watch. It is the first legislation in Australia to acknowledge the significance of Aboriginal languages. The Act acknowledges that Aboriginal people are the custodians of their languages and seeks to promote, reawaken, nurture and grow language across New South Wales.

The Act commenced on 5 March 2020 with the establishment of the Aboriginal Languages Trust, which will drive focused, coordinated and sustained efforts in relation to Aboriginal language activities at local, regional and State levels. The inaugural Aboriginal Languages Trust consists of nine Aboriginal people with relevant skills, expertise and community standing, under the chairmanship of Jason Behrendt. Clare McHugh, a proud Gamilaroi and Dhungutti woman, commenced as the inaugural executive director of the Aboriginal Languages Trust on 19 April 2021. Clare is leading the work of the trust to revitalise and nurture Aboriginal languages across New South Wales. The Aboriginal Languages Trust team supporting Clare consists of 10 people, with 70 per cent of staff identifying as Aboriginal or Torres Strait Islander.

In April 2021 the Aboriginal Languages Trust released for consultation its first ever draft five-year strategic plan. An ambitious consultation process is nearing completion, with feedback on the draft plan gathered from Aboriginal language centres and organisations, peak Aboriginal bodies, government departments, other community language stakeholders and the community more broadly. Consultation has taken place through surveys, face-to-face and online meetings and workshops as well as individual discussions. With hundreds of individuals involved in teaching, learning, or reviving Aboriginal languages across New South Wales, it is crucial that the strategic plan be informed by Aboriginal community voices as custodians of their own languages. The strategic plan is also key to the New South Wales Government's actions to address Closing the Gap target 16, aimed at increasing the number and strength of Aboriginal and Torres Strait Islander languages being spoken. I look forward to the strategic plan being finalised in early 2022, which will mark a significant step for the revitalisation of First Nations languages in New South Wales.

LAND USE CHANGE AND CARBON ACCOUNTING

Mr JUSTIN FIELD (16:43): My question without notice is directed to the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, representing the Minister for Energy and Environment. Recent media reports raise serious questions about the accuracy of carbon accounting methodologies for land use change used by some countries, including Australia. According to the most recent New South Wales Government land cover change report, almost 58,000 hectares a year of woody vegetation cover was lost to deforestation from agriculture, infrastructure development and logging over the period from 2017 to 2019. Despite this, New South Wales recorded a net-positive five million tonnes of carbon sequestration in 2019 from land use change. How can New South Wales be losing more than 50,000 hectares a year of woody vegetation but also be achieving net carbon storage as a result of land use change? Is the Minister confident the carbon accounting used for land use change in New South Wales is accurate? If so, why?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (16:43): I thank Mr Justin Field for his question, and I acknowledge his very strong advocacy for our environment. I also note *The Guardian's* reporting on the issue yesterday. The member can be assured that both Minister Kean and I have strong confidence in the carbon accounting in use across New South Wales. This underpins significant environmental policy delivery. Carbon accounting for carbon sequestered in New South Wales forests is carried out by the Australian Government as part of the Australian National Greenhouse Accounts. This is done in accordance with the Intergovernmental Panel on Climate Change's method guidelines under the United Nations Framework Convention on Climate Change.

The Australian National Greenhouse Accounts are consistent with best-practice international obligations and robust international science, and there is strong confidence in their accuracy and reliability. Assumptions and data applied are documented in national inventory reports, and the Australian accounts are annually reviewed by an international expert panel. Land clearing is accounted for under the land use, land use change and forestry sector in the accounts. Based on the New South Wales greenhouse gas inventory for the 2019 financial year, total emissions from the land use, land use change and forestry sector were estimated to be 11.3 million tonnes of carbon dioxide equivalent, with emissions largely due to land clearing. In that year, total sequestration from the land use, land use change and forestry sector was estimated to be 15.9 tonnes of carbon dioxide equivalent, resulting in a net sequestration of 4.6 million tonnes of carbon dioxide equivalent.

The sequestration is reported mainly for forest land and, to a much lesser extent, grasslands. State forests, plantations, natural regeneration on protected land and regrowth on deforested land sequestered 12 million tonnes of the 15.9 million tonnes of carbon dioxide equivalent. As a government, we are committed to managing carbon within New South Wales in the most effective and efficient way possible. The NSW National Parks and Wildlife Service, which is currently responsible for managing more than 40 per cent of all forest carbon in New South Wales, recently released its Carbon Positive Plan, which will see it become a carbon-positive parks service by 2028. Departmental scientists are also endeavouring to access the data referenced in the question to do a more thorough review. I appreciate Mr Justin Field's ongoing interest in land cover change and in ensuring we address climate change.

COVID-19 MICRO-BUSINESS GRANT PROGRAM

The Hon. DANIEL MOOKHEY (16:47): My question is directed to the Minister for Finance and Small Business in his own capacity and in his capacity representing the Treasurer. What is the Minister's response to New South Wales small businesses that will miss out on income support for up to six weeks because of delays in the rollout of his Government's 2021 COVID-19 Micro-Business Grant program?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:47): I thank the member for his question. It is fortuitous that he asked the question today. The Micro-Business Grant program

comprised a really important part of the support measures provided by the Government for businesses in New South Wales. In fact, no other jurisdiction made available grants of that nature. They were made available for businesses with an annual turnover of between \$30,000 and \$75,000. Eligible businesses received a \$1,500 payment per fortnight, which has been stepped down to \$750 per fortnight from 30 October as we reopen the economy and get back to business. From 20 September, businesses were required to affirm their eligibility each fortnight to continue to receive 2021 Micro-Business Grant payments. Applications closed on 18 October 2021, with payments to cease at the end of November. I am sure the member knows that information.

As of 9 November 2021, payments totalling around \$600 million have been made available to 59,325 microbusinesses. However, I am advised that Service NSW and the NSW Police Force have established Strike Force Sainsbery to investigate fraudulent applications for COVID-19 support payments. Service NSW fraud and compliance investigators identified anomalies in some applications made for the 2021 COVID-19 Micro-Business Grant payments in late October and, as a consequence, Service NSW has been forced to pause Micro-Business Grant payments temporarily while it investigates. Service NSW is continuing to isolate further legitimate grant applications and will reinstate payments to customers as a priority. If anyone has any information relating to fraudulent grant applications which may assist Strike Force Sainsbery investigators, they should contact Crime Stoppers. The phone number is well known to everyone on the Opposition's side of the Chamber. This Government is committed to supporting small business and paying micro-economic grants payments, but I think everyone in this House would have a very strong attitude towards the protection of taxpayer money in this State.

The Hon. DANIEL MOOKHEY (16:50): I ask a supplementary question. Firstly, I am grateful that the Minister actually did answer the question. He made a reference to fraud. Has he taken steps to determine whether Service NSW had to stop payments to all or a lot of recipients in order to isolate those which may be fraudulent? He would be aware, as I am, that a lot of people who are receiving these grants and who have not made fraudulent applications have also had their payments delayed.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:51): I thank the member for his supplementary question. I rely on the information that I have got. There has been a pause in the payment of those grants. A very significant potential fraud has been identified relating to a substantial number of grants. I cannot elaborate further on that, but they are being pursued. The point that the member makes is right. I said in my answer that the Government is seeking to isolate applications about which there is no doubt and to make those payments as expeditiously as possible. We know the extent to which those businesses rely on those payments. The member is right in saying that the payments are essential to those businesses. We are working enormously hard to make sure that we do not inconvenience those businesses for one second longer than we should, but it is also incumbent on us to deal with what appears to be a very significant fraud. I am sure those opposite would be the first to criticise us if we did not take steps to do so.

The Hon. WALT SECORD (16:52): I ask a second supplementary question. Will the Minister elucidate his answer about Strike Force Sainsbery? He talked about fraud. What was the scale of fraud? How many officers are assigned to Strike Force Sainsbery? What is the duration of the operation?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:53): I indicated in my answer that the announcement relating to this strike force was made at four o'clock today. The circumstances and the extent of the strike force is a matter that the police will be involved in. Further details will be given by the police, working in conjunction with Service NSW, as time proceeds. I am happy to give as much detail relating to this as I possibly can. Perhaps it is important that I read from the press release. Service NSW has paid more than \$1.1 billion in support payments to customers. It has so far investigated fraudulent micro-grant applications worth \$15.9 million, which equates to 2.6 per cent of all applications paid. A further \$4.6 million in suspected fraudulent micro-economic grant applications has been prevented from being paid. Service NSW continues to detect and investigate suspected fraudulent applications. I know that is not a full answer, but I think there is an expectation that we do investigate these matters. To the extent that there has been a pause correctly identified, it has been correctly dealt with and the Government is working hard to reinstate those payments that are due to all those businesses that are properly entitled to them.

KINDERGARTEN ORIENTATION

The Hon. CATHERINE CUSACK (16:54): My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on how the New South Wales Government is supporting kindergarten orientation at public schools across New South Wales?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:55): I thank the Hon. Catherine Cusack for her question on what is a very important issue to many families across New South Wales. A positive start to school is incredibly important and relies on everybody working together to make it happen—families, communities, early childhood services and, of course, the school teams. An orientation

program helps children and families get to know the school. Students get to find out about school routines, staff, uniforms and bell times, and parents will also learn how to keep in touch with teachers and be a part of their school community. Our orientation programs often include tours of the school, where everyone can find out where the office is, who to talk to to place an order at the canteen and how to navigate the library and the classrooms.

For parents, it is an important milestone when their preschooler is getting ready for their first day at big school. It is something that I have done once as a mum. My youngest daughter has one more year of preschool next year, but then she will be off to big school. I thought I needed dark glasses on orientation day, but I certainly needed them on the first day of school too. I think other parents can relate to that, because it is very emotional. Obviously, due to COVID we had to put restrictions on kindy orientations throughout most of this year. However, we know it is important to have these onsite orientations take place and for families to be a part of them. So it is really exciting that as of this week we are able to have those onsite orientations with parents included.

Under our revised level three school settings, one fully vaccinated parent or carer per child will be allowed to be on the school site to support their preschooler as part of kindergarten orientation. This will be done in a COVID-safe way, as we do with all of our school settings and activities. These new changes will ensure our preschoolers can put their best foot forward as they begin their transition to primary school, but also allow parents and carers to be a part of that important milestone and part of that school community from the very beginning, which is so important. Keeping all students onsite COVID safe remains our priority, and I believe that these new guidelines that we have put in place help strike the right balance between supporting preschoolers and their parents and keeping our school safe.

All components of the orientation that include parents and carers will be held outside. The orientation activities will be held separate to other cohorts of students at the school to minimise mixing and mingling. We are doing this in a way that is safe, but it is also sensible. Kindergarten orientation is not only important, of course, for the children. It is also important, as I said, for the parents to establish those strong connections. So we have also released a range of new resources for families and educators of preschool children ahead of their transition to primary school in 2022. These resources form part of our Transition to School program and are focused on enhancing connections between home, school and early childhood services. They showcase how our schools can tailor support to ensure that their newest students are engaged and ready to learn from day one. By equipping our educators with the latest research, case studies and practical strategies, schools can help meet the learning and wellbeing needs of all students and encourage improvement.

THE HON. BRAD HAZZARD

The Hon. MARK LATHAM (16:58): My question is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Health. Standing Order 52 documents available today show that following the National Party dinner held at Parliament House on 22 June 2021, the Hon. Adam Marshall reported to the health department contact tracers that he was "very close to Minister Hazzard and had a conversation before he spoke to the dinner". Minister Hazzard knowing this, why did he not declare himself a close contact of the Hon. Adam Marshall under his own COVID laws? Why was Minister Hazzard reclassified as a casual contact, thereby avoiding 14 days of isolation? Why did Minister Hazzard, who for 18 months has ordered everyone in New South Wales to follow the lockdown and other COVID laws, not follow the laws himself at the beginning of the Delta outbreak in Sydney?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:59): I thank the honourable member for his question. It is the first question he has ever asked me, so I feel very honoured to have cracked the ceiling with the Hon. Mark Latham—but I do not mean that to be encouraging in any way whatsoever for future questions along this line of questioning. The question contained a large amount of detail. I represent Minister Hazzard in this place. As the question did contain a lot of detail, I will take it on notice. I will ensure that I get back to the honourable member within an appropriate time frame.

The Hon. MARK LATHAM (17:00): I ask a supplementary question. The Hon. Bronnie Taylor was at that dinner. Will the Minister give an account to the House of the close contact between Minister Hazzard and the infected Hon. Adam Marshall?

The Hon. Taylor Martin: Point of order: The Minister has already taken the question on notice and there is no further elucidation of her answer that could be given.

The PRESIDENT: That is correct. The Minister took the question on notice, so there is no supplementary opportunity. I uphold the point of order.

The Hon. DON HARWIN: If honourable members have further questions, they should place them on notice.

*Supplementary Questions for Written Answers***SCHOOLS RENEWABLE ENERGY INFRASTRUCTURE PILOT PROJECT**

The Hon. COURTNEY HOUSSOS (17:01): My supplementary question for written answer is directed to the Minister for Education and Early Childhood Learning. Will the Minister provide a full list of the schools that were assessed for the renewable energy grants program and also outline when they were assessed and the basis for the awarding of those specific grants?

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. PENNY SHARPE: I move:

That the House take note of answers to questions.

THE HON. PAUL TOOLE AND DISCLOSURE OF INTERESTS**SCHOOLS RENEWABLE ENERGY INFRASTRUCTURE PILOT PROJECT**

The Hon. PENNY SHARPE (17:01): I take note of the answer given by the Hon. Bronnie Taylor in relation to the disclosure of interests in the Parliament and the need for every member to comply. One of the more interesting articles that I read earlier this week was an interview in which the Hon. Bronnie Taylor spoke about why we need more women in Parliament, why the New South Wales Government needs to do more for women and why it is important that "Everyone has to be open about declaring conflicts. It is something that we are taught." I was quite shocked about that comment. She was clearly talking about the former Premier, the Hon. Gladys Berejiklian. But, more importantly, she seemed to have failed to read the memo of her own leader, the member for Bathurst and the Deputy Premier, the Hon. Paul Toole.

The Hon. Paul Toole has been in Parliament since 2011. Since 2014 he has been required—like all members—to report twice a year, every year, any income that he receives outside of his role as a member of Parliament. He has failed to do that twice a year, every year, for seven years. As a member of Parliament, he was required to declare rental income from properties. He failed to do so. He has been a Minister for that entire time and he has failed to declare his income. We are not talking about a trifling amount here. We are talking about \$125,000. The disclosures that we make in this place are fundamental to the entire integrity processes that we have all been through. If you want to know what happens when they go badly, just go for a walk down to ICAC and have a look at what has been happening in previous weeks.

The Minister's failure to declare is a gross breach of not only the NSW Ministerial Code of Conduct for Ministers of this Parliament but also the Ministerial Register of Interests. We need to take these matters extremely seriously. It is not okay for the incoming Premier to simply say, "There was an error. We fixed up the paperwork. It doesn't matter." It does fundamentally matter and if members do not take it seriously and are not taught—apparently the Deputy Premier has not been taught—then they end up in the mess that the Minister has found himself in.

I refer to answers given today in relation to the solar grants program. Yet again, we have another grants program under which 92 per cent of grants go to electorates represented by Coalition members. The Premier has said, "I am against pork-barrelling. I might change things. We might be doing some sort of review and it might be important, but nothing may change," and yet here is this example—92 per cent of public money going to Coalition electorates. There are kids all over this State, particularly in western Sydney, who missed out altogether under this program, who will be sitting in classrooms that are 10 degrees hotter than anywhere else in the State. This Government has provided them with zero support to deal with that.

THE HON. BRAD HAZZARD

The Hon. MARK LATHAM (17:05): I take note of the answer provided by the mental health Minister. Let there be no doubt what happened after The Nationals dinner on 22 June 2021 because documents produced under Standing Order 52 provide a summary of the failure of the health Minister to declare himself a close contact of Adam Marshall under his own COVID laws. A note written by Dr Michael Douglas of NSW Health summarises events as follows:

It is understood that there were about 80 persons attending the event as a sit down dining event, with some mingling afterward. Minister Marshall reported mingling extensively with attendees (talked to all guests). The event lasted about 2 hours ... All guests at the function were hence identified as close contacts.

All the guests there—the 80 of them—were identified as close contacts. It continues:

All hospitality staff—

the seven of them—

[were] identified as close contacts.

The summary continues:

Additional persons at the function were guest speakers—

and it lists them, the four of them—

- Premier - distant, no contact [with Marshall] ...
- Treasurer and chief of staff – distant and no contact [with Marshall]
- Deputy Premier - no contact ...
- Minister for Health - Minister Marshall reports 'very close to minister hazard and had a conversation before he spoke' [to the dinner]

So Minister Hazzard is standing right next to Adam Marshall, having a conversation. Witnesses at the event say there was a handshake, so that is how close they were. Under any decent standard, following the rules of New South Wales, Brad Hazzard should have been classified as a close contact. Instead, he was reclassified as a casual contact and avoided the 14 days of isolation. The note goes on:

The guest speakers were all classified as casual contacts.

Including Hazzard. It continues:

Noting the comment on the Minister for Health, an individual assessment was undertaken by the Operations team (Ms Jennie Musto) who determined the Minister for Health as a casual contact.

The only conclusion from that is that this Minister received preferential treatment from his own officials. We would love to hear from Jennie Musto as to how this could have occurred—how 80 people and seven hospitality staff at the event were close contacts; Minister Marshall has a conversation with Minister Hazzard, who by any decent standard should automatically be a close contact of Marshall, and yet he gets off the hook. You would have to reflect on the brazen arrogance and hypocrisy of this Minister. For 18 months he has been barking orders at everyone in New South Wales, "Follow the health orders, follow the lockdown. Think of your family, your parents, your grandparents and the community. Follow the laws to make New South Wales safe." The truth is at the beginning of the Delta outbreak he did not follow his own laws. He knew he was a close contact, and he has got off the hook by a process that reflects shockingly on the integrity of this Government and this Minister. How can he lecture so many people and not follow the rules himself?

SCREEN INDUSTRY ECONOMIC RECOVERY

The Hon. BEN FRANKLIN (17:08): I take note of the excellent answer given by the Leader of the Government and the arts Minister about our screen industry, which is a really important issue. We know that since the start of COVID it has been hit hard. Nevertheless, New South Wales has still been home to more than 90 screen productions, which have supported over 10,000 jobs. As part of that, coincidentally but nonetheless, in October 2019 the Government introduced a 10 per cent post, digital and visual effects [PDV] rebate for the post-production, digital and visual effects sector. The rebate has resulted in more than \$500 million worth of investment in the industry. This important and significant factor for the industry cannot be overstated. During the past 20 months more than 350 productions have been undertaken in the PDV space, supporting over 6,000 jobs. They include a range of films. For example, animated features like *The Magician's Elephant* for Netflix, which is in production at Animal Logic in Sydney; visual effects on *Mortal Kombat*; and post-production on projects such as the new feature film *Power of the Dog*.

Some 60 per cent of the PDV sector in Australia is based in New South Wales. That figure will only grow as we continue to lead the nation in film and post-production investment. The sector is not based in New South Wales only; it is also based in regional New South Wales. I highlight an extraordinary company, Cumulus VFX, founded in 2010 by one of the great post-production artists in Australia and internationally, Will Gammon, who now employs over 20 visual effects professionals in the Northern Rivers of New South Wales. Cumulus VFX has not only a national reputation but also an international reputation. It is doing some of the best work in the world and it has been the beneficiary of the 10 per cent PDV rebate.

Currently, it is utilising the rebate for a Netflix production based out of London, for which the post-production effects are being done in Australia in the Northern Rivers, employing regional people, contributing back to regional communities and providing serious funds for local infrastructure. It is employing people who would otherwise have to travel to Sydney and potentially overseas. That is what the PDV rebates do. They provide jobs in regional areas and pathways for creatives to have a future and career here, not just in Australia but in regional New South Wales. I heartily endorse and support them.

SCHOOLS RENEWABLE ENERGY INFRASTRUCTURE PILOT PROJECT

The Hon. COURTNEY HOUSSOS (17:11): In question time the Opposition asked the education Minister about a renewable energy grants program being administered by her and her department. It sounds good in theory. The aim is to get solar panels on school roofs, which is a great idea. However, serious questions arise about the rollout of this \$20 million fund, which funded only 20 schools in the pilot program, 92 per cent of which happened to be in Coalition electorates. As the Minister noted today, plenty of P&Cs have used their hard-earned funds to put solar panels on their school roofs. It is a good idea, which we should be encouraging. However, those P&Cs that raised money cent by cent and dollar by dollar through cake stalls and sausage sizzles to put important solar panels on roofs, have been blown out of the water by the Government's administration of its pilot program.

It is not simply that 92 per cent of the 20 schools are in Coalition electorates; it is that five of them—20 per cent of the funding—are in two marginal electorates, Penrith and Dubbo, with margins of less than 2 per cent. How is it, as the Minister said today, that this program, supposedly administered by the Department of Education and School Infrastructure NSW, just happened to select five schools in two marginal Coalition electorates? That is not a coincidence. It is a pattern of behaviour that we have seen time and again. We have seen it in council grants and arts grants. We have even seen the politicisation of disaster recovery funding under this Government.

Premier Perrottet might try to distance himself from the pork-barrelling comments of his predecessor, but the proof is in the pudding. At every opportunity this Government continues to rort programs to benefit the electorates of its members. The people of New South Wales are not asking for much. They are asking for fairness in the administration of infrastructure funding. That fairness should extend to schools, in particular, especially when it is impacting on our schoolchildren. This Government will stoop to anything to rort for the benefit of Coalition electorates. It must end.

LAND USE CHANGE AND CARBON ACCOUNTING

Mr JUSTIN FIELD (17:14): I take note of the Government's answer to my question this day. I asked: Given New South Wales has registered on average 58,000 hectares of woody vegetation cleared every year through deforestation, land clearing, logging and development of land, whether it be for public infrastructure or housing, how has the New South Wales Government booked a five million tonne per annum carbon dioxide equivalent sequestered in our forests and grasslands? How is the carbon accounting stacking up when we are seeing that level of land clearing, yet we are claiming that we are sequestering more carbon than is being lost through deforestation in New South Wales?

I note that the Government said, "No, no. We are very confident about the carbon accounting." But be careful; listen to what the Government said. It said, "That is done at a Federal level. That is part of the Kyoto agreement. That is part of the Intergovernmental Panel on Climate Change agreement about how we undertake carbon accounting, especially around land use, land use change and deforestation." That is exactly the point. An article in *The Guardian* this week begs a very important question. It stated:

Australia is likely to be releasing more emissions from deforestation than reported to the United Nations ...

It explained that research from Queensland:

... has identified significant discrepancies between what is treated as cleared land by Australia's National Carbon Accounting System [NCAS] and the Statewide Landcover and Trees Study [SLATS] used by the state government.

We have used that exact same system since 2006. In actual fact, there has been quite a lot of research about why there is a difference between what NCAS measures and what SLATS measures. Andrew Macintosh did a fabulous piece of work over a decade ago which explains that in many instances the deforestation that occurs in New South Wales is not captured by the NCAS system. In fact, there could be a situation where a forested area goes from 100 per cent tree cover to just 20 per cent tree cover and it is not counted as land clearing.

In New South Wales the Natural Resources Commission released a report, kept secret by the Government for as long as it could, that identified that thinning of forests represents a statewide risk to biodiversity. I would suggest that the thinning that is happening in New South Wales and that has grown exponentially under this Government is also a statewide risk to our carbon accounting. If the New South Wales Government is going to have any credibility on its claim to reach net-zero emissions by 2050 and 50 per cent by 2030, it needs to have a good look at how our carbon accounting is working and the contribution of deforestation to carbon emissions in New South Wales.

SMALL BUSINESS ECONOMIC RECOVERY COVID-19 MICRO BUSINESS GRANT PROGRAM

The Hon. SAM FARRAWAY (17:17): I take note of the excellent answer given today by the Minister for Finance and Small Business. It was in answer to a question about how small businesses in the State of New South Wales are responding to moves around economic recovery. The Minister had some great news to share with us today. He mentioned the new record high, plus 29, in business confidence in New South Wales. I thought that was a fantastic result for our business community and for our State. We can thank the whole community for pulling together and meeting the vaccination milestone set out in the State's road map. It is ahead of schedule, which is allowing elements of the reopening to be brought forward, all while keeping the community safe. The Minister referred to some of the MYOB data showing that already EFTPOS machines are busily zapping away as customers are getting out, away from their computers and phones. They are spending their money the old-fashioned way.

I understand that in the four weeks since we reopened on Monday 11 October customers have redeemed 381,880 Dine & Discover vouchers, spending an average of \$48.82 with each voucher and contributing a whopping \$18.65 million in stimulus towards our economic recovery. With 2.5 million Dine vouchers and 5.8 million Discover vouchers yet to be redeemed, and an additional two vouchers for every adult in New South Wales to be rolled out in December, we can expect this stimulus measure to continue benefiting small businesses over summer and beyond into 2022. While holiday accommodation throughout New South Wales over summer is filling fast, the \$50 Stay & Rediscover vouchers to be made available to each adult in New South Wales from March 2022 will help sustain the economic recovery, not just in the accommodation sector but also in all sectors throughout New South Wales that depend on visitors, particularly in regional New South Wales.

I have been talking to operators in Orange doing winery tours and they are already booked out right up until Christmas, and that is also for midweek bookings. We are already seeing people wanting to get out and about and utilise the vouchers. We are seeing it in economic stimulus and measures in the economy, which is exactly what we need as part of our road map post-COVID-19. I also want to touch on the answer from the finance Minister about the microbusiness grant. As of 9 November payments totalling \$600 million had been made to 59,325 microbusinesses. As members would know, a microbusiness is a very small business. It is an owner-operator. It is a mum-and-dad business. It is good to see that that stimulus is getting into the hands of small businesses in New South Wales.

STATE-OWNED CORPORATIONS PROJECTS

The Hon. ROSE JACKSON (17:20): I take note of the answer given by the Minister for Finance and Small Business, in his capacity as a shareholder Minister for WaterNSW, about the serious evidence provided yesterday at the Warragamba Dam inquiry. The Minister provided us with a pretty useful overview of his role as a shareholder Minister, attempting to differentiate that role from that of portfolio Minister. I have to say that it probably would have been more useful if he had cleared up who, in fact, was the portfolio Minister for this project. We have had pretty clear views presented in the public domain from Minister Pavey, the water Minister; Minister Ayres; Minister Elliot, the emergency services Minister; and the former Deputy Premier John Barilaro, and all of those views on this project were at odds with each other. It is, in fact, very unclear to me and many others in the community who the lead Minister on the project is and what that person thinks about whether or not it is going to proceed.

Nonetheless, one would think that if serious concerns were raised about the independence of the environmental impact statement a shareholder Minister would take a bit of an interest in that, because these are important milestones in these massive projects and serious questions have been raised about what has happened as part of these approval pathways. One ecologist who gave evidence said, "I felt as though the changes were not immaterial." These were changes that were requested of her for information she provided as part of the environmental impact statement. She is an expert ecologist. She said, "They were substantive changes. I requested that my name be removed from the project." She was so concerned about changes that were made. The request was refused, so she resigned rather than put her qualifications in peril.

That is a step that an independent ecologist took because she was so concerned about her substantive research being compromised as part of the environmental impact statement. This is not a small-fry project. This is a potentially massive, multibillion-dollar project, and the evidence from yesterday's hearing was that the environmental impact statement has potentially been compromised. One might think the shareholder Minister would have some interest in whether WaterNSW, the financial position of which he is responsible for, is proposing to proceed with a multibillion-dollar project massively compromised as part of the planning process. If the Minister has not shown much interest in it after yesterday's evidence and the information I raised in the House today, he might want to show a little bit more interest in the future.

MENTAL HEALTH AND SUICIDE PREVENTION SUPPORT

The Hon. LOU AMATO (17:23): I take note of the Hon. Bronnie Taylor's answers to questions. I congratulate the Minister on her recent announcement of \$46 million in new suicide prevention initiatives in New South Wales. This investment will deliver 20 calming, non-clinical hubs called Safe Havens and 20 Suicide Prevention Outreach Teams across the State and is part of the Towards Zero Suicides strategy, a New South Wales Premier's Priority. The Minister recently visited the Safe Haven in Campbelltown, and it was heartening to hear the personal stories of the difference the initiative is making.

Instead of struggling alone or heading to an emergency department, anyone who is experiencing mental health distress can head to a purpose-designed Safe Haven. You can informally chat to trained staff who understand what you are going through, have a cup of tea or coffee, play board games or puzzles, join an activity or just chill out in a quiet spot. There are no appointments or referrals needed. You can just walk right in. If we can be there to provide support before someone needs to be hospitalised, we can help reduce the likelihood of further suicidal behaviours. I really look forward to seeing these Safe Havens rolled out across the State.

WARRAGAMBA DAM

The Hon. PETER PRIMROSE (17:24): I take note of answers I received to written questions on notice Nos 5824, 5825 and 5826, all to do with the proposal to raise Warragamba Dam. This project is one that is listed on Infrastructure NSW's Pipeline of Projects under "in planning" and is estimated to be worth over \$500 million. I specifically asked the question about the number of jobs that this project would be expected to create, along with other information to do with the project, given that the Warragamba Dam wall raising was announced by the Liberal-Nationals Government in around 2018.

Now it has come out that the reports that ecologists and other experts have written were selectively and significantly edited, altered, downgraded and/or deleted in parts so as to water down the very real concerns these professionals hold about the project. The evidence yesterday showed that there were particular concerns about the environmental impacts of raising the dam wall. I of course wonder how this editing, altering, downgrading or deleting parts of reports and documents is reflected in other work of the New South Wales Liberal-Nationals—say, for example, the alleged 145,000 jobs this year that this so-called \$107 billion pipeline of infrastructure is supposed to create. So in estimates I asked the recently crowned Deputy Premier about regional jobs and how they were calculated. The Deputy Premier did not know. He instead claimed that my constantly saying, "So, Minister, you don't know," is in fact my mantra.

Well, I am proud to claim that mantra, because the fact is the Deputy Premier and even the jobs Minister, of whom I asked the same question during estimates, did not know. They are not prepared to know how these jobs claims are calculated. In fact it seems that no-one in this Liberal-Nationals Government knows, or otherwise hides behind global figures, because it seems no-one wants to know how the sausage is actually made. In going through the various documents that were eventually given over as part of an order for papers, unrelated to the usual budget orders under Standing Order 52, I know that this Government has no idea of how many jobs it will create in New South Wales, whether it will be in western Sydney or regional New South Wales. It was simply, "Let's plug \$107 billion into the New South Wales Treasury calculator and use the direct multiplier." And, well, oops—in fact, they changed the multiplier to include production-induced effects because the number of jobs looked better. Editing, altering, downgrading and deleting parts of reports and documents seems to be par for the course for this Government. [*Time expired.*]

HIGHER SCHOOL CERTIFICATE 2021

The Hon. WES FANG (17:28): I take note of the education Minister's answer today about those students who are sitting the HSC. Today 69,000 students begin the 2021 HSC written exams, with students sitting the English paper 1 at 9:50 a.m. this morning. This is the first of 110 exams that will run over the next four weeks. Over this time, 76,000 students will sit at least one exam, and it will end with the Food Technology exam on 3 December. HSC students, with the support of their teachers and families, have worked hard to get to this point. Now they are on the home stretch. It may not have been the year students imagined, but the display of resilience—

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

TAKE NOTE OF QUESTIONS TO ANSWERS

The Hon. TAYLOR MARTIN (17:28): After 106 days of lockdown here in New South Wales, as we heard in numerous answers given by Ministers here in question time, we are well and truly back and getting on with delivering good government across New South Wales. As we heard from the Minister for Finance and Small Business, the Leader of the House, businesses have now given a plus 29 rating—a record high—for business

confidence throughout New South Wales. It is just in time, before Christmas, before the holiday season, to have that business confidence, to have them hiring people again, to have people out and spending. We can thank the whole community for pulling together and meeting the vaccination milestones, taking the vaccinations that were on offer, so that we can open and have opened up safely, as has been set out in the road map.

The Minister referred to some MYOB data, as was mentioned earlier, to say that people are coming out more and more and enjoying getting out safely again. I can attest. I have been out myself this week, and it definitely has a different feel to any other time in the last 18 months here in the city. I understand that in the four weeks since we reopened on Monday 11 October, customers in New South Wales have redeemed 381,880 Dine & Discover vouchers. They have spent an average of \$48.82, contributing a fantastic \$18.65 million stimulus towards our economic recovery.

With 2.5 million Dine vouchers and 5.8 million Discover vouchers yet to be redeemed, we have plenty more opportunities in the next few months. It is also great to see that the holiday accommodation throughout New South Wales is filling up fast, we are told, with the \$50 Stay & Rediscover vouchers to be made available to each adult in New South Wales from March of 2022. That will help sustain that bounce back in the accommodation sector. As I said, it is great for businesses across New South Wales. It is just in time, before summer, for things to go back to normal. I hope that we have a very normal 2022.

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

Motion agreed to.

Deferred Answers

ANIMAL WELFARE LEGISLATION

In reply to **The Hon. EMMA HURST** (12 October 2021).

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

The animal welfare reform is being driven by feedback from the people of New South Wales, with the process providing multiple opportunities for anyone to have their say on what the laws should be.

From February to June 2020, public feedback was sought on an Issues Paper on the existing animal welfare framework with over 1,100 responses received. From 3 August - 17 September 2021 the *Animal Welfare Reform - Discussion Paper* was published for community feedback, with nearly 4,800 responses received from a wide range of community members and stakeholders.

The New South Wales Government is currently considering public consultation, following which draft legislation will be prepared.

SYDNEY SCIENCE PARK

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:

This question should be directed to the Minister for Water, Property and Housing.

SCHOOL CERTIFICATE OF EXEMPTION

In reply to **Reverend the Hon. FRED NILE** (12 October 2021).

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

The Department of Education has responsibility to ensure compliance with section 83C of the Education Act 1990 (the Act). The department has a compliance team that investigates suspected breaches of this section. This is supplemented with the aid of external auditors. Between October 2019 and October 2021, I am advised the department spent \$222,638.15 on external auditors for the purposes of auditing non-government schools for suspected breaches of section 83C of the Act.

The department does not hold information from individual schools on the time and resources they allocate when under investigation.

Between October 2019 and October 2021, there were five schools that I, as Minister, declared to be operating for profit or non-compliant under section 83C of the Act.

COOLER CLASSROOMS PROGRAM

In reply to **The Hon. WALT SECORD** (12 October 2021).

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

All of the 611 schools in New South Wales with a mean maximum January temperature of 30 degrees Celsius or higher automatically qualified for the Department of Education's Cooler Classrooms Program.

Of these, the department has either installed or is in the process of installing the cooling, heating and fresh air ventilation systems in 479 schools. The department has assessed 129 schools as already having fit-for-purpose air conditioning in all eligible learning spaces and libraries.

KANGAROO HARVESTING LICENCES

In reply to **The Hon. MARK PEARSON** (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:

I am advised:

- (1) No public register of reasons for refusing a licence is required to be published and the information is not available for the species and period requested.

WARRAGAMBA DAM WALL

In reply to **The Hon. ROD ROBERTS** (13 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:

The premise of this question is completely false and is rejected in the strongest possible terms. Providing enhanced flood mitigation capability at Warragamba Dam is a critical part of the Hawkesbury-Nepean flood strategy.

The flood mitigation performance of raising the dam wall is canvassed extensively in the publicly available *Environmental Impact Statement*. The suggestion that raising the dam wall will allow specific developments to proceed is also categorically rejected.

Raising the dam wall is about temporarily holding water behind the dam wall during a flood rather than it being in people's homes.

ANIMAL CRUELTY LAWS

In reply to **The Hon. ROBERT BORSAK** (13 October 2021).

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

The proposed reforms will not affect fishing or hunting in New South Wales.

Fishing, hunting and farming are legitimate activities which are currently allowed and will continue to be allowed under any new animal welfare laws.

The animal welfare reform is being driven by feedback from the people of New South Wales, with the process providing multiple opportunities for anyone to have their say on what the laws should be.

From February to June 2020, public feedback was sought on an Issues Paper on the existing animal welfare framework with over 1,100 responses received. From 3 August - 17 September 2021 the *Animal Welfare Reform - Discussion Paper* was published for community feedback, with nearly 4,800 responses received from a wide range of community members and stakeholders.

COVID-19 AND AUSLAN INTERPRETERS

In reply to **Ms ABIGAIL BOYD** (14 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:

I am advised:

During the recent lockdown, Auslan interpreters were a regular feature of the daily health update.

In the past four weeks, the New South Wales Government has returned to holding a wider range of media events on a range of subjects which extend beyond the daily health and safety messages directly associated with the COVID-19 pandemic response.

Auslan interpreters will continue to be used to assist in conveying important health and safety information during emergency situations.

The New South Wales Government is considering incorporating Auslan in a wider range of media announcements going forward, where appropriate and practicable. At times, due to limited notice, location or interpreter availability, this will not always be possible.

The New South Wales Government has worked closely with the Deaf Society throughout the COVID-19 pandemic and will continue to do so.

BUILDING AND CONSTRUCTION INDUSTRY

In reply to **Mr DAVID SHOEBRIDGE** (14 October 2021).

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

The New South Wales Government is shifting the focus of its regulatory interventions from post-occupation of buildings to the pre-occupation certificate stages.

This is focussed on the analysis of aggregated departmental data, collecting other evidence (occupation certificate audits results and surveys) to enable the analysis of that data and applying legislative powers appropriately to drive down serious defects in class 2 residential apartment buildings.

Under the Building and Development Certifiers Act we have set new standards and compliance obligations outlined through a *Code of Conduct* and the *Certifier Practice Guide*. Compliance with the practice guide was formally made a condition of registration in December 2020.

This, combined with the new powers afforded to the Building Commissioner under the Residential Apartment Buildings Act and the commencement of the Design and Building Practitioners Scheme has already led to change in certifier behaviour, with certifiers proactively coming forward to report concerns and the flow on effect to the rest of the building industry resulting in issues being identified early and being rectified prior to OC, rather than post OC.

More recently, the Regulator has commenced using powers under the Residential Apartment Buildings Act and the Building and Development Certifier Act to undertake a targeted program of audits on the most high risk certifiers operating in New South Wales. While it would prejudice the regulator's enforcement actions to disclose the names of those certifiers, we are currently auditing 11 certifiers and have called in documents for 68 projects they are working on which are under construction. The information gathered will be used by the regulator to undertake a proactive audit of all the documents, plans, certificates from building practitioners and trades and all other evidence the certifier intends to use to issue the OC.

Through these new audits we expect to be able to audit an additional 100 to 150 buildings every six months, more than tripling the regulator's compliance and enforcement efforts on residential apartment building.

Disciplinary action may be taken against developers, engineers, and certifiers for various reasons. NSW Fair Trading may use one or a number of actions to address poor conduct or behaviour. Fair Trading's approach to compliance and enforcement and the range of enforcement remedies may include reprimands, monetary penalties, imposing conditions on registration, suspending or cancelling a practitioner's registration or disqualify a practitioner either temporarily or permanently.

Further information on Fair Trading's compliance and enforcement approach can be located at <https://www.fairtrading.nsw.gov.au/about-fair-trading/our-compliance-role>.

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Further information on Fair Trading's compliance and enforcement approach can be located at <https://www.fairtrading.nsw.gov.au/about-fair-trading/our-compliance-role>.

POKER MACHINES AND MONEY LAUNDERING

In reply to **Mr JUSTIN FIELD** (14 October 2021).

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

On behalf of the Minister for Customer Service, I can advise that:

Using the Centralised Monitoring System and in collaboration with NSW Police Force and AUSTRAC, Liquor and Gaming NSW has enhanced its analytical capabilities relating to the identification of suspicious electronic gaming machine transactions.

In addition, work is being undertaken to identify behavioural indicators regarding money laundering activity.

RIVERINA CONSERVATORIUM OF MUSIC

In reply to **The Hon. PENNY SHARPE** (14 October 2021).

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

I am advised:

The New South Wales Government will not proceed with the Riverina Conservatorium of Music stage two project and will investigate alternative options to consider how we can continue to support the arts in the Wagga Wagga and Riverina community.

SYDNEY SCIENCE PARK

In reply to **The Hon. MARK LATHAM** (14 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:

This question should be directed to the Minister for Water, Property and Housing.

GREYHOUND WELFARE

In reply to **The Hon. MARK PEARSON** (21 October 2021).

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

The figure put forward by the Coalition for the Protection of Greyhounds is incorrect.

There are not 2,000 greyhounds missing from the greyhound racing industry in New South Wales, and the Greyhound Welfare and Integrity Commission has released a statement refuting the coalition's claims.

In addition, the Greyhound Welfare and Integrity Commission have advised fewer than one per cent of New South Wales greyhounds transferred to the Northern Territory to continue their racing career.

I would encourage the member to rely on official GWIC figures in future.

Written Answers to Supplementary Questions

COOLER CLASSROOMS PROGRAM

In reply to **the Hon. COURTNEY HOUSSOS** (21 October 2021).

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

The Cooler Classrooms Program is a \$500 million program over five years to install cooling, heating and fresh air ventilation systems at more than 900 public schools. These are integrated, smart systems designed for each individual school.

Through the Cooler Classrooms Program, more than 9,000 classrooms and over 600 library spaces will receive air conditioning.

To date, more than 4,300 classrooms and over 300 library spaces have had systems installed.

Since the announcement of the program, all new schools, major upgrades, redevelopments and relocated schools will have air conditioning installed in permanent learning spaces and libraries as part of the project scope.

The list of schools that applied in Round 2 are:

Afterlee Public School
Albion Park High School
Aldavilla Public School
Alstonville High School
Alstonville Public School
Arranounbai School
Artarmon Public School
Ashcroft High School
Ashfield Public School
Asquith Boys High School
Auburn North Public School
Auburn Public School
Awaba Public School
Balgownie Public School
Ballina Coast High School
Ballina Public School
Balmain Public School
Barrack Heights Public School
Barrenjoey High School
Bateau Bay Public School
Bathurst West Public School
Baulkham Hills High School
Baulkham Hills North Public School
Beechwood Public School
Bega Valley Public School
Belair Public School
Bellambi Public School
Bellbird Public School
Bellevue Hill Public School

Belmore Boys High School
Belmore South Public School
Ben Venue Public School
Berala Public School
Bert Oldfield Public School
Bidwill Public School
Bilambil Public School
Biraban Public School
Birchgrove Public School
Blackheath Public School
Blacksmiths Public School
Blacktown Girls High School
Blacktown West Public School
Blakehurst High School
Blakehurst Public School
Bletchington Public School
Bossley Park Public School
Bowral High School
Bradfordville Public School
Braidwood Central School
Brighton-Le-Sands Public School
Bringelly Public School
Brisbane Water Secondary College Umina Campus
Brisbane Water Secondary College Woy Woy Campus
Brooke Avenue Public School
Broulee Public School
Brunswick Heads Public School
Bulahdelah Central School
Bulli High School
Bungendore Public School
Burwood Girls High School
Byron Bay High School
Cabramatta High School
Cabramatta West Public School
Callaghan College Jesmond Campus
Callaghan College Waratah Technology Campus
Campbelltown East Public School
Canley Vale High School
Canobolas Public School
Canterbury Public School
Canterbury Vale School
Caringbah North Public School
Carinya School
Carramar Public School
Castle Cove Public School
Castle Hill High School

Castle Hill Public School
Chatham Public School
Chester Hill High School
Chifley College Bidwill Campus
Chullora Public School
Clarence Town Public School
Clergate Public School
Clovelly Public School
Coffs Harbour Senior College
Coledale Public School
Collector Public School
Concord High School
Concord West Public School
Condell Park Public School
Cooerwull Public School
Cooma North Public School
Coorabell Public School
Cooranbong Public School
Corndale Public School
Corrimal East Public School
Corrimal High School
Cowan Public School
Crescent Head Public School
Cringila Public School
Cronulla High School
Cronulla South Public School
Crookwell Public School
Crown Street Public School
Cundletown Public School
Dalmeny Public School
Dapto High School
Darlinghurst Public School
Davidson High School
Dee Why Public School
Delegate Public School
Denison College of Secondary Education (Bathurst)
Denison College of Secondary Education (Kelso)
Dorroughby Environmental Education Centre
Dudley Public School
Dulwich Hill Public School
Dundas Public School
Dungog High School
Dungog Public School
Dungowan Public School
Dunoon Public School
Duranbah Public School

East Hills Boys High School
East Hills Girls Technology High School
Eastlakes Public School
Eden Marine High School
Eden Public School
Edgeware School
Eglinton Public School
Elizabeth Macarthur High School
Ellerston Public School
Ellison Public School
Empire Vale Public School
Endeavour Sports High School
Epping Heights Public School
Erina High School
Erskineville Public School
Eungai Public School
Fairfield High School
Fairfield Public School
Fairvale Public School
Fairy Meadow Public School
Farmborough Road Public School
Ferncourt Public School
Fisher Road School
Flinders Public School
Floraville Public School
Francis Greenway High School
Frank Partridge VC Public School
Frederickton Public School
Frenchs Forest Public School
Galston High School
Gardeners Road Public School
Georges River College Peakhurst Campus
Girraween High School
Glen Innes West Infants School
Glendale Technology High School
Glendore Public School
Glenmore Road Public School
Glenreagh Public School
Gloucester Public School
Goolmangar Public School
Gordon East Public School
Gosford East Public School
Gosford High School
Goulburn North Public School
Goulburn South Public School
Goulburn West Public School

Granville Boys High School
Great Lakes College Forster Campus
Great Lakes College Senior Campus
Great Lakes College Tuncurry Campus
Greenwell Point Public School
Guildford West Public School
Guyra Central School
GyMEA Bay Public School
Haberfield Public School
Hallidays Point Public School
Hambledon Public School
Harbord Public School
Harrington Park Public School
Harrington Public School
Harrington Street Public School
Hastings Public School
Hastings Secondary College Port Macquarie Campus
Hastings Secondary College Westport Campus
Hazelbrook Public School
Heathcote High School
Henry Kendall High School
Highlands School
Holgate Public School
Holroyd School
Homebush Boys High School
Huntingdon Public School
Hurlstone Agricultural High School
Hurstville Public School
Illawarra Sports High School
Iluka Public School
Ingleburn High School
J J Cahill Memorial High School
James Cook Boys Technology High School
James Meehan High School
James Ruse Agricultural High School
Jannali Public School
John Purchase Public School
Kambora Public School
Kandos Public School
Kanwal Public School
Karabar High School
Kariong Mountains High School
Katoomba High School
Keira High School
Kellys Plains Public School
Kempsey High School

Kempsey South Public School
Kempsey West Public School
Kensington Public School
Kentucky Public School
Kiama High School
Kiama Public School
Killara High School
Killarney Heights Public School
Killarney Vale Public School
Kincumber High School
Kincumber Public School
Kingscliff High School
Kingsgrove High School
Kirrawee Public School
Kogarah Public School
Koonawarra Public School
Kororo Public School
Kotara High School
Krambach Public School
Lake Heights Public School
Lake Illawarra High School
Lake Illawarra South Public School
Lambton High School
Lane Cove West Public School
Lawson Public School
Leura Public School
Lisarow High School
Lithgow High School
Liverpool Boys High School
Liverpool Girls High School
Lowanna Public School
Lucas Heights Community School
Luddenham Public School
Lurnea High School
Macarthur Girls High School
Macksville High School
Macksville Public School
Maclean High School
Macquarie Fields High School
Macquarie Fields Public School
Manly Village Public School
Manly West Public School
Mannering Park Public School
Marrickville High School
Marsden High School
Marton Public School

Matrville Sports High School
Meadow Flat Public School
Menai High School
Merimbula Public School
Middle Harbour Public School
Middleton Grange Public School
Miller Public School
Millers Forest Public School
Millthorpe Public School
Milton Public School
Minchinbury Public School
Minerva School
Mitchell High School
Mitchells Island Public School
Mittagong Public School
Modanville Public School
Moorebank High School
Moorefield Girls High School
Morisset High School
Moruya Public School
Mosman High School
Mount Annan High School
Mount George Public School
Mount Kanwary Public School
Mount Terry Public School
Mount Warrigal Public School
Mulbring Public School
Mulwaree High School
Nabiac Public School
Narara Public School
Narara Valley High School
Narellan Public School
Narooma High School
Narooma Public School
Narranga Public School
Neutral Bay Public School
Newbridge Heights Public School
Newcastle East Public School
Newcastle High School
Newington Public School
Newling Public School
Newrybar Public School
Newtown Public School
Nicholson Street Public School
Nimmitabel Public School
Normanhurst Boys High School

North Nowra Public School
North Sydney Boys High School
North Sydney Public School
Northbridge Public School
Northern Beaches Secondary College Cromer Campus
Northern Beaches Secondary College Manly Campus
Northlakes Public School
Northmead Creative and Performing Arts High School
Nowra East Public School
Oatley West Public School
Oberon High School
Oberon Public School
Ocean Shores Public School
O'Connell Public School
Old Bar Public School
Orange East Public School
Orange Public School
Orara High School
Ourimbah Public School
Pacific Palms Public School
Panania North Public School
Para Meadows School
Peakhurst West Public School
Pelican Flat Public School
Pennant Hills High School
Perthville Public School
Picnic Point Public School
Pittwater High School
Plattsburg Public School
Pleasant Heights Public School
Plumpton Public School
Port Hacking High School
Port Macquarie Public School
Portland Central School
Prestons Public School
Primbee Public School
Punchbowl Public School
Quakers Hill East Public School
Queanbeyan South Public School
Queanbeyan West Public School
Raglan Public School
Randwick Boys High School
Randwick Girls High School
Rathmines Public School
Red Range Public School
Redhead Public School

Revesby South Public School
Robert Townson High School
Rockley Public School
Rocky River Public School
Rosebank Public School
Roselea Public School
Rossmore Public School
Sanctuary Point Public School
Sandy Beach Public School
Sarah Redfern High School
Shell Cove Public School
Shellharbour Public School
Sir Joseph Banks High School
Smiths Hill High School
Southern Cross Public School
Southern Cross School of Distance Education
Speers Point Public School
Springwood High School
Springwood Public School
St Clair High School
St Clair Public School
St Ives High School
St Ives North Public School
St Johns Park High School
Strathfield North Public School
Stroud Public School
Sunshine Bay Public School
Sussex Inlet Public School
Sutherland North Public School
Sydney Girls High School
Sylvania Public School
Tallong Public School
Tanja Public School
Taree High School
Taree West Public School
Tathra Public School
Tenterfield High School
Terranora Public School
Terrey Hills Public School
Terrigal High School
The Jannali High School
The Junction Public School
The Rivers Sec College Richmond River High Campus
The Rivers Secondary College Lismore High Campus
The Sir Henry Parkes Memorial Public School
Thornton Public School

Toronto High School
Toronto Public School
Tuggerah Lakes Secondary College Berkeley Vale
Tuggerah Lakes Secondary College The Entrance
Tuggerah Lakes Secondary College Tumby Umbi
Tuggerah Public School
Tuggerawong Public School
Tuncurry Public School
Tunttable Creek Public School
Tweed River High School
Tyalla Public School
Ulladulla High School
Ulladulla Public School
Ulong Public School
Umina Beach Public School
Upper Coopers Creek Public School
Uralla Central School
Valley View Public School
Vaucluse Public School
Villawood North Public School
Vincentia High School
Wakehurst Public School
Waratah Public School
Warilla High School
Warners Bay High School
Warners Bay Public School
Warwick Farm Public School
Wattawa Heights Public School
Wauchope High School
Wauchope Public School
West Pennant Hills Public School
Westport Public School
Wetlands Environmental Education Centre
Whitebridge High School
Wiley Park Girls High School
William Bayldon Public School
Wilton Public School
Windale Public School
Wingham Brush Public School
Wingham High School
Wingham Public School
Winmalee High School
Wiripaang Public School
Wollongong Public School
Woodland Road Public School
Woolbrook Public School

Woollahra Public School
Woy Woy Public School
Wyoming Public School
Wyrallah Road Public School

PUBLIC SECTOR EMPLOYEES

In reply to **the Hon. MARK LATHAM** (21 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:

This is a matter for the Minister for Planning and Public Spaces.

Committees

LEGISLATION REVIEW COMMITTEE

Reports

The Hon. WES FANG: I table a report of the Legislation Review Committee entitled *Legislation Review Digest 36/57*, dated 9 November 2021. I move:

That the report be printed.

Motion agreed to.

PUBLIC ACCOUNTABILITY COMMITTEE

Report and Government Response

Debate on report and Government response resumed from 19 October 2021.

The Hon. JOHN GRAHAM (17:33): I speak on report No. 6 entitled *Regulation of building standards, building quality and building disputes: Final report*. It has been a rolling inquiry but, in my experience, one of the best inquiries I have sat across. This was very confronting as a committee member. You knew there was a problem with the building and construction industry in Sydney. You had read about the problems with defects in building or perhaps some of the cladding issues, which have been very well publicised. But every time you walked into one of these committee meetings or one of these inquiry hearings to sit down and hear evidence from some of the groups or some of the individuals who had been personally impacted by these issues, you would walk out even more concerned with what this meant for ordinary people making the biggest investment they would make in their lives in something that mattered to them, investing in their home, and having it run off the rails and go horribly wrong.

So this was important work of the House and committee system. I thank the committee secretariat and all of the Public Accountability Committee members, who, across the board, took these issues seriously. It is a serious economic issue, putting aside the incredible impact on individuals. To buy a house is to spin the roulette wheel: Maybe there are serious defects; maybe there are not. But there was no way of knowing for many of those individuals, which came through during this inquiry. If we put aside that incredible individual impact, the level of uncertainty created across the construction and property sectors in Sydney is having a devastating impact. That level of uncertainty for someone who wanders into the property market is now a serious economic issue for Sydney. Both from an individual point of view and for the State, they are high-level issues that deserve to be wrestled to the ground.

It has been encouraging to see the early work of the Building Commissioner, and I thank him for briefing the Parliament in a range of forums—across estimates, through the work of this committee in public hearings and in some private briefings—about the work he is doing. That has been encouraging. The Opposition would like to see that work go further and be dealt with as rapidly as possible. On the defect front it has commenced. The committee inquiry called for not only a Building Commissioner but also a building commission, which is how those issues have been dealt with in other States. The Opposition would like to see that extra step taken so that this work can happen faster and more thoroughly, given the issues that have been exposed. I repeat that call today.

Separate to the defects issue, the committee heard very concerning evidence on cladding. It was absolutely hair-raising to hear about the number of buildings with potentially flammable cladding and the efforts of some of the strata committees, individual owners and organisations that are trying to grapple with the challenging fact that the building they work or live in has cladding that would not be safe in a fire, either by virtue of the material that has been put on the building or the way it has been put on, which are both potential issues. That is the confronting reality those individuals and organisations face. The financial challenge of dealing with that and even just getting

advice about what to replace it with came through in the course of the inquiry. That has been challenging. I draw particular attention to recommendation 7 of the report, which states:

That the NSW Government ensure that all buildings designed for public use such as cinemas, shopping centres, universities, hotels, entertainment centres, childcare centres and hospitals that are assessed as high-risk for flammable cladding are remediated as a priority.

That has not happened. The remediation project started by the Government has now commenced—very late—but that call for public buildings in daily use, often by large numbers of people, to be dealt with as a priority simply has not happened. That is a real concern for the Opposition. We would like to see this dealt with faster and more seriously. Finally, I finish on this point: The Building Commissioner is issuing prohibition notices, and nine prohibition orders are currently listed on the website for some very serious breaches. Frankly, those developers need to lift their game. I have been encouraged by the way the new powers granted by the Parliament are actively being used by the Building Commissioner to target some of those individuals. The commissioner has briefed the committees about the cooperation he has received. Often it is bad news for the developers hit by the orders. Some have responded appropriately by saying that they will fix whatever defects have been identified and that they will cooperate, which is encouraging.

As the list of developers who have been breaking the law and who have been slapped with prohibition orders becomes clear, it is also becoming clear that some have been breaking the law in other ways. On that list are some familiar names of firms and developers that have also been caught up in electoral law violations over time. As the pattern becomes clear, I can assure the Government that the Opposition will be pursuing those organisations and individuals for the way they break the law relating to development and also other laws in the State. That is equally important. I thank the Building Commissioner for his work and I am thankful that the agenda is now moving. For the sake of the individuals who are affected and for the sake of the State economy—because we know how important construction and development is—it needs to happen faster.

Debate adjourned.

PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT

Report and Government Response

Debate on report and Government response resumed from 19 October 2021.

The Hon. SHAYNE MALLARD (17:42): I contribute to debate on report No. 3, entitled *Koala populations and habitat in New South Wales*. I start by relaying a startling figure: One hundred years ago scientists quite accurately estimated—sadly through the records of pelt exports—that there were one million koalas in New South Wales. Today it is estimated that there are fewer than 15,000. If that does not ring alarm bells about the plight of this much-loved Australian animal, I do not know what will. The seriousness of the decline of koala populations, which has been occurring largely at the hands of humankind, is of great concern. The report of the committee, of which I was a member, rings that alarm bell loud and clear, and I know that the Government and the Minister have heard it. By way of background, the terms of reference for the inquiry were referred on 20 June 2019 and we received 322 submissions and 5,752 responses in a pro forma style—a tremendous amount of community feedback.

The committee held nine public hearings: four at Parliament House in Sydney, one at Ballina, one at Campbelltown Arts Centre, one at Smithurst Theatre in Gunnedah, one at Glasshouse in Port Macquarie and one at C.ex Coffs in Coffs Harbour. The committee also conducted several site visits. On 25 October 2019 the committee visited Mount Gilead and examined Beulah homestead, Woodhouse Creek and various sites on the proposed Figtree Hill development location. On 3 February 2020 the committee visited the Port Macquarie Koala Hospital, where we observed a confronting procedure involving a burnt and injured koala and were briefed on the work of the hospital. On 4 February 2020 the committee visited the headquarters of the Great Koala National Park Steering Committee at Urunga and the proposed entrance to the Great Koala National Park at Mailmans Track Road at Repton.

This inquiry was established because of a significant, broad-based concern in the community about the future of one of our most loved animals, the koala. Even before the devastating 2019-20 bushfires, which intervened during the inquiry's work, it was clear that the koala in New South Wales—already a threatened species—was in significant trouble. There were one million koalas 100 years ago; there are maybe 15,000 today, and some estimates after the fires are even half that. One key area of the committee's focus was in western Sydney. Many submissions to the inquiry highlighted the importance of the koala population in south-western Sydney, as it is one of the few in the State that is growing and chlamydia free. Dr Steve Phillips from Biolink estimated that there were approximately 300 to 400 koalas in the Campbelltown area—quite a pathetic number, when you think about it, compared to one million 100 years ago—and a similar number around Wollondilly and Picton. He

cautioned that the size of the population was not large enough to give it long-term resilience and it remained very vulnerable.

Dr Kellie Leigh, a very impressive academic and researcher who is the executive director of Science for Wildlife, told the committee that before the bushfires they had discovered a large and growing population of koalas in historical habitats nestled in the Blue Mountains, which is where I live. These are remnant koala populations that have lived in gullies and valleys in the mountains and were re-emerging into the Blue Mountains, where koalas are very rarely seen. These populations were considered important, she told us, as a nationwide study had found them to have the highest level of genetic diversity, and one particular population in Kanangra was chlamydia free. Both those populations were devastated by the bushfires. It is important to note that genetic diversity is critical to any species' healthy future.

Dr Leigh appeared again before the committee in February 2020 and confirmed that the escalating bushfire situation had had huge impacts on those populations in the Blue Mountains. The committee was initially inquiring into the issues facing koala populations. However, after the bushfires in the summer of 2019-20, koala populations across the State were drastically impacted and this became an important part of the committee's focus. These extraordinary bushfires were described by Mr Atticus Fleming, Deputy Secretary of the National Parks and Wildlife Service, as "unprecedented, not just in terms of scale, but in terms of fire behaviour and the continuity and ongoing nature of the season".

Many stakeholders to the inquiry highlighted that, amongst the multiple factors that threaten koala populations in New South Wales, fragmentation and loss of their habitat—namely, urban development—was perhaps the primary threat to their survival and could lead to the extinction of the species in its natural habitat. The committee made a number of site visits throughout the duration of the inquiry. One such visit in October 2019 looked at how urban development was impacting on koala populations. The committee conducted a site visit and held a large public hearing in Campbelltown. The site visit was held at Lendlease's Figtree Hill development, located at Mount Gilead in the Macarthur region, which has been identified as having key habitat linkages for koalas. The committee met with representatives from Lendlease, who advised us that, in the absence of an approved koala plan of management, it was in the process of preparing its own koala protection plan as per the requirements under the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999. So we saw a hole in the koala plan at that time.

There were differing views from stakeholders on what the width of koala corridors should be on the development site. The width of koala corridors is a controversial issue that was even mentioned today in the House. We examined some of those corridors that connect different koala habitats. Should the current development proposal proceed in the absence of an approved Commonwealth plan, Dr Steve Phillips of Biolink predicted that the south-western Sydney koala population would be the poorer for it and that it would further fragment their habitat and endanger the species in the area.

There is an inherent tension between a growing population of humans and koala habitat conservation. Koalas and people, unfortunately, like to live in the same areas, so it is a matter of resolving how people can coexist alongside this national icon. However, it is apparent that, if protection of habitat and corridors is prioritised in the planning stages, the level of harm to local koala populations and other species can be minimised. Recommendation 3 states:

That the NSW Government fund and support local councils to conserve koala habitat, including by identifying pockets of urban bushland to include in the State's protected area network.

I take this opportunity to praise the wildlife volunteers—and we saw many of them during that inquiry—and thank them for the work they do in reducing harm and saving the lives of countless koalas and other native Australian animals. We heard their passion through this inquiry and saw firsthand their dedication to koalas, particularly when we visited the Port Macquarie Koala Hospital. The work they do there in saving the lives of hundreds of koalas, particularly after the bushfires, is quite breathtaking and incredible.

It is hard to put into words the bravery of the NSW Rural Fire Service volunteers during that bushfire period. It was not only people that the RFS helped to save, but also our native wildlife. I think we can all recall those vivid photographs of RFS volunteers in burnt fire territory with injured wildlife. The RFS had a critical role in overseeing and facilitating all access to firegrounds for wildlife carers. It was recommended by the committee that the NSW Rural Fire Service, in conjunction with key wildlife organisations, develop statewide standards for access to firegrounds by wildlife rescuers, because we identified there was a patchwork approach based on local relationships between the RFS and local volunteers in terms of confidence and training. So we recommended that there be a unified approach to that with training across the State.

The Committee also heard evidence from New South Wales government officials and from environment Minister Matt Kean. The NSW Koala Strategy is the biggest commitment by any State government to secure

koalas in the wild. The Koala Strategy has been allocated \$44.7 million for its first phase. This funding includes \$20 million to acquire land to protect koala habitat and \$24.7 million to implement the strategic actions. Regarding the Koala Strategy, the Hon. Ben Franklin, MLC, and I provided a dissenting statement to the report because we disagreed with findings 11 and 12 that the Koala Strategy is not consistent with former NSW Chief Scientist and Engineer Mary O'Kane's recommendation to develop a whole-of-government strategy. That aside, we supported all the other recommendations of the inquiry. One such idea to protect koala habitat is the proposed Great Koala National Park on the mid North Coast, where the committee conducted a site visit. The Chief Scientist and Engineer's 2016 report into koala conservation noted that koala populations need large areas of connected habitat to maintain their viability. The Great Koala National Park is a proposal made by the National Parks Association of NSW. The steering committee, a non-incorporated group of very passionate local citizens, was created to promote the proposal.

The committee also heard from stakeholders who did not support the creation of the national park. I note that Timber NSW questioned the evidence that additional national parks would resolve the issue of koala conservation. Other stakeholders also expressed concern for workers employed in the timber industry. I have been very pleased to be a member of Portfolio Committee No. 7's inquiry into koala populations and habitat in New South Wales. It is important and is a landmark report. The report makes many findings and recommendations, some focused on local issues and others on policy considerations for the Government. I thank my colleagues who took part in the inquiry with me. It was chaired by Ms Cate Faehrmann and the Hon. Mark Pearson was deputy chair. I thank the Hon. Mark Buttigieg, the Hon. Catherine Cusack, the Hon. Ben Franklin and the Hon. Penny Sharpe. We worked together very well and collegially. As always, I thank the amazing secretariat staff for the work they did in that report.

The Hon. CATHERINE CUSACK (17:52): I will speak very briefly on report No. 3 of Portfolio Committee No. 7 – Planning and Environment, entitled *Koala populations and habitat in New South Wales*. Firstly, I will pick up where the Hon. Shayne Mallard left off, which is to remark on our committee. The work of the members has been so diligent. When we travel and have lunch, we sit and discuss the evidence that we are hearing, our thoughts and where the gaps are. We work really hard and really well as a team and I believe, in my experience as a member, I have never participated in such a productive committee. It is what the public would hope and expect. It is the best of legislatures and it is a great honour for me to be on this committee.

I give tribute to all of my colleagues and particularly the chair, Ms Cate Faehrmann. I thank her very much for the way in which she approached it. In particular, the report was not some ideological document that everybody then has to claw their way through line by line. There has been a real effort to try to get a consensus of thought and put that forward. There is never complete consensus but Ms Faehrmann really did an amazing job. I appreciate it because this topic of koalas really did deserve the best of our efforts. It is the only report that I am aware of that has completely taken the evidence from the scientists and the community but also factored in climate change and the impact of the bushfires—all of those events that have converged on top of the traditional development and land clearing issues that have always bedevilled our koala population.

Never in the history of this State has there been so much struggle for our wildlife. Koalas are part of an incredible privilege we have as Australians to preserve and protect biodiversity that exists nowhere else in the world. Not only are these animals unique, they are basically most of the marsupials left on the planet. It is beyond species. We are responsible for an entire life form. They have nowhere else to live except in the landscape. If somebody says to me, "Why can't we just pick up all the koalas and pop them in a national park?", they do not understand that these creatures are specific to their local environment. You cannot even pick up a koala in the Clarence Valley and put it next door in Port Macquarie because it just cannot survive without its local species of trees.

The Hon. Shayne Mallard commented on the amazing work at the Port Macquarie Koala Hospital. To try to give members a perspective, with the bushfires we were made aware that every day planes flew in gumleaves from all over the State for the koalas rescued in the Mount Kosciuszko region because they could not eat the local gum tree leaves. These animals need us to step up. I come from a proud farming family. Farmers love and accept our landscape. It is a privilege to live there. But farming and agriculture has intensified. These catastrophic events—climate change, bushfires and the drought—have created so much pressure. We are now facing significant local extinction events of multiple species around our landscape.

The report highlights the terrible challenge we face for koalas and the fact that we have to make a decision. I think the Hon. Penny Sharpe made that comment right at the beginning. She said, "Basically, colleagues, we are at a tipping point in time and we have to make a decision." We have to make a decision for our koalas and indeed for all of our wildlife. As I said, I wish every member could have participated in and heard the evidence at our committee inquiry, both the scientific evidence and the incredible knowledge of local communities that participated. They had optimism for us and made all that effort to open our eyes. I am proud to have been a member

of the committee. I thank Ms Cate Faehrmann very much for enriching all members' experiences. We all hope to do good work in this place. We are well intentioned. We often fail. But on this particular occasion I think the committee got it right and I hope the recommendations are respected by all.

Ms CATE FAEHRMANN (17:57): In reply: I thank the members who contributed to debate on the report: the Hon. Penny Sharpe, the Hon. Mark Pearson, Mr Justin Field, the Hon. Shayne Mallard and the Hon. Catherine Cusack. Listening to all their speeches makes me realise just how lucky we were to have every member of the committee determined to work together and to listen respectfully and deeply to all of the incredible evidence we heard from scientists, community activists, wildlife carers and departmental officials, who have been working very hard for a long time to raise awareness of the plight of the koala. During the whole inquiry I do not think any of us doubted that each member was as committed as the next to achieve very good outcomes.

The Hon. Catherine Cusack mentioned that the report was of high quality. It was a very substantial report and it was taken seriously. I still hear the media talking about our key finding that without urgent action koalas will be extinct before 2050. We know that it is still referred to within the department. Of course, many NGOs and koala activists also have it now as their reference point. As the Hon. Catherine Cusack said, all of the information was brought together. I think the reason the report was of such high quality and substance was the incredible work that the community did to make sure we had the information we needed to do our job. I know that some koala experts and ecologists spent potentially hundreds of hours bringing everything together for the committee.

Before the committee undertook its work, when we had the reference and established the inquiry, some members of the community doubted whether it would have any impact at all. They have had to make a lot of submissions in recent years to a range of different inquiries on environmental and climate issues. Environmental NGOs and community organisations spend a lot of their time making submissions to parliamentary inquiries and various processes of legal reforms and what have you. There was doubt as to whether it would make a difference. It would not have made a difference if it was just a Greens report. I think the reason it did was because it was such a consensus report. Yes, the bushfires hit. But as I have said and as every speaker has said, these koalas were well and truly in trouble before the bushfires hit, and I think the report would have had almost as much of an impact upon its release if they did not.

I also make particular mention, once again, of the fantastic work of the committee secretariat. When we established the inquiry, it was very clear from the start that if we were going to do it justice, we had to spend time on it. We had to travel around the State. We could not rush it. We had to allow time for all members to digest what they were hearing. We then had to go back to certain ecologists for responses on particular issues that were raised. I have to say that having done an inquiry over 18 months and having done quite a few over a couple of days recently in this place, it is important to, as much as possible, allow time for members to digest the evidence they hear, to read submissions and to formulate their lines of inquiry. We have been very rushed, particularly in the past year, with inquiries in this place. I think all members of this committee had time to do what they needed to.

I thank the Hon. Shayne Mallard for mentioning the places that we went to, particularly the Port Macquarie Koala Hospital. I believe I failed to mention it in my initial speech to the report. I thank the Port Macquarie Koala Hospital. That was a very distressing and heartbreaking visit, knowing also that many of the koalas that we saw there were in real trouble. I remember that some of the koalas were very depressed sitting in their trees. They probably would not have been able to survive in the wild because of the trauma that they experienced through the bushfires.

I believe this wonderful report will be referenced for many years to come. I know that the environment Minister, Matt Kean, is very well aware of the findings and recommendations. I look forward in the next few months to the Minister, hopefully, making some of those recommendations a reality, because not enough has happened since the report was published. We are still going the wrong way. The finding that unless we act now koalas will be extinct before 2050 was unequivocal. I thank all members for their contributions, and I commend the motion to the House.

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

Motion agreed to.

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Report and Government Response

Debate on report entitled *Administration of the 2019 NSW State Election* and Government response called on and adjourned.

PRIVILEGES COMMITTEE**Reports**

Debate resumed from 18 November 2020.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): The question is that the House take note of report No. 81 entitled *Execution of search warrants by the Australian Federal Police No. 2*.

Motion agreed to.

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

Debate resumed from 16 February 2021.

The Hon. GREG DONNELLY (18:06): I speak briefly in the take-note debate regarding report No. 55 of Portfolio Committee No. 2 entitled *Current and Future Provision of Health Services in South-West Sydney Growth Region*. The report has been on the table for some time. The Government's response to the report's recommendations was received on 28 May 2021; the report itself was tabled in the House on 30 November 2020. I will comment on some of the report's recommendations and the finding and then touch on a few key points that are worthy of some elucidation. The health Minister, for reasons best known to himself, responded to all of the recommendations one way or the other but, disappointingly, did not comment on the finding that is the key foundation stone that locks the report away. That finding, which is found on page 41 of the report, is:

Health and hospital services in South-West Sydney have experienced historic underfunding from successive governments.

The language is very clear: "successive governments" over time. I will not go through all the evidence that brought us to that conclusion. We heard submissions from a number of experts in health-related matters, not just in New South Wales and Sydney but specifically south-west Sydney, and from a number of important stakeholders from that part of Sydney. It is well known to be a growing part of the city—not just the west but also the west-south-west. We came to the conclusion that we did based on that evidence, and we wanted to put that finding very much up front at the commencement of the report.

Members with some historic perspective would appreciate the recognition over time by governments in the State that Sydney's demographic arrangements, in terms of where the populations are found, change over time. There is a need to allocate and potentially reallocate resources to particular aspects of a large city like Sydney. Of course, that movement or perceived movement of resources is not without its own tensions. Those resources could be hard resources like infrastructure or resources in terms of the myriad of expert people who underpin our health and medical system. I place on the record my thanks, I am sure on behalf of everyone, for the extraordinary work that those people have done over this most difficult time. Without their dedication and hard work, the population of New South Wales would not be in the position that we are with respect to the COVID-19 virus.

Nevertheless, the reallocation of resources, including the resources of manpower, if I can use that phrase, would be a matter of contestation. Notwithstanding that, adjustments have been made over time with respect to the placement of more infrastructure and the people necessary to operate that infrastructure and work within it. That has progressively moved out beyond Parramatta into the western parts of the city and the arc running down to the south-west. For the record, we know that the Government is also seeking to meet the needs of the north-west of Sydney because of the growth there.

We understand that budgets are not a magic pudding that just grows and grows. There are always challenges associated with that allocation. The health budget, if I recall correctly, is pushing towards about one-third of the State's budget in any 12-month period over the forward estimates. It is a very large amount of money. Nevertheless, the figures demonstrate that growth has been large and significant in that part of Sydney, and that continues to be the case. From the best projections that are available from the independent sources from whom one obtains information and data about population growth, all the arrows are very much pointing towards that part of the Greater Sydney metropolitan area. It probably comes as no surprise that the first two recommendations run directly off that finding. I will read them quickly; they are not particularly long. Recommendation 1 states:

That the New South Wales Government address without delay the historical under-funding of health and hospital services in South-West Sydney.

Recommendation 2 states:

That NSW Health immediately review its funding methodology for Local Health Districts to ensure fairer allocation of resources to growth areas like South-West Sydney. The funding methodology should ensure health funding keeps pace with population growth and accounts for higher health risk profiles.

Coming off the back of the finding were those two recommendations. We submit they are the two key recommendations, as they are number one and number two. It is disappointing to report to the House that the position of the Minister was to simply note them. That was the response. The subsequent recommendations, numbers 3 through 17, have greater levels of specificity; they are looking at particular matters in some particular detail. I acknowledge and accept that the Minister has supported those recommendations, but it cannot be denied that the disappointment is there. The analyses that we say need to be done to look at the historic underfunding over time—and, importantly, linking it to the methodology for funding local health districts—are very challenging.

There is no doubt that all the members of this committee are very diligent in the work they do on this committee, with all its inquiries. I know other members in this House have some significant degrees of expertise in matters of health and medicine and the way in which funding is apportioned and decided. I do not think any of us at the end of this inquiry could claim that we understand the calculus that is used to determine the funding for local health districts.

We understand that the State is broken up into local health districts, and we know the history of that, but trying to get an intelligent layperson's set of eyes on trying to understand the methodologies that are used to come up with the funding for a local health district [LHD] is most challenging. We are not necessarily saying that the people around the table of this committee would have the expertise to automatically understand a complex methodology that may be put before us, but if there were endeavours to explain it to us, I have no doubt that there would have been a determination to try to understand that methodology. I think all members would have been able to come to terms with that.

It was a bit of a struggle dealing with the whole-of-government submission and trying to persuade, nudge and give NSW Health a bit of a push to help us understand with a greater level of clarity how this money is allocated. If one starts to understand the calculus used in the way the money to local health districts is apportioned, what naturally follows is the calculus methodology used for how that is spent throughout the local health district. That is quite important. I am told by members of the other place, and indeed members of this place who deal with constituent matters and issues raised by stakeholders, that it can be quite hard to articulate and present a reasonable argument about a position—such as advancing an argument why there should be an improvement in a particular piece of equipment in a hospital or an improvement in the funding allocation within a LHD for a particular health service—unless we have an understanding of how it is apportioned in the first instance. It becomes very difficult. In fact, you end up looking like you are simply making an ambit claim because it is a figure that you think you will peg out and work back from. It certainly would be helpful if we had some greater understanding regarding the methodology.

Other members may participate in this debate and highlight recommendations that they want to speak to. Recommendation 2 was not just a matter of throwing it in at the end to create a laundry list of recommendations, far from it. There are only 17 recommendations. We put it at the top, as number two, after the recognition of the historical underfunding. We think it is in the interests of us all as elected representatives to have some knowledge about the methodology that is used in the calculation of these large sums of money. It does not matter whether you are a member of the Opposition or of the Government, because that changes over time.

The Government has supported the other recommendations. Whilst I have not spoken to the Minister since his correspondence on 28 May 2021, I presume he is diligently working away and implementing what he said is to be supported. I know the Minister and the Department of Health have been preoccupied in a significant way with what they have currently before them, but this is a matter in which due diligence should be done by this House to ensure that the recommendations the Minister said would be supported are actually implemented in full. The report is broken up into chapters, and it is very logical and straightforward. People can work their way through it.

I touch on the issue of palliative care because it was raised quite strongly by various witnesses. It is part of an ongoing struggle in this particular area of health and health care. With respect to the provision of palliative care for people who wish to die at home, the preference that most people express—as shown in surveys done time and time again—is that given the circumstances upon which their life will come to an end, they want to be able to die at home in a setting that they are familiar with and with their loved ones around. That is regularly recorded as the preference that people describe they would like to find themselves in. There is palliative care in the home setting as well as in aged care. I will not go through each paragraph of the report, but on pages 74 through to 77, specifically paragraphs 5.48 through to 5.60, there is significant information about the deficiencies of the provision of palliative care in the Sydney metropolitan area.

As an aside, and I am sure members have heard about this, there has been an ongoing campaign to resurrect a full palliative care unit at Westmead Hospital. There is a big demand. I was surprised to find only a year or so ago that the services provided out of Westmead had been wound back and reduced. It is a huge hospital, servicing

a large part of what is essentially western Sydney. An ongoing campaign has been running for over 12 months to get those beds re-established. I have heard that the Minister is alive to it. I hope, as people have been suggesting to me, there is an announcement relatively soon about the re-establishment of a proper suite of palliative care beds at Westmead Hospital.

The aspect that is particularly concerning not just to this part of the city but in fact all around the State is the shortage of special palliative care doctors. It is a statewide problem. There is no doubt that our citizens are not well served by sufficient numbers of specialist doctors in the area of specialised health and medicine. GPs play a major role in the delivery of palliative care. A year or two ago I asked the question about how much training a GP receives in palliative care at medical school, thinking they would probably do a unit or more over a full six-year medical degree. I was told with a straight face that they do a few hours of palliative care training in a whole medical degree, which I found quite extraordinary. Post-graduation training improves on that, which is a good thing, but the provision of palliative care by GPs—without reflecting in any way, shape or form on the outstanding work done by our GPs—is of the most rudimentary and basic care, that is, the syringe driver, opiate-delivered pain relief. It does not specifically deal with the anxiety and the stress associated at the end of life. It is about pain relief only, essentially.

We would be much better served as a State, and certainly this part of Sydney specifically, with a reasonable number of palliative care specialists. One of the challenges with attracting specialist palliative care doctors is their salary. If you pass through medical school and want to get yourself a high-paying medical job as a graduate, you would look to do a specialty like orthopaedic surgery. If not at the bottom, specialist palliative care medicine is probably towards the bottom of the pay scale—if I can use that crude phrase—with respect to the salaries of those college specialists. That is a whole separate issue, but I will note that these particular paragraphs point out that there is much to be done.

I thank my colleagues who, as always, were very generous and collegial in the way in which we worked. There were some issues and tensions around certain things—there always are—but there was a desire to produce a report that focused on the key issues and key recommendations that came out of the inquiry and were reflected in the evidence. I think that was generally achieved. As always, I thank the committee secretariat. Without their work and their diligence a draft report, let alone a complete report, would not have been produced to the standard that it has. I thank Hansard as always. We cannot do without them. I am very appreciative of their work, particularly when the acronyms in health and medicine can be quite long and complex. I am not quite sure how they actually found out what some of them meant but they did, very diligently, so I thank them very much. I conclude by once again thanking the members of the House for their time this evening. I commend the report to the House.

Debate adjourned.

PORTFOLIO COMMITTEE NO. 6 - TRANSPORT AND CUSTOMER SERVICE

Reports

Debate resumed from 16 February 2021.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): The question is that the House take note of the report entitled *Operation of the Point to Point Transport (Taxis and Hire Vehicles) Act 2016*.

Motion agreed to.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): I shall now leave the chair. The House will resume at 8.00 p.m.

Bills

PLASTIC REDUCTION AND CIRCULAR ECONOMY BILL 2021

CRIMES LEGISLATION AMENDMENT BILL 2021

First Reading

Bills received from the Legislative Assembly.

Leave granted for procedural matters to be dealt with on one motion without formality.

The Hon. TAYLOR MARTIN: I move:

That the bills be read a first time and printed, standing orders be suspended according to sessional order for remaining stages and the second readings of the bills be set down as orders of the day for a later hour.

Motion agreed to.

CHILDREN'S GUARDIAN AMENDMENT (CHILD SAFE SCHEME) BILL 2021**In Committee****Consideration resumed from an earlier hour.**

The CHAIR (The Hon. Trevor Khan): The Committee is considering One Nation amendments Nos 3 to 6.

The Hon. TAYLOR MARTIN (20:03): The Government does not support the amendments.

The Hon. PENNY SHARPE (20:03): Labor does not support the amendments either, but I will explain why that is the case. The amendments aim to dramatically water down the enforceability of the Child Safe Scheme. If passed, they would defeat the purpose of having a scheme in place at all. The ability for the Children's Guardian to do its job would be gutted under the amendments because there would be no avenues for enforcement of standards or compliance. As the independent statutory authority protecting children, it is important that the Children's Guardian is able to enforce the standards and protect children and to fulfil the objectives of the Royal Commission into Institutional Responses to Child Sexual Abuse. As I said, the amendments would remove the ability for the Children's Guardian to require compliance with the Child Safe Standards and the recommendations contained in a monitoring and assessment report, and would also remove child safe action plans with prescribed agencies. Labor does not support the amendments because they fundamentally change the bill.

Mr DAVID SHOEBRIDGE (20:04): The Greens oppose Pauline Hanson's One Nation amendments. We listened to the recommendations of the royal commission, which heard from thousands of victims and survivors and held institutions to account. The commission determined that the Child Safe Standards need to be the primary framework to guide child-safe practice in institutions. It came from an extraordinary depth of learning and compassion and is an institutional response from the royal commission that has been accepted across the country. It is seen in other jurisdictions as the gold standard for how to have child-safe practices, so we cannot understand why One Nation wants to prevent those Child Safe Standards being the primary framework that guides child-safe practice. Removing the word "primary" is the purpose of amendment No. 1.

The Hon. Penny Sharpe: We have dealt with that.

Mr DAVID SHOEBRIDGE: Sorry. The Greens cannot understand why anyone would remove the role of enforcing compliance with the Child Safe Standards from the Children's Guardian. What is the point of having Child Safe Standards if we do not have an independent body to enforce them? It is essential that that be one of the core regulatory functions of the Children's Guardian. Amendment No. 4, which proposes removing the capacity of the Children's Guardian to investigate complaints about an organisation and whether or not it has complied with Child Safe Standards, de-fangs the Children's Guardian.

The proposal to delete section 8A (b) (v) (C) is part of a series of amendments that together seek to prevent the Children's Guardian from ensuring compliance with recommendations contained in a monitoring and assessment report, which would de-fang the Children's Guardian. Surely if we learned anything from the royal commission, it is that institutions cannot be trusted in and of themselves. There needs to be not only major institutional reform, which is what the Children's Guardian oversights and what the children standards should be, but also an independent watchdog in the child's interests and the public's interest to hold institutions to account.

The Hon. MARK LATHAM (20:07): The contribution from Mr David Shoebridge's Greens party highlights the contradiction of his argument because as a proxy representative of the Teachers Federation in this Chamber he would normally say, "Let's trust the teachers. They have been trained, they are public educators. Let's trust the teachers and the school." He has been banging the drum of the Teachers Federation campaign to reduce the administrative time, expenses focus, red tape, paperwork and bureaucracy undertaken by teachers in New South Wales. A lot of teachers say, legitimately, that they spend more time filling out forms than teaching students. But on this matter Mr David Shoebridge wants a new outfit, a guardian, to come in to guard the teachers and guard the schools. He wants them to undertake compliance, monitoring and assessment on top of what they already do.

The Department of Education is well established as the primary carer of children when they are outside the home in New South Wales in 2,200 government schools and about half that for non-government schools. Schools are the main place that young people occupy in the State when they are away from the home environment. After decades of teachers being trained and working on child safety standards and guidelines, why do we need a new guardian organisation to be the guardians of the education department, the guardians of teachers and the guardians of schools? That is adding to the red tape, the bureaucracy and the paperwork that Mr David Shoebridge otherwise argues against. He has got himself into a tangle of wanting to support the teachers but wanting to have this new

supervisory body come over the top to supervise them. It is an established fact that, with all its training and its work on child safety, the Department of Education does a pretty good job and does not need to reinvent the wheel.

The question that I constantly ask is who will guard the guardians. I have a lot more faith in the Department of Education looking after our kids than the Office of the Children's Guardian, with the rubbish it enabled at the Warriewood West childcare centre and the rubbish it has in its guidelines. Our schools are not perfect; they have some challenges in this space. But after what has happened over decades of getting child safety right in the Department of Education, why reinvent the wheel? Why say that it is no good and it needs this new supervisory layer of bureaucracy to come over the top? That is why I have moved these amendments. If Mr David Shoebridge was consistent in supporting teachers and the Teachers Federation, he would say that we do not need a new level of bureaucracy to come in to supervise, monitor, assess and guard what teachers have already been doing with pretty good success over a long period in keeping our children safe in this State.

Mr DAVID SHOEBRIDGE (20:10): I will explain briefly why it is essential that we have the Children's Guardian in the school settings and we have the compliance and enforcement strategies. The summary from the Royal Commission into Institutional Responses to Child Sexual Abuse in schools states:

Almost one in three of all survivors we heard about in private sessions (2,186 survivors or 31.8 per cent) told us they were sexually abused in a school setting as a child. Of these survivors:

- three-quarters (75.9 per cent) said they were abused in non-government schools, of which 73.8 per cent identified a Catholic school and 26.4 per cent identified an Independent school
- one-quarter (24.9 per cent) said they were abused in government schools
- almost three-quarters (71.8 per cent) said they were abused in a religious school, while 4.1 per cent said they were abused in a secular non-government school
- almost one in three (30.4 per cent) said they were abused in a boarding school setting, of which 96.8 per cent told us it was a non-government boarding school and 3.2 per cent identified a government boarding school. Of the non-government boarding schools, 57.0 per cent identified a Catholic school and 43.2 per cent identified an Independent school.

Survivors told us about abuse occurring in 1,069 schools ...

I could go on and read why we say that, if history is any guide, the Children's Guardian is essential to have an enforcement and compliance role in schools. The royal commission has told us this. We owe it to the thousands of survivors and victims who told the royal commission and, through it, their parliamentarians and representatives that we need to do vastly more to keep kids safe in school. That is why we do not support these amendments.

The Hon. MARK LATHAM (20:12): All Mr David Shoebridge has done is confirm the fact that he does not like non-government schools. He has not given a valid reason why these guardians—these compliance merchants, these red tape pushers—need to come in for the 2,200 government schools in New South Wales. He is the same member of Parliament who argued about too much red tape, too much administrative time, too much paperwork and too much of teachers doing bureaucracy instead of doing teaching. It does not stack up.

We cannot just have a broadbrush approach to say that any form of guardianship by the Office of the Children's Guardian is good. Clearly for the Department of Education the guardian is not needed, which is my primary objection. It is not needed in the findings that Mr David Shoebridge has read out and it is not needed in the practice of what we know about how we run our public schools. If we want to overload the teachers with a new level of compliance, monitoring, assessment, paperwork and forms to fill out, go with The Greens and Mr David Shoebridge, their leader. If we want to trust our teachers, get the guardian out of the Department of Education space and allow all the established practices to unfold. I do not see anything that the guardian is going to do other than make the situation worse.

The Hon. PENNY SHARPE (20:13): The only point that I make on this and the contribution of the Hon. Mark Latham is that his amendments do not deal with the Department of Education; they deal with every organisation under the bill. If he wanted to have a discussion about schools, that is something separate. But we cannot support these amendments because they basically gut the entire bill and the role of the Children's Guardian in every organisation that is required to provide child safety standards across the State.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Latham has moved One Nation amendments Nos 3 to 6 on sheet 56CD.2. The question is that the amendments be agreed to.

Amendments negatived.

The Hon. MARK LATHAM (20:14): I move One Nation amendment No. 7 on sheet 56CD.2:

7. Page 4, after Line 7, insert new subsection (c), as follows:

Ensuring that nothing in the child safe standards is to be interpreted as a reason or requirement for any organisation to engage in teaching, advocacy or promotion of gender fluidity.

This is consistent with our philosophy of putting some boundaries around the operation of these standards and the Office of the Children's Guardian, because a lot of talk has mentioned the findings of the royal commission. As I said in the second reading debate, if you actually read the hefty volumes of the royal commission that talk about equity and inclusion you see the report itself says to not be prescriptive and not go down tangents and pathways. It says to just have a general recognition, mainly about Indigenous kids, and keep an eye on them in terms of child safety. But in its political activism the Office of the Children's Guardian has morphed into advocates of gender fluidity. When that happened at the Warriewood West childcare centre, the office refused to intervene and clean up the situation—as did the former Minister Gareth Ward, who has now departed the Cabinet table.

We know that at the education committee the activists came forward with a jaundiced, manipulated survey that tried to prove gender fluidity was wanted by the school students of New South Wales. Drilling into where their sample came from showed it was from a high school at Strawberry Hills and from an LGBT alphabet support group at a country high school. It was hardly an independent objective sample; it was clearly designed to push a political agenda. The activists have other guidelines about asking three-year-olds for their gender pronoun. I regard that as a form of child abuse. Who will guard the guardians when they engage in the nonsense of saying to a three- or four-year-old in a preschool or childcare setting, "We want to know your gender pronoun"?

We have 13-year-olds in New South Wales who do not even know what a pronoun is, let alone a gendered one. When you do that to children who have no awareness of sexuality and only the most rudimentary, superficial understanding of gender, it points to a sickness in some adults who are so intent on their personal political agenda that they think, "There is a three-year-old. I will impose my politics upon that little kid." Turn it up. That is going down the path of confusing, bewildering and upsetting the child. There are teenagers who do not like this stuff. To do it to three- and four-year-olds, as we have seen in the guidelines, I regard as a form of child abuse.

It should be ruled out comprehensively by ensuring that nothing in the Child Safe Standards is to be interpreted as a reason or requirement for any organisation to engage in teaching, advocacy or promotion of gender fluidity. That was not the finding of the royal commission. That should not be the standard of these child safe arrangements, and it should not be involved in any part of the work of the Children's Guardian. If people want to push those things, they should run for Parliament. They should not pick on three- and four-year-old kids as their political playthings. That is a sickness in adults that this Parliament should prevent.

The Hon. TAYLOR MARTIN (20:17): The effect of this amendment would be to add a new subsection to note that nothing in the Child Safe Standards is to be interpreted as a reason or requirement to engage in teaching related to gender fluidity. The Child Safe Standards are a principle-based framework that enables organisations to implement them in ways that are consistent with their values and beliefs and that meet the expectations of the children and the communities which they serve. There is nothing in the requirement to implement the Child Safe Standards through systems, policies and procedures or the standard for equity and diversity that requires the teaching and/or advocacy of gender fluidity. It stands that this amendment is totally unnecessary. The Government does not support it.

The Hon. PENNY SHARPE (20:18): The Opposition does not support the amendment. I know that the Hon. Mark Latham has a lot of views on this issue, but this has no relevance at all to the recommendations proposed by the royal commission. I flag that the Opposition will not support any amendments that attempt to subvert the intent of the scheme and its ability to protect children from harm. Organisations need to provide a safe place for kids in whatever place they are. This is an unnecessary amendment that Labor does not support.

Mr DAVID SHOEBRIDGE (20:19): Just because Pauline Hanson's One Nation party says something is true does not make it true. Nothing in the Child Safe Standards raises any of these issues. Nor is it clear what on earth the member means in the amendment when he talks about "gender fluidity". It is an entirely internal reference point that comes from a fringe part of the right in politics. It has no actual context or meaning in either teaching or child protection. Not only is there no reason or requirement in the Child Safe Standards to teach this fairly novel and unusual concept of "gender fluidity", but putting it in the Act in this way just plays to an ill-informed fringe right in politics that keeps fighting these culture wars wherever it possibly can. We are trying to do a good thing: to put in place the royal commission's recommendations on Child Safe Standards and child safe practices. Unfortunately it keeps being dragged off into the rushes by amendments like this. We oppose it.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Latham has moved One Nation amendment No. 7 on sheet 56CD.2. The question is that the amendment be agreed to.

Amendment negated.

The Hon. MARK LATHAM (20:20): By leave: I move One Nation amendments Nos 8, 9, 10 and 12 on sheet 56CD.2 in globo:

8. Schedule 1, proposed Part 3A, Page 4. Insert after line 7:

8AA Consistency with Royal Commission Report recommending the Child Safe Standards

- (1) Implementation of the Child Safe Standards by child safe organisations is to be consistent with Royal Commission recommendations.
 - (2) Where a Child Safe Standard can be implemented in more than 1 way, implementation that most closely reflects the Royal Commission recommendations is to be preferred.
9. Page 4, proposed section 8B Definitions. Insert after line 15:
- Royal Commission recommendations means*** the Final Report Recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.
10. Page 16, proposed Schedule 1[21], Schedule 6 Dictionary. Insert after line 7:
- Royal Commission recommendations***—see section 8B.
12. Schedule 1, proposed Part 3A, Page 4. Insert after proposed section 8AB as inserted by amendment 11:

8AC Oversight by Committee on Children and Young People

- (1) The Committee on Children and Young People has the following functions under this Part—
 - (a) to monitor and review the functions of the Children's Guardian in—
 - (i) overseeing the implementation of the Child Safe Standards by child safe organisations,
 - (ii) the enforcement of the Child Safe Standards within child safe organisations,
 - (iii) establishing child safe action plans with prescribed agencies,
 - (b) to review the activities of the Children's Guardian for consistency with the Royal Commission recommendations,
 - (c) to review guidelines issued by the Minister under section 8AB(1) for consistency with the Royal Commission recommendations,
 - (d) to report to both Houses of Parliament, with such comments as it thinks fit, on any matter which Committee considers should be brought to the attention of Parliament relating to the following—
 - (i) the exercise of the Children's Guardian's functions specified in paragraphs (a) and (b),
 - (ii) guidelines issued by the Minister under section 8AB(1).
- (2) In this section—

Committee on Children and Young People means the Parliamentary Joint Committee constituted under section 36(1) of the Advocate for Children and Young Peoples Act 2014

The amendments are related to each other in terms of adding new supervisory provisions in place. Amendment No. 8 seeks to ensure consistency with the royal commission report's recommendations on Child Safe Standards. It ensures that, when we talk about the great work of that royal commission and its recommendations, this new mandate actually sticks to it to rather than drifting off into political and activist agendas. The amendments also define that the recommendations are to mean the final report recommendations. Amendment No. 12 is very important and allows oversight by our parliamentary committee, the joint standing Committee on Children and Young People, which quite amazingly, I am told, did not receive a copy of the exposure draft of the bill.

What is the point in having a joint committee of the Parliament that is not involved in the development of legislation and does not have oversight to examine whether or not the Children's Guardian is doing the work properly? As set out on page 3 of these amendments, the mandate for that committee is to have a look at the work the Children's Guardian is doing, report on how it is meeting its guidelines and statutory requirements, and keep the Parliament informed with a proper oversight and accountability role.

The Hon. TAYLOR MARTIN (20:22): The Government supports the amendments to the Children's Guardian bill. They will ensure consistency with the recommendations of the royal commission, as the member outlined. The terms of reference of the Royal Commission into Institutional Responses to Child Sexual Abuse focused on child sexual abuse. The commission was required to examine the institutional responses to child sexual abuse and identify how children could be better protected. This meant its recommendations were necessarily limited to child sexual abuse. However, sexual abuse of children in institutions has often been accompanied by other acts that are harmful to the child, such as physical and emotional abuse and neglect, often within an institutionalised culture of intimidation, humiliation and bullying.

The royal commission's terms of reference stated that it should examine such related matters regarding any unlawful or improper treatment of children connected to or associated with child sexual abuse. To that end, throughout its final report the royal commission acknowledged that institutional child sexual abuse rarely occurs in isolation from other forms of abuse. It noted that, while focusing on child sexual abuse, most child safe frameworks have broader application and aim to help organisations prevent, identify and improve responses to

physical, sexual, emotional and/or psychological abuse and neglect of children, not just sexual abuse. The Government acknowledges the issues raised by the Hon. Mark Latham and we support the amendments.

The Hon. PENNY SHARPE (20:24): Labor does not oppose the amendments. We think the amendments clarify references to the recommendations from the royal commission within the bill, which is fine. We also support the oversight function of the Committee on Children and Young People.

Mr DAVID SHOEBRIDGE (20:24): The Greens do not oppose amendments Nos 8, 9 and 10. We are very clear that we want to see the royal commission's recommendations enforced. With regard to our only reservation in relation to amendments Nos 8 and 9, I reference the words of Hal Wootten, one of the five royal commissioners of the Royal Commission into Aboriginal Deaths in Custody. A few years ago he said of the recommendations of the royal commission that they are not frozen in time as the beginning and the end point in dealing with the wicked problem of Aboriginal over-representation in jails and in the criminal justice system more broadly. Time moves on and society needs to move on and look at these wicked problems in often novel and fresh ways.

We would not want to be frozen in time with the royal commission's recommendations. My reading of the amendments is that they do not in any way prohibit the Children's Guardian going above and beyond the royal commission's recommendations. For that reason, we do not oppose the amendments. In relation to amendment No. 12, we can see merit in having express parliamentary oversight. We probably would have some issue with the drafting of the referral to the committee. It seems overly prescriptive and potentially not helpful, but we support the concept of parliamentary oversight.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Latham has moved One Nation amendments Nos 8, 9, 10 and 12 on sheet 56CD.2. The question is that the amendments be agreed to.

Amendments agreed to.

The Hon. MARK LATHAM (20:26): I move One Nation amendment No. 11 on sheet 56CD.2:

11. Schedule 1, proposed Part 3A, Page 4. Insert after proposed section 8AA as inserted by amendment 8:

8AB Ministerial guidelines

- (1) The Minister may issue guidelines to the Children's Guardian about the way the Children's Guardian is to—
 - (a) oversee the implementation of the Child Safe Standards by child safe organisations,
 - (b) enforce the Child Safe Standards within child safe organisations,
 - (c) establish child safe action plans with prescribed agencies,
- (2) Despite section 128(3), the Children's Guardian must, when exercising functions concerning the Child Safe Standards, act in a way that is consistent with guidelines issued by the Minister under subsection (1).

This amendment is perhaps more contentious. It provides for ministerial guidelines to be issued at the discretion of the Minister to the Children's Guardian about the way the Children's Guardian is to oversee the implementation of the Child Safe Standards, enforce the Child Safe Standards within child safe organisations and establish child safe action plans. Part (2) of the new 8AB ministerial guidelines ensures that, when the Children's Guardian is exercising functions, the guidelines issued by the Minister are followed and not just token guidelines. It ensures that the Children's Guardian must exercise the functions in a way that is consistent with the guidelines issued by the Minister.

Child safety is a critical issue and given its importance it is wise to have the Minister involved. Why would we ever say that child safety is so important but the Minister cannot be involved? One of my frustrations in the immediate past was the inability or perhaps unwillingness of Minister Gareth Ward to get involved in these matters. Answers in the *Questions and Answers* paper showed he did not have a mandate to address issues that had been raised with me by my constituents. In bringing forward matters as a parliamentarian you want a Minister who has the capacity to address the concerns.

I am delighted to see the new Minister is in the Chamber, Minister "Hens Kens". I must apologise. I messed up the pronunciation of his name in the second reading stage of another debate—although it was well intentioned because I thought he sounded better Germanic than Dutch on the basis that no-one has ever been scared of a Dutchman. He needed to be more Bismarck than van Gogh. I thought to harden him up to get things done in his portfolio, but I will stick to the correct Dutch pronunciation of "Hens Kens" and apologise for any past errors. He is a good Minister. He has shown a lot of promise. Some of us are hoping that he might stay there in the impending reshuffle. He has certainly got across many of these issues concerning child safety and regarding the advocate. To have him issuing guidelines I think would be a very good thing for the children of New South Wales and their safety.

The Hon. TAYLOR MARTIN (20:28): The Government supports this amendment to the Children's Guardian Amendment (Child Safe Scheme) Bill 2021 to enable ministerial guidelines to be issued to the Children's Guardian to aid the administration of the scheme. The Minister for Families, Communities and Disability Services, who—it is pleasing to see—is in the gallery tonight, is committed to ensuring that the views of the community are an important part of how organisations are child safe. Enabling the Minister to issue guidelines to the Children's Guardian about the way in which it oversees the implementation of the Child Safe Standards enforces the standards and establishes that child safe action plans with prescribed agencies will ensure that the views of the community are represented in regulatory oversight and practice.

Importantly, Children's Guardian Ms Janet Schorer, PSM, has confirmed, "This provision would not alter or affect the Child Safe Standards or the requirements of child safe organisations to implement them." She notes that this amendment would still enable her to carry out the functions of her office, including overseeing the implementation and enforcement of Child Safe Standards within child safe organisations.

The Hon. PENNY SHARPE (20:30): Our position on this amendment is where we diverge: Labor does not support the amendment. There had been discussions about trying to split it off. We are more relaxed about the first part of it, clause 8AB, but we oppose the part where the Minister's guidelines essentially become rules and not guidelines. Our view is that the independence of the Children's Guardian is extremely important. We think there is political risk in relation to the way in which the Minister will be lobbied from all sides of many arguments. I am interested that the Minister and the Government will be supporting the amendment, and I wish him good luck in the future. Our view is that the Children's Guardian is an independent statutory organisation and that it should remain so, and the amendment undermines that.

The point that the Hon. Mark Latham raised in relation to the answers from the previous Minister is not a reason to support the amendment. Good Ministers answer questions properly and do not simply flick them off to others. I accept that the previous Minister used to do that, but I do not believe this is the way to fix that problem. It is about asking the Minister to answer the questions that he is asked and to seek the proper advice from his independent agency. We do not support the amendment.

Mr DAVID SHOEBRIDGE (20:31): The Greens do not support the insertion of clause 8AB into the Act. One of the most critical features about the Children's Guardian is that the Children's Guardian is independent of politics, an independent statutory office that is not swayed by the Minister of the day or the political forces that we know operate on us. Whether that is large religious organisations, large for-profit organisations, union organisations or corporate interests, we know that they all have a sway in this Chamber. They all want to get to the Minister on the politics of the day, because they all have an interest to push—some broader, some narrower. When it comes to the protection of children from physical, emotional and sexual abuse, we want an independent statutory officer who is not subject to those political machinations and pressures.

The great difficulty with the amendment is that it places the Minister right at the centre of the child protection scheme, issuing guidelines that on our reading of clause 8AB go beyond the guidelines that are issued in comparable jurisdictions such as Victoria. The guidelines under the amendment are about the way the Children's Guardian is to oversee the implementation of the Child Safe Standards by child safe organisations. I have regard for Ministers and ministerial staff, and I note Minister Henskens is in the gallery tonight observing the debate. If one were to ask most of the organisations that work in the child protection space whether they think the Children's Guardian, with her resources and experience, has a better understanding of how to oversee the implementation of the Child Safe Standards than do the Minister and his office then I think they would pick the Children's Guardian every day of the week. Equally, in terms of how the Children's Guardian enforces the Child Safe Standards, the expertise will again be with the statutory officer whose job it is to do this, whose staff is recruited with that very expertise in hand.

One of the particular concerns we have is why the Minister should have any role in how child safe action plans are established with prescribed agencies. Those prescribed agencies may include the education department or other parts of the State Government where there will obviously be internal political pressures to say, "We do not want anything prescriptive". As the representative from Pauline Hanson's One Nation said earlier today, they do not want any additional paperwork. Putting the Minister at the centre of that goes against the entire purpose that we saw in having an independent Children's Guardian.

We are particularly troubled because this expressly overturns the statutory independence set out in section 128 (3) of the Act. One of the reasons we were so keen to support the Children's Guardian Act—and why the sector and the advocates who worked with the royal commission and who wanted its recommendations implemented supported it—was because section 128 (3) is in the Act. It says, "The Children's Guardian is not subject to the control or direction of the Minister." The amendment expressly and directly undermines that. Those are the reasons we do not support it. I join with the Hon. Penny Sharpe in asking the Minister whether he really knows what he has bought himself here. Do you really know what you are offering up here? What you are offering

up applies not just to you but also to the next Minister and the Minister after that, to be in the middle of the political back-and-forth over gender identity and child sexual abuse and to throw that back into the centre of the political ring. The Greens oppose the amendment.

The CHAIR (The Hon. Trevor Khan): Before I call the Hon. Mark Latham, I remind members that while the Minister is in the gallery, he should not be addressed. It is unfair on him.

The Hon. MARK LATHAM (20:36): To respond to the representative of Mr David Shoebridge's Greens, it is an exercise in sophistry and self-fulfilling prophecy. If one listens carefully to the member, he basically says that he does not want politics to be involved. He defines "politics" as anything that he is opposed to. He is not political! It is the natural order of things; it is a sort of Darwinian evolution of our species that we will all evolve to be like the Shoe. In fact, there is a form of politics that he advocates that is inherently wrong. He would be a supporter of reading gender fluidity books at the Warriewood West childcare centre. That is his kind of politics. This amendment is about the need for ministerial guidance and guidelines. His form of politics is to say to a three- or four-year-old, "You should have a gender pronoun", even though it is totally bewildering, confusing and in many cases upsetting to push that upon kids. He had no objection at the education committee, where they came in with the jaundiced research—

The CHAIR (The Hon. Trevor Khan): Can I just say this—

The Hon. MARK LATHAM: I am responding, like a right of reply.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Latham may be responding, but the nature of this debate is that we deal with the amendments. My concern is that after dinner the nature of the debate has somewhat changed. Instead of addressing the amendments, members seem to be addressing the dynamics of politics between One Nation and The Greens. It is unhelpful and not consistent with addressing the amendments. The Hon. Mark Latham will address the amendments.

The Hon. MARK LATHAM: I accept that, Chair. It is why I am here, but under your guidance I will accordingly restrain myself. The Labor proposition really is a nonsense. Say the member for Port Stephens became the Minister after the next election. If child safety is so important, why would the new Minister not want to have some involvement in this major institution that is being set up by the guidelines—to fulfil the functions of nothing more complex than representative government, where we can respond to issues raised by constituents, as I did at Warriewood West? I raised it with Minister Gareth Ward, but he could not do anything about it because of the nature of the statute. I would expect that if there are major problems with the conduct of the guardian in the future, we would need ministerial oversight to say, "Listen, these are the boundaries. These are the recommendations of the royal commission. We are not entertaining political activism, where you run off on your own priorities. Let us just stick to the statute, the obligations and the royal commission recommendations."

Whether we are talking about the member for Port Stephens or Minister Henskens, it is absolutely necessary to have representative government, where one can get an answer—for the public, most importantly. I was a postbox for complaints from constituents at Warriewood West. They wanted a Minister, elected to ministerial office, who could step in on their behalf and do something about it. That is one example. There could be others in the future. Obviously a Minister would not be issuing guidelines every other day but, if there are serious matters in the system of representative government that are brought to their attention, we have got to have Ministers involved. Why have such an important issue as child safety and rule the Minister's involvement out altogether and say, "You have got no involvement here; you are just a Minister who makes speeches and cannot actually do something by way of guidelines to enhance and protect child safety in New South Wales"?

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Latham has moved One Nation amendment No. 11 on sheet 56CD.2. The question is that the amendment be agreed to.

The Committee divided.

Ayes 19
Noes 18
Majority..... 1

AYES

Amato
Banasiak
Borsak
Cusack
Fang
Farlow

Franklin
Harwin
Latham
Mallard (teller)
Martin
Mason-Cox

Mitchell
Nile
Poulos
Roberts
Taylor
Tudehope

AYES

Farraway (teller)

NOES

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

Graham
Hurst
Jackson
Mookhey
Moriarty
Moselmane

Pearson
Primrose
Secord
Sharpe
Shoebridge
Veitch

PAIRS

Maclaren-Jones
Ward

Searle
Houssos

Amendment agreed to.

The Hon. TAYLOR MARTIN (20:51): I move Government amendment No. 1 on sheet c2021-108:

No. 1 Systems, policies and processes

Page 5, Schedule 1[3], proposed section 8D(3)(a), line 9. Omit "changes to."

This amendment addresses an error in the drafting of the bill and is supported by the Children's Guardian. It amends section 8D (3) (a) by removing the words "changes to" in relation to the Child Safe Standards. Changes to the Child Safe Standards can only be made by a legislative amendment. The current wording may give the impression that the standards can be changed by other means or that the Government intends for them to be changed in the future. This is not the case. The Child Safe Standards are a product of the royal commission, as we all know, and out of an abundance of caution the Government wishes to remove any suggestion that they might be easily or frequently changed in the future. The Government supports this amendment to the Children's Guardian Amendment (Child Safe Scheme) Bill to enable ministerial guidelines to be issued to the Children's Guardian to aid the administration of the scheme. I commend the amendment to the Committee.

Mr DAVID SHOEBRIDGE (20:52): I was with the Parliamentary Secretary until he got to the "ministerial guidelines" bit, which I think may have been in error. The Parliamentary Secretary might want to withdraw those comments. The Greens support the amendment because it has nothing at all to do with the ministerial guidelines and for the reason the Parliamentary Secretary initially put on the record, which is that, as drafted, the bill would suggest that there are going to be some iterative changes to the Child Safe Standards. Of course, the Child Safe Standards are legislated. If there is a proposed change to the Child Safe Standards, it will be brought back here and we will go through a process of legislating it. We do not need to be indicating in the drafting of the bill that there is going to be some other process to change the Child Safe Standards. For those reasons, The Greens support the amendment.

The Hon. PENNY SHARPE (20:53): This is a drafting error. Labor supports the amendment.

The Hon. MARK LATHAM (20:53): One Nation is supportive of this amendment. In fact, it is a drafting error that, in my careful study of the bill, I identified and recommended to the Government. The amenable, efficient and ever-cooperative Minister took it on board and it has turned up here as a Government amendment. We are always on the job to improve legislation, and deleting these two words achieves that goal.

The CHAIR (The Hon. Trevor Khan): The Hon. Taylor Martin has moved Government amendment No. 1 on sheet c2021-108. The question is that the amendment be agreed to.

Amendment agreed to.

Mr DAVID SHOEBRIDGE (20:54): I move The Greens amendment No. 1 on sheet c2021-110C:

No. 1 Consultation with indigenous organisations

Page 6, Schedule 1[3], proposed section 8J, line 28. Omit "plan.". Insert instead—

plan, and

- (c) if the agency or related bodies provide services to Aboriginal children—consult with 1 or more Aboriginal controlled entities of a class prescribed by the regulations for this section.

This amendment endeavours to put an additional obligation on an organisation when it is developing a child safe action plan. It requires a prescribed agency, when developing its child safe action plan, to not only consult with the Children's Guardian and other related bodies and entities or individuals who, in the opinion of the agency, are likely to be directly affected by the plan but also, if the agency or related bodies provide services to Aboriginal children, to consult with one or more Aboriginal-controlled entities of a class prescribed by the regulations for this section.

We have learned—collectively, I would hope—that if we want to keep Aboriginal children safe and protected, it is essential that we speak with Aboriginal organisations, Aboriginal communities and Aboriginal-controlled entities. That is precisely what this amendment seeks to do. The Greens were looking at a more prescriptive amendment when initially drafting it, but we are of the view that in developing the regulations there is a compelling case for the Government to sit down and speak with groups like the Aboriginal Legal Service, AbSec, the Jumbunna Institute for Indigenous Education and Research and the University of Technology Sydney to work out what consultation should happen and what classes of Aboriginal-controlled entities should be prescribed for this legislation. That is why the amendment includes the regulation-making power to enable that consultation, so that this can be implemented. But at the core of this amendment is The Greens' belief that the people who know best how to keep Aboriginal kids safe are Aboriginal communities themselves.

The Hon. TAYLOR MARTIN (20:57): The Government supports this amendment to the Children's Guardian Amendment (Child Safe Scheme) Bill 2021. The Government is committed to Aboriginal community involvement across all forms of consultation to ensure a culturally informed and effective response to the needs of Aboriginal children. The bill already includes an amendment to the guiding principles for the Children's Guardian Act. Under the newly drafted section 8E, connection to family and community will be embedded in the Children's Guardian's decision-making about organisations, with the ultimate goal of the child feeling safe and secure in their identity, culture and community. Respect for cultural and social difference must be considered in the provision of all child-related services. Ensuring that agencies providing services to Indigenous children consult with relevant Indigenous organisations in the development of their child safe action plans is a further step in the right direction and consistent with the Government's clear commitment to building a child protection system that is more responsive to the needs of Aboriginal children, families and communities.

The Hon. PENNY SHARPE (20:58): Labor supports this amendment. We are very pleased to see the Government supporting it as well. In relation to Aboriginal children and child protection and the organisations that look after them and the people who care for them, there is a very long way to go. I urge the Government to do more work on the *Family is Culture* report, as outlined in Professor Megan Davis' opinion editorial in *The Sydney Morning Herald* yesterday.

Mr DAVID SHOEBRIDGE (20:59): I thank the Minister for his engagement with and support for the amendment. The Greens hope that the Government follows through with rapid implementation of regulations after that consultation. I put on record that negotiations were undertaken in good faith by the Minister's office.

The CHAIR (The Hon. Trevor Khan): Mr David Shoebridge has moved The Greens amendment No. 1 on sheet c2021-110C. The question is that the amendment be agreed to.

Amendment agreed to.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Latham has been kind enough to give me advance notice of One Nation's intentions. I go now to One Nation amendment No. 33.

The Hon. MARK LATHAM (20:59): I move One Nation amendment No. 33 on sheet 56CD.2:

33. Page 8, after line 13, insert Subsection (4):

(4) Nothing in the guidelines shall require religious bodies to act contrary to their religious beliefs.

Given the obvious voting patterns and matters determined earlier in Committee, it is my intention to not persist with One Nation's amendments, other than amendments Nos 33, 39 and 41. Amendment No. 33 inserts into clause 8Q, which is headed "Guidelines for child safe organisations", a provision that reads, "Nothing in the guidelines shall require religious bodies to act contrary to their religious beliefs." It would indeed be a terrible thing if the guidelines made a religious organisation act in a way contrary to its religious faith, practice or activities. In its submission on the bill, Freedom for Faith stated:

Australia is a multicultural society, and all government organisations need to be conscious of the need to respect a diversity of viewpoints on issues of sex and family relationships, some of them religiously based, others which have deep roots in culture. If such matters are to be addressed, they should be dealt with by the Parliament itself in an open discussion, not added to administrative guidelines under a scheme designed to deal with matters of physical and sexual abuse.

While of course supporting Principle 4—

this has been a contentious principle in some respects, but it is supporting principle four—

of the agreed National Principles for Child Safe Organisations (stating that "Equity is upheld and diverse needs respected in policy and practice") ...

Obviously, religious freedom and religious perspective should be respected as part of that diversity. The submission concludes:

One option that has previously been suggested is the enactment of a "balancing clause" to ensure that guidelines do not require religious groups to act contrary to their beliefs.

That is what the amendment provides: the balancing clause. My understanding is that extensive consultation was undertaken with organisations of faith in the development of the bill and some progress was made. They are seeking what would be regarded as a commonsense provision in a society like ours, that no religious organisation should be forced by these guidelines to act in a manner contrary to their own faith. It cannot be the role of government, certainly not in the separation of church and State, for the State to be telling churches what to believe in and telling them in these guidelines how to practise those beliefs in practical situations.

The amendment inserts an important provision. I think the argument is well made. It respects the multicultural nature of our society where we have a range of religious faiths and people of no faith. If we are to be true to the clause about diversity and equity, the fair and diverse thing to do is to recognise that religious groups have beliefs and should not be made to act against those beliefs in complying with the guidelines. Nobody has to subscribe to or follow those beliefs. It is purely a matter of respect. That is the bottom line when we talk about diversity.

It is one thing for a person to say they believe in diversity and tolerance. It is a different thing to say, "Here's an organisation with different beliefs to mine. I'm going to respect that and be tolerant of that." They should not be expected to act against their deeply held religious faith in a way that is prescribed by public servants and by this Parliament in these guidelines. If we are true to multiculturalism and diversity and are respectful of different beliefs in society, we would not want organisations to act against their own religious beliefs. The balancing provision proposed by the amendment would strengthen the bill and do great credit to this Parliament.

The Hon. TAYLOR MARTIN (21:03): The Government will not be supporting the amendment. Nothing in the bill impacts the ability of a religious organisation—for example, a school—to practise its religious beliefs. Additionally, there is no requirement that a religious organisation must undertake teaching that would be inconsistent with its beliefs, such as those relating to sexual or gender diversity. The standards are principle based and outcomes focused, and allow organisations to implement them in ways that are suitable and appropriate in their specific context. As such, there is no need whatsoever for the amendment.

Mr DAVID SHOEBRIDGE (21:04): The Greens oppose the amendment, which would effectively allow religious beliefs to override the Child Safe Standards. Members could think of many troubling examples where religious beliefs may come directly into conflict with the Child Safe Standards. It is not unknown that in some cultures and religions there are a variety of practices that would directly offend the Child Safe Standards, some of which are in the news occasionally even in our own society. I would have thought that the idea that we would allow religious practices, and quite extreme religious practices, to override Child Safe Standards is contrary to the overwhelming view of people in our State. It is most definitely contrary to the Child Safe Standards. If we have a choice between enforcing the Child Safe Standards and seeing them able to be stepped around because of what may be quite extremist religious views, I hope this Chamber would never side with extremist religious views but would, instead, stand by the principle-based, well-founded, well-grounded Child Safe Standards that came from the experience and the learning of the royal commission.

The Hon. PENNY SHARPE (21:06): Labor does not support the amendment. By supporting the amendment, we would be carving out religious bodies from the obligation to adhere to the Child Safe Scheme where the scheme conflicts with religious practices or views. Religious freedom and rights is a hot topic in the community. It is also being pursued in this Parliament. I make a couple of points. First, the Anti-Discrimination Act 1977 deals with exemptions and a range of related issues. It is not appropriate to deal with those matters in this bill. I note that One Nation has its own religious freedom bill which will be debated at a future time. By proposing this amendment, One Nation is jumping the gun. It is unhelpful.

I worry about the consequences of the amendment for the Child Safe Standards. Some young women in this country have suffered from and are the victims of female genital mutilation done in the name of extreme religious practices. We cannot ignore that and somehow suggest it is okay. Some young women are forced into marriage arrangements. This Parliament has taken those matters very seriously. The proposed amendment provides, "Nothing in the guidelines shall require religious bodies to act contrary to their religious beliefs." I do not want members to pretend that such a broad amendment has no consequence. Problems exist in some parts of

New South Wales, of which children and young people have been victims. We cannot ignore that. It is far more serious than pursuing the legitimate arguments that the Hon. Mark Latham wants to make about religious freedom, on which members have varying views. Labor does not support the amendment.

The Hon. MARK LATHAM (21:08): With respect to the matters raised by the Hon. Penny Sharpe, I make plain One Nation's view that if people are doing things against the criminal law in New South Wales they should be prosecuted. That is the standard we would adopt, regardless of the provisions of this bill. To bring it down to what some religious groups are worried about, it runs contrary to their religious beliefs that a three-year-old boy can be told tomorrow he can be a girl. Those are the things people of faith—Christians, Hindus, Muslims—are worried about. A range of faiths say, "Let the children be children and be raised according to religious beliefs and values, without telling little kids that they can change their gender." Those concerns have been articulated among religious groups.

It is a strange point for those who otherwise preach diversity. When you break it down, their coded words basically say, "Diversity is only the thing that I agree with. I will respect the things that I agree with." Other things are criticised, put to one side and described as extremism and the like. We can have respect for diversity. There should be a basic rule that any religious group that breaks the law should, of course, be prosecuted. Any person of faith who breaks the law should be prosecuted. But beyond that, there are religious beliefs that do not accord with the politics of The Greens and today's Labor Party on questions of gender fluidity and diversity. Why should those religious beliefs not be respected?

Why shouldn't there be a clause that says that no religious organisation should be made to act, according to these guidelines, in a manner contrary to their religious faith? On these heavily contested questions of social attitudes to gender and sexuality, we are not all forced to agree. There are large parts of our society that fundamentally and bitterly disagree with the position of The Greens and the Labor Party. I did not come to this Parliament thinking I would be a spokesperson for that particular constituency, but they have come to me in large numbers wanting at least one person in this Parliament to stand up for their values and beliefs about the raising of their children. In their eyes, that is child safety. It is paramount. Those religious beliefs guide them, and I think they should be respected.

The Hon. PENNY SHARPE (21:10): I do not wish to prolong this, but I want to state that if that is the point the Hon. Mark Latham wanted to make, then he should have written a far more specific amendment that dealt with those matters. This amendment is too wide, and that is why it cannot be supported.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Latham has moved One Nation amendment No. 33 on sheet 56CD.2. The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): We will now move to One Nation amendment No. 39 on sheet 56CD.2.

The Hon. MARK LATHAM (21:11): I move One Nation amendment No. 39 on sheet 56CD.2:

39. Pages 9-11, omit Division 6

The amendment goes to division 6, Investigation, and the question of duplication of effort. Members can read on page 10 of the bill that the guardian would have an authorised person inspect an organisation's premises. I do not see any mention of a warrant. It can conduct an inquiry into these matters, which presumably breaks the law in other respects. We have a police force and a court system in New South Wales, both of which we dedicate billions of dollars to each year to be functional and effective. We have a whole range of child protection officers in the Department of Communities and Justice—what used to be known as Family and Community Services—and they do good work against the odds of their overwhelming case load.

Having had a system of investigation of complaints and inquiries made through the police, the courts and child protection officers, why do we need a fourth layer of effort? It would probably lead to confusion and conflicting objectives. Would it not be simple enough that where a serious complaint relating to child safety is lodged with the Children's Guardian, the Children's Guardian takes it to the police or the child protection officers who work for the department in some number? Of course One Nation supports investigations and inquiries but, again, it is a reinvention of the wheel. It is a duplication of effort. The resources of the guardian would be better used through a referral power to our existing law enforcement bodies in New South Wales, rather than through a fourth layer of investigation and inquiry, including the searching of premises.

I do not see the point in having multiple investigations into matters. Let us entrust it to our police, who have been trained in this area. This was put to me by someone who has looked at this statute at length: Why would we entrust it to the Children's Guardian—the least experienced and, in all honesty, the least capable of running

these investigations—instead of the trained police officers, court officials and child protection officers who are already working in this space? It is a serious matter and I want to streamline the effort so that we do not end up with a fourth division. It is division 6, Investigation, in the bill but it is really "division 4", and it is just not necessary.

The Hon. TAYLOR MARTIN (21:13): Of course the Government does not support this amendment, because the effect would be to remove all investigative provisions. The Office of the Children's Guardian already has investigative powers under schedule 2 of the Children's Guardian Act 2019. This provision extends and adopts those powers into the child-safe context. To support the amendment would be inconsistent with the report from the royal commission, from which I quote:

State and territory governments should ensure that:

- a. an independent oversight body in each state and territory is responsible for monitoring and enforcing the Child Safe Standards. Where appropriate, this should be an existing body.

The royal commission went on to note, "Child Safe Standards should be mandatory and institutions' compliance needs to be monitored and enforced. In our consultations, research, case studies and analysis of existing child-safe institution approaches, we heard a strong message that institutions should be held accountable for child safety, including through external oversight." That is from the royal commission itself and we will be implementing that in the bill.

The Hon. PENNY SHARPE (21:14): Labor opposes this amendment. It basically takes out the investigative function of the Children's Guardian and, as the Parliamentary Secretary has said, that was a key recommendation of the royal commission. The Children's Guardian already does investigations and it needs to do so with the Child Safe Standards.

Mr DAVID SHOEBRIDGE (21:15): For the reasons given by the Parliamentary Secretary and the Hon. Penny Sharpe, The Greens oppose this amendment. We also oppose it on the basis that the royal commission, in setting out the need to have powerful, independent investigative measures, recognised the historical failure of the existing child protection measures that have been in place: the police, the Department of Community Services, the Department of Communities and Justice, and Family and Community Services. The royal commission acknowledged that these departments had failed to keep children safe and hold institutions to account. That is why the royal commission insisted upon there being a designated body to undertake those kinds of investigations. The royal commission has learnt from history, unlike those moving this amendment. The other reason The Greens support division 6—and again, it is a reason that was adopted by the royal commission—is that it accords with the United Nations Convention of the Rights of the Child. Article 19 of the convention provides:

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Subclause 2 expressly provides:

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

This is not only consistent with the recommendations of the royal commission, it is also consistent with our international obligations under the United Nations Convention on the Rights of the Child and it is responding to history.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Latham has moved One Nation amendment No. 39 on sheet 52CD.2. The question is that the amendment be agreed to.

Amendment negated.

The CHAIR (The Hon. Trevor Khan): We come to the final amendment, One Nation amendment No. 41 on sheet 52CD.2.

The Hon. MARK LATHAM (21:17): I move One Nation amendment No. 41 on sheet 56CD.2:

41. Page 15, line 25, omit Subsection (ii) and insert:
 - (ii) in which adults have unsupervised contact with children who are not members of their immediate family.

The amendment goes to what appears to be an oversight—even a drafting error—in the bill at page 15, in the dictionary, where it states:

child safe organisation means 1 of the following—

...

- (b) a religious body—
 - (i) that provides services to children, or
 - (ii) in which adults have contact with children,

It is not uncommon in a religious body that the contact between adults and children is that of the parent to the child. This captures as a child safe organisation, say, a small playgroup at a church where two parents from different families are supervising their own children. I do not think we should have the guardian intervening in a family's supervision of their child. I do not think the role of the Office of the Children's Guardian is to become the guardian of children when parents themselves are on the job in those circumstances. The amendment is to replace that section which states, "in which adults have contact with children" and to insert instead, "in which adults have unsupervised contact with children who are not members of their immediate family", leaving open the possibility of a "child safe organisation" being defined as a parent looking after their own kids in a church setting.

It includes that in a religious setting, but it says there are children who are not members of their immediate family. I think that this will build up a lot of resentment if it goes through in its current form. One could be in a church setting, a playgroup, supervising one's own children and one is defined as a child safe organisation and subject to all the monitoring and assessment and investigations and supervision and requirements that are in this bill. Are we really saying that the families of New South Wales cannot be trusted to look after their own kids? If we are saying that and it applies here in religious settings, would you not be consistent and do it across the board? That is completely unworkable. We are not going to have the Office of the Children's Guardian being the guardian of parents' children. That is not the purpose of the office or this bill. I think this amendment clarifies the situation.

Freedom for Faith has suggested this as a useful amendment. That group says, "The definition that is being worked on is helpful, compared to its predecessor in the drafting, in narrowing the class of religious bodies who need to comply with this particular law. It still leaves many small churches, under the definition, in which there are no significant child protection issues. For an example, the definition would apply even in a congregation where children and adults only mingle in a combined church meeting, where the children are supervised by their own parents." I think that, if bureaucrats with clipboards march into these settings, telling parents how to do the parenting, it will backfire and cause resentment. The definition is unnecessary and perhaps, in the drafting of this 16-page bill, could have been better expressed. That is why I am recommending to the Committee this amendment, to say it would apply to religious bodies in which adults have unsupervised contact with children who are not members of their immediate families.

The Hon. TAYLOR MARTIN (21:21): The Government cannot support this amendment, because the effect of the amendment would be to narrow the definition of "child safe organisation" in respect to religious bodies. It would be completely unworkable because it would mean that the religious bodies where children are supervised by persons in their immediate families would then fall outside of the scope of the scheme. One can easily see how that is unworkable. It is unacceptable. It would create a huge blind spot for what we are trying to do here. It is completely inconsistent with the royal commission's recommendation 16.31:

All institutions that provide activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children, should implement the 10 Child Safe Standards identified by the Royal Commission.

The royal commission further noted, of religious institutions, that:

They have been among the most respected institutions in our society. The perpetrators of child sexual abuse in religious institutions were, in many cases, people that children and parents trusted the most and suspected the least.

The Government does not support the amendment.

The Hon. PENNY SHARPE (21:22): I thank the Parliamentary Secretary for that contribution. Labor again opposes this amendment. As a result of this amendment, not all religious bodies who have contact with children would be considered child safe organisations. It flies directly in the face of the recommendations and the experience of survivors of childhood sexual abuse in religious settings. It is contrary to the intent of the scheme. The New South Wales Opposition supports the definition as proposed by the Government, as the Opposition believes that it captures the organisations it is intended to and it follows the recommendations from the royal commission.

Mr DAVID SHOEBRIDGE (21:22): For the reasons outlined by the Parliamentary Secretary and the Opposition, The Greens also oppose the amendment. But there is a further reason why we oppose it, which is, on this wording, an institution may move into being a child safe organisation on one day and then move out of being a child safe organisation on another day, depending on how its people engage with children. They could continue to engage with children, day in, day out, but they would, on one day, be subject to the child-safe obligations and,

on the next day, not be. How that would assist any institution or keep children safe is a mystery to The Greens. Indeed, we think it would be destructive of the purposes of the bill.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Latham has moved One Nation amendment No. 41 on sheet 56CD.2. The question is that the amendment be agreed to.

Amendment negatived.

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

Motion agreed to.

The CHAIR (The Hon. Trevor Khan): Before I invite the Parliamentary Secretary to get to his pins to throw me out of the chair, I will say two things. Firstly, I thank all members for the way in which this debate has proceeded. It could have been a very long and very ugly debate. There has been a degree of restraint that reflects well on the Committee. I also thank the Minister for being present. I think that we all know that contentious pieces of legislation that go into lengthy Committee stages are often assisted by the Minister being in the Chamber. I am grateful for him being here to assist in the smooth passage of the bill and the resolution of some of the amendments. I also make the same observation with regards to the shadow spokesperson on the matter as well. Thank you for being here.

The Hon. TAYLOR MARTIN: I move:

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

Motion agreed to.

Adoption of Report

The Hon. TAYLOR MARTIN: On behalf of the Hon. Natalie Ward: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. TAYLOR MARTIN: On behalf of the Hon. Natalie Ward: I move:

That this bill be now read a third time.

Motion agreed to.

PAYROLL TAX AMENDMENT (PAYROLL TAX WAIVER) BILL 2021

Second Reading Speech

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (21:26): I move:

That this bill be now read a second time.

The New South Wales Government was quick to respond to the escalating spread in Sydney of the new COVID-19 strain, Delta, which started in June 2021. By 13 July the New South Wales Government had announced a comprehensive economic support package, which committed \$5.1 billion, including more than \$1 billion from the Commonwealth Government, aimed at helping businesses and employees across the State get through the lockdown. This initial package included a payroll tax waiver of 25 per cent for businesses impacted by the COVID-19 public health orders. The additional economic support package, announced on 2 September, responded to the extended lockdown by increasing the payroll tax waiver to 50 per cent for businesses that pay Australian wages of up to \$10 million and have experienced a decline in turnover of 30 per cent or more as a result of the COVID-19 public health orders.

The bill before the House today will deliver much-needed tax relief in these difficult and uncertain circumstances. The payroll tax waiver is expected to benefit around 8,000 businesses in New South Wales and save businesses about \$410 million in payroll tax in 2021-22. The average value of the payroll tax waiver is estimated to be around \$50,000 per business. The impact of the combination, along with the option provided by the Government to defer payroll tax payments until 14 January 2022, will be that businesses can start claiming the payroll tax waiver for any payments that will be due from 14 January 2022 in relation to their 2021-22 annual payroll tax liabilities. That will help businesses to manage their cash flows and increase the chances of a strong economic recovery.

I now turn to the detail of the bill. The bill makes legislative changes necessary to enact a waiver of 50 per cent of payroll tax payable in the 2021-22 financial year for eligible businesses with Australian wages of

\$10 million or less. To be eligible, businesses must also have experienced a 30 per cent or more decline in turnover due to the most recent lockdown. To demonstrate this decline in turnover, a business must either qualify for the 2021 COVID-19 JobSaver payment or the 2021 small business grant scheme, or otherwise meet the decline in turnover test that applies to those schemes. We know that not all businesses that are eligible for the payroll tax waiver will have applied for a COVID-19 grant or payment.

Revenue NSW will develop a pathway for those businesses to be able to show their turnover decline. More information about that pathway will be communicated to businesses as it becomes available. Revenue NSW will automatically apply the reduction when an eligible business lodges its 2021-22 annual reconciliation. The 50 per cent payroll tax waiver is an important part of the recently announced COVID-19 business support package, which will help ensure that New South Wales remains the best place to do business in Australia. The legislative amendments in the bill will deliver tax relief to help businesses around New South Wales through the challenges posed by the COVID-19 public health orders. I commend the bill to the House.

Second Reading Debate

The Hon. DANIEL MOOKHEY (21:30): I lead for the Opposition in debate on the Payroll Tax Amendment (Payroll Tax Waiver) Bill 2021. I state from the outset that the Opposition will not oppose the bill. Prior to the Government announcing a measure that the bill gives effect to, we had called for a program such as this. Thus, when the Government made an announcement some time ago, it had bipartisan support from the Opposition. During the Delta strain, the Opposition made clear both publicly and privately to the Government that we would facilitate any action that it considered necessary that was reasonably related to the preservation, protection and restoration of jobs in New South Wales. We are true to that commitment and to the people of New South Wales because something as important as jobs, which provide people with dignity and fill our tax coffers to allow us to provide services, is core and fundamental. Therefore, the preservation, protection and restoration of jobs remains the objective of the Opposition, as I am sure it notionally remains the object of the Government.

Businesses have endured the worst economic conditions in a century. Businesses, particularly those in western Sydney and the south-west, have put their livelihoods on the line and in many cases sacrificed their income and employment to protect public health and the community. We thank them for their sacrifices. In return we must support them through this difficult period in any way we can. The Opposition acknowledges that the jobs crisis is not over; nor is the crisis that many businesses face in recovering. After the lockdown that took place last year, it took 14 months to recover all the jobs that were lost. Last year it took Victoria nine months to recover every job that was lost after it entered its second lockdown. After the Delta strain took effect in New South Wales, we lost 260,000 jobs, which is a large amount to lose over such a small amount of time. Our aspiration is to restore those jobs at least as fast as Victoria did—within nine months. We note that when the Government announced its economic recovery strategy, of which the bill is one measure referenced, it set that target for longer—14 to 15 months.

The Government thinks it will take until the December quarter next year to bring back all the jobs lost in the past three months. Of course I understand that when it comes to things like projections of jobs, one should always be cautious. But it is fair to say that as a State we should aspire to bring those jobs back as fast as we possibly can and at least as fast as Victoria could after its second lockdown last year. After months of lockdown it is not as simple as opening the front door, turning on the lights and expecting customers to come through again. That is the experience of tens of thousands of businesses across this State. In such circumstances of precarity around business income and therefore business confidence, it is important to signal stability and predictability when it comes to something like payroll tax. That is why Labor will not be opposing the bill. The bill offers some relief to businesses that pay payroll tax and that have done it tough. It amends the Payroll Tax Act 2007 to provide for a 50 per cent payroll tax waiver for the 2021-22 financial year for an employer, if:

- (a) all Australian wages paid or payable by the employer are \$10,000,000 or less, and
- (b) the employer—
 - (i) qualified for the 2021 COVID-19 JobSaver Payment scheme or the 2021 COVID-19 Business Grant scheme administered by Service NSW, or
 - (ii) met the 30% or greater decline in turnover eligibility test for either of the schemes, whether or not the employer has applied for a payment or grant, or met other eligibility criteria for a payment or grant, under the schemes.

One of my tasks when I had the honour of being shadow Minister for Finance and Small Business was to elucidate some further information about precisely how many businesses in New South Wales pay payroll tax, and other forms of tax statistics. I acknowledge that I perhaps harassed the Minister with questions on notice about those matters, which I am sure he paid careful and diligent attention to when providing the answers. I had to elicit that information from the Minister through the questions on notice process because there is limited public information

available about who precisely pays which taxes in New South Wales. That stands in contrast to the data that is available at a Commonwealth level, where a lot of information is provided about who is paying what taxes, including both the nature and the number of taxpayers. It is often forgotten that State governments collect many taxes and that many of those are sizable in terms of the quantum of the revenue we collect and the impact on businesses.

Through the course of that due diligence process, I discovered that in New South Wales 52,000 businesses are registered to pay taxes, from which we collect anywhere between \$9 billion and \$12 billion in revenue, depending on the year. That is quite a lot. On one level there is an argument to say perhaps the rate is too high and the base too narrow, which is often made to me. I am sure it has been made to the Minister as well. On another level it is possible to say that the system is quite progressive in that it extracts the revenue that is required from a small number of businesses. It is entirely possible to spend a large part of the evening debating the merits of those particular tax measures but, needless to say, it is good that we now know. In fact, last year when the first example of a program like this went into effect we did not know precisely how many businesses would benefit. We now know a bit more information. One of the conversations I have had with the Minister for Finance and Small Business over the years has been the need for us to find a way to have tax transparency legislation of some form recognised that would allow for informed and meaningful debate about the future of the New South Wales tax system.

I accept that that is a difficult conversation, but it is one that we need to start thinking about because if we are interested in building a tax system that is responsive to economic conditions, both sides of politics and the community would benefit from more information about precisely how our tax system is working. Of course, I am sure this comes as no surprise to the Minister that when he introduces a payroll tax bill like this I will take the opportunity to again make that offer of having a good conversation about tax transparency measures in New South Wales that protect the privacy of taxpayers while allowing us to have meaningful debates and provide disclosure about it. There is a high demand for this information across all our tax bases, including payroll taxes. I again repeat that my door is open to such discussions with the Government. It is certainly a matter that needs to be examined by this Parliament some way into the future. Nevertheless, the bill provides:

- (2) An employer who is part of a group is not eligible for the reduction referred to in subsection (1) unless the employer provides the Chief Commissioner with the following information—
 - (a) information about all other employers who are part of the group,
 - (b) the amount of taxable wages and interstate wages paid or payable by each of those employers for the financial year commencing on 1 July 2021.

Afficionados of our State's payroll tax law will know that the grouping provisions are important and heavily contested and taken seriously by Revenue NSW. Again, I am always tempted to take any opportunity I have to wax lyrical about contractor grouping provisions in the Payroll Tax Act. The Government estimates that this will benefit 8,000 businesses, saving them about \$410 million in payroll tax for that period. Again, as a percentage of total revenue collected, that is meaningful. Equally as meaningful is certainty around predictions of cash flows.

Anyone who has run a business, small or large, knows that cash is king and cash flow is king. To the extent to which you are able to forward project your revenue, you are in a much better position to make employment decisions. In fact, the reason it is so important that businesses have predictability about their tax bills is, even if they like or do not like paying the tax, they at least know what it is and therefore can make decisions about how many people that their business can employ, if they should find themselves making that decision. In a circumstance where we are trying to restore 260,000 jobs, the more businesses are confident about their finances, the more likely they are to hire people back.

The Opposition, therefore, called in its budget reply for the continuation of the discounting in the payroll tax from 5.45 per cent to 4.85 per cent. At the time when the measure was floated, we supported it because it would provide a reduction and it would equally provide certainty, but we observe that this reduction in the rate is expiring at next year's budget. Whilst I am sure the budget is likely to have something to say about the future of that rate in the next budget, that will mean very little to the businesses that are making employment decisions right now. The businesses that are making employment decisions right now need to know what the impact is over the forward few years. Again, the 52,000 businesses that pay payroll tax in New South Wales are sophisticated organisations. They play on other multi-year cycles. That is one of the reasons why rate stability and rate predictability is so important—in fact, it is often more important than the actual rate, as some businesses have said to me.

The Leader of the Opposition in the other place said that if the Government was to continue the rate cut for an additional 12 months, it would have the support of the Opposition. Sadly, from 1 July 2022 the rate is set to revert back to 5.45 per cent. It seems like it is too much, too soon. I again use this opportunity to say to the

Government that should it decide to extend the reduction for a further 12 months to help with recovery, support and business growth, it will not meet any opposition from us. Right now businesses are making hiring decisions for the next year. They need to know that this payroll tax reduction will not disappear in eight months' time. The people they will need to hire need to know that these opportunities will still exist.

This would be a \$1 billion boost to businesses at a time when they really need it and a time when we are trying to bring the jobs back as fast as we possibly can. I again urge the Government to consider this measure. The Opposition understood at the time that this was announced that there may have been a need for retrospective validity of the decision. This legislation achieves that effect. We are not interested in trifling around with people's jobs. At the time we said it was a welcome measure. At the time we extended bipartisanship. Tonight we extend bipartisanship again, as we do not oppose the bill.

The Hon. SCOTT FARLOW (21:42): In July 2021 the New South Wales Government responded to the spread of COVID-19 in Sydney with a comprehensive economic support package worth \$5.1 billion, including more than \$1 billion from the Commonwealth Government, to help businesses and employees get through the lockdown. The package included a payroll tax waiver of 25 per cent for impacted businesses. In September 2021, as the extent of the lockdown was becoming clearer, the Government increased the payroll tax waiver to 50 per cent of 2021-22 payroll tax liabilities as part of its \$3.9 billion package to provide ongoing support for businesses and the economy. The 50 per cent payroll tax waiver will be available for businesses with Australian wages of up to \$10 million that have experienced a 30 per cent or more decline in turnover as a result of the COVID-19 public health orders. The necessity of the public health orders has had an immense impact on businesses right across New South Wales, in the cities and the regions, and especially on smaller businesses and those in the hardest hit industries like hospitality and tourism, which are still getting to their feet.

The COVID-19 business grants, JobSaver payments and, of course, the micro-business grants, which the Minister discussed today, have provided certainty to businesses that they can access the financial help needed to get them through lockdown. As these grants are phased out, businesses will also benefit from support measures such as expanded services from Business Connect, a summer holiday stock guarantee, and an extended Dine & Discover voucher scheme. These and other supports provided by the Government continue to provide businesses support during this transitional period. Alongside these measures, this payroll tax waiver will provide increased support for those managing their cash flow and assist them to contribute to the State's economic recovery. It will reduce payroll tax payments from businesses by around \$410 million in 2021-22. Around 8,000 businesses in New South Wales are expected to benefit, on average, by around \$50,000 per business in reduced payroll tax.

In addition, in a measure already implemented by the Government, businesses also have the option of deferring their monthly payroll tax payments from July to December 2021 until 14 January 2022. Businesses can start claiming the 50 per cent payroll tax waiver for monthly payments due from 14 January 2022. These payroll tax waivers and payment deferrals will provide businesses with ongoing support to help them bounce back now that restrictions have eased. The bill makes legislative changes necessary to enact a waiver of 50 per cent of payroll tax payable in the 2021-22 financial year for eligible businesses with Australian wages of \$10 million or less. To be eligible, businesses must also have experienced a 30 per cent or more decline in turnover due to the New South Wales public health orders. To demonstrate this decline in turnover, a business must either have qualified for the 2021 COVID-19 JobSaver payment or the 2021 COVID-19 business grant, or otherwise have met the decline in turnover test that applies to those schemes.

For those businesses that have already successfully applied for the 2021 COVID-19 JobSaver payment or the 2021 COVID-19 business grant, the process is simple. There is no need to reapply. Revenue NSW is already aware of business' eligibility. However, we know that not all businesses that are eligible for the payroll tax waiver will have applied for a COVID-19 grant or payment. Revenue NSW will develop a pathway for those businesses to be able to show their turnover decline. More information about that pathway will be communicated to businesses as it becomes available. Once a business is eligible, the process is also straightforward. Revenue NSW will automatically apply the reduction when an eligible business lodges its 2021-22 annual reconciliation.

I note the comments from the Hon. Daniel Mookhey about Labor's new-found love of payroll tax relief in New South Wales. We thank Labor members for their support. We always appreciate the support of the Opposition at this time, and I will note its support when it comes to the COVID packages and the Government's management of the pandemic. But we have long memories on this side of the Chamber. The Hon. Daniel Mookhey wants to needle us, so I think it is only fair that we remember that the policy the Opposition took to the last election was to not increase the payroll tax threshold but to keep it at \$850,000. Think of the amount that businesses would have had to pay if it had been kept at that rate. Think of the amount that the Opposition, if it was in government, would have cost the people of New South Wales. Of course, in our time we have increased the threshold to \$1.2 million, giving more relief to businesses across New South Wales. In conclusion, the reduction in 2021-22 payroll tax

liabilities for businesses affected by the most recent lockdown is part of the Government's commitment to help businesses to emerge from lockdown and head towards a strong recovery.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (21:47): In reply: I thank the Hon. Daniel Mookhey and the Hon. Scott Farlow for their contributions. One observation made by the shadow Treasurer was in relation to transparency in tax collection. There is a bill before the House that we would be happy to make sure is expedited through with the cooperation of those opposite to make sure that it is in a form that is acceptable to everyone, but it does contain a lot of the transparency which I have been seeking. The extent to which we can get support for that remains to be seen.

The important point that all parties are consistent on is that this is been a very tough time for businesses. Those businesses that pay payroll tax make a significant contribution to the economy of this State. There are times when the greatest contributor to revenue in New South Wales is payroll tax, so it is not an insignificant contribution that those taxpayers make. This measure, which is designed to assist businesses as they recover from the pandemic, will clearly be a welcome incentive for businesses in the circumstances. I commend the bill to the House.

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

Motion agreed to.

Third Reading

The Hon. DAMIEN TUDEHOPE: I move:

That this bill be now read a third time.

Motion agreed to.

PLASTIC REDUCTION AND CIRCULAR ECONOMY BILL 2021

Second Reading Speech

The Hon. BEN FRANKLIN (21:51): On behalf of the Hon. Don Harwin: I move:

That this bill be now read a second time.

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

Leave granted.

Plastic Reduction and Circular Economy Bill 2021

The *Plastic Reduction and Circular Economy 2021* forms an important part of the New South Wales Government's commitment to reduce plastic waste and to protect the New South Wales environment.

It will give effect to key reforms outlined in the *NSW Waste and Sustainable Materials Strategy 2041* and the *NSW Plastics Action Plan*.

This bill will support a paradigm shift in the way products are made, used, and disposed. It will help transition New South Wales towards a circular economy where materials and resources are valued and kept in the productive economy while creating jobs and protecting the environment and the community.

It will give effect to the New South Wales Government's commitment to prohibit problematic or unnecessary plastic items, set design standards for items for environmental, human health or economic purposes and establish mandatory product stewardship requirements for brand owners of regulated products.

Plastic is an incredibly useful material and is an integral part of modern technology, transport, and healthcare. However, its versatility and widespread use has also led to a range of environmental, economic and health issues.

Plastic waste is an inter-generational problem. We often use a piece of plastic for mere minutes, but it can remain in our environment for hundreds or even thousands of years.

It is estimated that eight million tonnes of plastic leak into the world's oceans every year- equal to a dump truck a minute.

While this is a global issue, these problems are occurring in our own backyard.

Plastic packaging and single-use plastic items make up 60 per cent of all litter in New South Wales.

Single-use plastic items are designed or intended to be, or ordinarily, used once and then often thrown away. They are cheap and convenient, but they are also posing an enormous threat to the environment.

Around 575 million plastic items were littered in New South Wales in 2019. Much of this was single-use items, such as plastic bags, straws and cutlery.

These items break into smaller pieces of plastic over time. They can be ingested by wildlife, killing or injuring them, and can even enter our own food chain.

Plastic kills or injures thousands of animals every year. Research suggests that turtles have a 22 per cent chance of dying if they ingest just one piece of plastic.

There are also significant economic costs to manage plastic litter and it usually falls on the taxpayer to pick up the cost.

A 2016 survey of New South Wales local councils, public and private land managers and community groups found that more than \$180 million is spent each year on managing litter.

Even when plastics aren't littered, they pose significant environmental and economic challenges.

Currently only around 10 per cent of plastics in New South Wales are recycled. This means most plastic waste ends up in landfills, which prevents valuable resources from recirculating in the economy. We can and must do better if we want to achieve our goal to encourage the development of a circular economy.

We also need to do more to address the design and manufacture of products at source. Many products are made from harmful materials or are not designed to be easily re-used or recycled.

Producers are not required to consider the end-of-life impacts of their products. This means many products can be problematic when disposed and the costs of managing them often falls to the community and ultimately impact on the environment.

To address these issues, in March 2020 the New South Wales Government released a discussion paper, *Cleaning Up Our Act: Redirecting the Future of Plastics in NSW*.

More than 16,000 submissions were received in response to the paper from the community and key stakeholders including retailers, peak bodies, local councils and community groups.

Those submissions showed overwhelming support for action on plastics, including more than 98 per cent support for phasing out single-use plastics.

Submissions also revealed strong support for product stewardship schemes, with 93 per cent of community respondents agreeing that companies should be held more accountable for their plastic packaging.

Environmental groups, local councils, and waste and recycling groups shared that sentiment.

Many businesses requested the government take action, such as those that identified the wider costs of inaction to our environment and economy.

Businesses noted the importance of harmonising plastics rules with other Australian jurisdictions to minimise the regulatory burden for companies that operate Australia-wide.

The Government also commissioned research on a representative sample of the New South Wales population to better understand community views during the height of the COVID-19 pandemic in 2020.

The research found that despite concerns around COVID-19, the community still strongly supported prohibiting single-use plastics items.

The Government incorporated this feedback into the *NSW Plastics Action Plan*, which was released in June 2021.

The plan sets out clear actions that not only deal with downstream activities like recycling and litter prevention, but also focus attention on design and production, stopping plastic waste before it becomes a problem.

This plan is just one part of our approach to transitioning to a circular economy.

A circular economy involves a shift to where materials are used more efficiently, waste is designed out or avoided, materials are recirculated for as long as possible, and there is ecologically sustainable management of resources.

To help the transition to a circular economy, the New South Wales Government also released the *NSW Waste and Sustainable Materials Strategy 2041*, alongside the *NSW Plastics Action Plan*.

The strategy outlines the actions the New South Wales Government will take over the next six years, the first phase of the strategy, to deliver on our long-term objectives.

These actions are backed by \$356 million in funding over five years to help deliver the strategies' priority programs and policy reforms.

The strategy includes targets that this bill will help to achieve, including to phase out problematic and unnecessary plastics by 2025, reduce plastic litter items by thirty per cent by 2025 and to triple the plastics recycling rate by 2030.

To make this transition, the responsibility must be shared between governments, industry, and the community.

This will not only lead to reduced waste and litter but will drive job creation and innovation in many sectors across the State.

I turn now to the provisions of the bill.

In a first for New South Wales, circular economy principles will be enshrined in the objects of the legislation.

This signals the Government's commitment to transition to a circular economy by valuing resources, maximising material reuse while conserving our environment.

It also underpins our sustainable approach to resource and waste management into the future.

To support these principles, the bill establishes a framework to prohibit the supply of plastic items that are unnecessary, or are problematic for environmental, human health or economic reasons.

The framework recognises the complexities that sometimes arise in establishing conclusively that plastic items are unnecessary or problematic. This issue is dealt with by providing the Minister with the power to deem that a plastic item is unnecessary or problematic.

This bill will deliver on the Government's commitment to phase out the supply of lightweight plastic bags, single-use plastic straws, single-use plastic stirrers, single-use plastic cutlery, single-use plastic cotton buds and expanded polystyrene food service items.

Lightweight plastic bags will be phased out a minimum of six months after assent to the bill, with the other listed items to be phased out from 1 November 2022.

The focus of the bill is on single-use plastic items, which are generally designed or intended to be, or ordinarily, used only once.

These items were identified for phase out due to their impacts on the environment and the availability of sustainable alternatives.

All Australian States and Territories, including New South Wales, have agreed to phase out some single-use plastic items by 2025 as part of the National Waste Policy Action Plan.

The prohibited items in this bill are consistent with a list agreed to by the Commonwealth and State and Territory ministers in April 2021.

By phasing out these targeted items, we will stop almost 2.7 billion pieces of plastic from being littered in New South Wales over the next 20 years.

Compostable plastic alternatives to these items can pose similar risks to the environment as traditional plastics.

Given these items are highly littered and are unlikely to be disposed of at appropriate composting facilities, compostable plastic alternatives will also be phased out.

I acknowledge the efforts of many businesses and consumers in helping to drive a change in behaviour that has already resulted in a shift away from problematic plastics in many parts of the economy.

We will be paying close attention to ensure suppliers comply with the intent of the phase outs. The Government acknowledges stakeholder concerns regarding the risk of "greenwashing" of products through inaccurate or misleading relabelling and will work closely with industry and other jurisdictions to address this issue where it arises.

The Government also remains committed to helping businesses recover from the ongoing impacts of the COVID-19 pandemic.

To support businesses to understand how to comply with the new laws, and transition to sustainable alternatives, we will implement a comprehensive education and engagement program.

The program will focus on retailers, hospitality venues, suppliers and community organisations that will be impacted by the phase outs.

It will provide practical guidance, simple fact sheets and ongoing support to assist businesses to understand their new obligations.

It will have a strong focus on small businesses, including those owned and run by culturally and linguistically diverse members of the community.

The Government recognises that some people or businesses will still need access to certain items.

To ensure that reasonable access is available, the bill includes a broad exemption framework which will be tailored to the specific needs of the community.

An important exemption provision directly referenced in the bill is the supply of single-use plastic drinking straws for people with a disability or other medical requirement.

During stakeholder consultation we heard how important these items are for many people to safely consume food and beverages.

Stakeholders noted there are no current alternatives that are fit-for-purpose and meet the needs of people who rely on single-use plastic straws.

To maintain reasonable access, the Government will continue to work with key stakeholders on an exemption framework that will exempt supply at certain businesses, such as pharmacies, and in other situations.

It will allow people who rely on straws to continue to buy them online, so that a broad selection of competitively priced straws remains available to those that need them.

It will also allow hospitality venues such as cafes and pubs to provide, on request, a single straw from behind the counter to those who rely on them.

This framework will balance the needs of people who require straws with efforts to address harmful environmental impacts.

Before straws are phased out, the exemptions will be published, and a comprehensive business education and engagement campaign will be implemented.

The campaign will make it clear that it is not an offence under the legislation to provide single-use plastic drinking straws under these circumstances.

The New South Wales framework will closely align with the exemption provisions implemented in South Australia.

The bill includes a pathway for additional items to be prohibited in the future.

The Government has identified additional plastics for review in three years under the Plastics Action Plan.

These include plastic bowls and plates, plastic cups, oxo-degradable plastics, non-compostable fruit stickers and heavyweight plastic shopping bags.

The bill will enable the regulations to prescribe other items where the item is unnecessary, or is problematic for environmental, human health or economic reasons.

The Minister may take into account several factors if considering an item for phase out, including whether it contributes significantly to litter, is difficult to recycle, can be replaced by a non-plastic item or is made from a material that may cause harm to human health.

We acknowledge that extensive consultation with the community, businesses and other stakeholders will be critical when making these decisions.

To reflect this, the bill legislates a minimum eight-week consultation period for any new plastic item proposed for phase out, except in limited circumstances. We will seek and consider public submissions during this period.

This will ensure a broad range of views can be heard on the potential impacts before any decision is made.

We will also assess the environmental, economic and social impacts of new proposals, including items for phase out.

In addition, the Minister must publish notice of an opinion in the New South Wales *Government Gazette* as soon as possible after forming that opinion.

New South Wales is committed to striking the right balance between making sure we protect our environment and giving business and consumers access to viable alternatives.

The Government will, where appropriate, consider the availability of practical and sustainable alternatives when assessing an item for phase out.

Any regulations prescribing new items will need to consider the impacts of the proposal in accordance with current legislative requirements, including any requirements in the Subordinate Legislation Act 1989 to prepare a regulatory impact statement or comply with the guidelines in Schedule 1 to that Act. We will also work closely with retailers and the community to help them make the transition.

We recognise that businesses and others in the community will need sufficient time to transition from prohibited items to alternatives.

The bill provides a minimum six-month transition period from the time the regulation commences until the phase outs take effect.

This is the minimum timeframe required and additional time may be warranted in certain circumstances.

This bill will also lead the nation in introducing a new legislative power to set design standards that can tackle problematic products and materials.

A design standard may be set by regulations for environmental, human health or economic reasons, as outlined in clause 8.

This will allow the New South Wales Government to ensure, where appropriate, that products are placed on the market that contribute to improved environmental and economic outcomes or reduce risks to consumers.

For example, a design standard may require that products are made with a minimum amount of recycled content, can be easily recycled or designed to encourage appropriate disposal.

This will help to reduce the use of virgin materials and the generation of waste. It will also support reuse and recycling in a circular economy.

The first design standard will prevent microbeads in certain personal care items. Microbeads are small particles of plastic that can be used in rinse-off soaps and exfoliants.

When rinsed-off, microbeads enter our waterways through our drains, causing harm to wildlife and the environment.

While industry has progressively phased out microbeads from their products under a voluntary agreement, New South Wales will use these new design standard powers to complete the removal of these items.

Similar to the phase outs, the bill legislates a minimum eight-week consultation period and 6 month transition period for any new design standard set to be introduced, except in limited circumstances.

Any new design standard proposals will also need to comply with any requirements in the Subordinate Legislation Act 1989 to prepare a regulatory impact statement or comply with the guidelines in Schedule 1 to that Act.

The bill allows for product stewardship requirements to be established for brand owners of certain products.

The Government intends to use this power to strengthen product stewardship for packaging brand owners to align with the 2025 National Packaging Targets.

Currently, the National Environment Protection (Used Packaging Materials) Measure, or NEPM, establishes a co-regulatory arrangement for brand owners who use packaging materials to package their products.

This includes packaging for consumer goods such as clothing electronics, food and beverages, as well as business to business packaging such as packaging used to transport products from manufacturers or distributors to a retailer.

Plastic packaging makes up nearly 30 per cent of all plastic used in New South Wales every year, with the most recent report from the Australian Packaging Covenant Organisation, or APCO, finding only 16 per cent of this was recycled.

The NEPM applies to brand owners who use packaging for their products and have an annual turnover of \$5 million.

Brand owners who have an annual turnover of less than \$5 million do not contribute significantly to the packaging problem and are exempt from the NEPM.

Under this arrangement, eligible brand owners of packaging can choose to become a member of the Australian Packaging Covenant Organisation [APCO] or to be regulated under State law.

Presently, those brand owners who choose to be regulated under State law are regulated under Part 8 of the Protection of the Environment Operations (Waste) Regulation 2014.

However, the regulation does not have the power to set upstream targets for packaging, such as recyclability or recycled content and is out of step with the agreed voluntary 2025 National Packaging Targets, which include recyclability and recycled content targets.

As a result, the mandatory State based requirements are currently less onerous and are out of step with the agreed voluntary 2025 National Packaging Targets.

This acts as a disincentive for packaging brand owners to become a member of APCO, with 91 businesses opting out of APCO and choosing to be regulated under State law since 2017.

This puts businesses who are doing the right thing at a competitive disadvantage by wearing the cost of action for the entire industry.

During consultation on the discussion paper, businesses raised concerns that free riders, or businesses who were not taking action to meet the packaging target, are undermining the success of the Covenant.

Business has clearly requested that Government level the playing field to ensure that all businesses that contribute to the packaging problem are required to be part of the solution.

This is why the NSW Plastics Action Plan commits to strengthening product stewardship for packaging brand owners who are not compliant signatories to the Australian Packaging Covenant.

The bill will provide the necessary powers to do this by establishing a product stewardship framework. This framework can be used to address the packaging problem as well as product stewardship of other products.

Brand owners of products that are prescribed by regulations to be "regulated products" will be required to meet mandatory product stewardship targets or requirements as outlined in clause 13. This may include targets such as recycled content or recovery of products at the end of their productive life.

This will help to shift the responsibility for products back onto the businesses who profit from their sale and drive the transition to a more circular economy.

By making brand owners responsible for managing the whole lifecycle of their products, we will ensure they improve the environmental and economic outcomes of their products while supporting innovation.

This will ensure brand owners assess the impacts of their products and consider how their products are made, disposed, and the impact on the environment.

The bill also includes the power to prescribe record keeping and reporting obligations in regulations. Brand owners may also be required to hold an approved Action Plan before a regulated product is supplied in or into New South Wales.

The Action Plan will outline how the brand owner plans to meet the product stewardship targets. This holds brand owners to account, while providing the flexibility to meet the targets in the manner that best suits their business model.

At this time, the bill does not set any product stewardship requirements.

However, as well as using this power to strengthen product stewardship for packaging brand owners, we will also investigate product stewardship for brand owners of tobacco products to help manage the scourge of cigarette litter.

The New South Wales Government has a strong track record with successful product stewardship schemes through the NSW Container Deposit Scheme, Return and Earn.

We will conduct extensive consultation with key stakeholders when considering new product stewardship responsibilities.

This will help us develop fit-for-purpose regulations that work for businesses and the environment

When product stewardship requirements are set for new products, the bill generally provides for eight weeks public consultation and 12-month transition period when product stewardship requirements are established.

This ensures all impacted stakeholders have the opportunity to provide feedback. It also provides time for businesses to ensure they have the systems and processes in place to meet the requirements.

It is important to note that this transition period is the minimum time provided and may be extended depending on the specific needs of the industry.

Any new proposals prescribe a product as a regulated product will also need to comply with any requirements in the Subordinate Legislation Act 1989 to prepare a regulatory impact statement or comply with the guidelines in Schedule 1 to that Act.

The bill allows the EPA to impose financial assurance conditions on approved Action Plans.

This acts to ensure a brand owner has the money to meet their obligations.

For example, this condition may be imposed for products that have particularly long product lifecycles, where the product is not disposed of for many years after the initial sale.

It means if the company no longer has the money to pay for agreed actions, such as recycling their own products, the EPA can use the financial assurance to pay for what needs to be done.

It will also limit the impact of businesses going into liquidation, not taking care of their responsibilities, and starting up again under a different name.

Brand owners will be able to seek merits review, in the Land and Environment Court, of any decision to impose a financial assurance condition.

Financial assurances are a common tool in environment legislation. For example, similar provisions are contained in the Protection of the Environment Operations Act 1997, Contaminated Land Management Act 1997 and the Environmental Planning and Assessment Act 1979.

Financial assurances are an important tool in the regulatory tool kit to ensure that New South Wales taxpayers are not left to pay for large clean-up bills.

For regulation to be effective it needs to be enforceable. This bill provides the right balance between hard and soft compliance measures.

There will be a strong focus on education and engagement to ensure impacted suppliers have every opportunity to understand their obligations.

The bill includes a broad range of enforcement tools to enable the EPA to take regulatory action where appropriate.

For example, the bill enables the EPA to issue compliance notices to suppliers or occupiers if it reasonably suspects that a person is supplying a prohibited plastic item or an item that doesn't comply with a design standard.

The notice may require a range of actions, including stopping or suspending the supply of item, requiring an item to be independently tested or stopping a person from supplying false or misleading information about an item.

The bill also draws on the investigation and court-related provisions within the Protection of the Environment Operations Act 1997, equipping the EPA with the necessary tools to regulate the frameworks.

The bill includes an offence for supplying a prohibited plastic item, or an item that fails to comply with a design standard, while carrying on a business.

The bill also imposes a tiered penalty structure for these offences. This tiered penalty structure places higher penalties on manufacturers, producers and distributors of prohibited items. This reflects their important role in the supply chain and the potential impacts when supplying prohibited items at scale.

Penalties for brand owners who do not comply with product stewardship requirements are in line with penalties for similar offences under the NSW Container Deposit Scheme.

The people and businesses of New South Wales want to do the right thing for the environment, but greenwashing can make it hard for consumers to understand what options are the most sustainable.

The bill seeks to address this through comprehensive false or misleading information provisions as outlined in clause 51.

Importantly, it will be an offence to provide false and misleading information in connection with the supply of a prohibited item or in relation to product stewardship requirements.

This will give consumers the confidence to trust the information they receive.

This bill will level the playing field and empower the people of New South Wales to help drive a more sustainable future.

I would like to acknowledge the assistance and advice of the many people who have provided input into this bill.

In particular, I thank the members of the expert reference group, which included representatives from industry, environmental and disability advocacy groups. These experts devoted a significant amount of time to considering all the issues involved and ensuring the bill was fit-for-purpose. I also thank the officials in the Department of Planning, Industry and Environment who have coordinated the work and engagement on the bill.

The Government has listened to stakeholder feedback and incorporated much of it in the design of the bill.

The Government has also consulted with other jurisdictions to maximise opportunities for harmonisation in policy and legislation.

This bill makes significant progress in how we address the harmful impacts of plastics and use of resources in our economy.

It allows us to maximise opportunities for businesses and the community as we transition towards a more circular economy.

And most importantly, it will help to protect our unique environment for generations to come.

I commend the bill to the House.

Second Reading Debate

The Hon. PENNY SHARPE (21:51): I speak on behalf of the Labor Opposition in debate on the Plastic Reduction and Circular Economy Bill 2021. New South Wales used to be an Australian environmental leader but for the last 10 years we have progressively fallen well behind in our environmental protections. The management of single-use plastics is a key example of this. Under the bill, New South Wales will be the final State or Territory to ban single-use plastic bags as we have dragged behind the rest of Australia. It is unfortunate that we could have been here so many years before. On two occasions the Government voted against Labor Party bills that at least started the process to ban single-use plastic bags. In fact, at one point in 2019 a bill actually passed through the upper House in a surprise to everyone. It was also defeated in 2017. Over 750 days ago, when rejecting Labor's bill on 17 October 2019, environment Minister Matt Kean—who likes to talk a big game—said:

If the Liberal-Nationals Government is being honest with itself, it is incumbent on it to protect its natural environment and to reduce the impact of plastic. This is exactly what I intend to do as environment Minister. That is what I will take to Cabinet, that is what I will take to the party room and that is what I intend to deliver.

That was 750 days ago. I am glad that the Minister has been able to get us to this point, but the banning of single-use plastic bags is not a controversial idea. So many other States have moved so far ahead in relation to dealing with this matter. In New South Wales, over one million lightweight plastic bags are used every day. Only 3 per cent are recycled. The environment Minister's decision to oppose Labor's bill in 2019 has sent nearly one billion plastic bags to landfill that did not need to be there, all because he could not bring himself to support a Labor Party bill.

Luckily for us, Labor is not going to be so narrow in relation to this. We will be supporting the bill tonight. The one billion bags that have gone to landfill could take up to 1,000 years to fully degrade, but in the next 10 to 20 years they will photodegrade into microplastics that will enter our ecosystems. The National Waste Policy Action Plan was released in 2019, which is what the bill is based on. Again, through the glacial pace of Federal reform, we have finally agreed to a plan. We will phase out problematic and unnecessary plastics by 2025. That includes non-certified "compostable" packaging, expanded polystyrene and PVC packaging labels.

We need to understand the impact of plastics. Plastics are actually an incredibly convenient set of items that have become fundamental to all of our food chains. We use so many items in our day-to-day lives. But the problem, of course, is that they create enormous problems for our natural environment, especially for our marine life. On average, Australians use 130 kilos of plastic per person per year and less than 12 per cent of it is recycled. Plastic is strong and durable, meaning that it has the convenience of single use, but it will not degrade for between 20 and 500 years, depending on the material. When plastics and many oxo-degradable plastics do degrade, they break into tiny particles, which spread throughout our natural environment. This includes our waterways and our food and supply chains. On average, it is estimated we ingest five grams or a credit card's worth of plastic every single week.

Plastic waste litters our oceans and threatens the lives of our marine life, especially sea birds, turtles, whales, dolphins, seals and fish. It is estimated that 56 per cent of the global whale, dolphin and porpoise species have ingested plastic. Nearly all sea turtle species are endangered and face a 22 per cent chance of dying from ingesting just one piece of plastic, yet 52 per cent of all sea turtles have eaten plastic particles. Plastic ingested by marine life can cause serious injury, illness or death. I give a shout-out to the wildlife carers who look after our marine animals. They have been one of the leaders in trying to get action in relation to this. I have been with wildlife carers as they have removed plastic from the insides of turtles. I have seen very sick turtles and extremely sick pelicans, and a range of different animals that we love to have by our coast side but which we are killing through the wanton littering of plastic and allowing plastic into our environment.

We also need to realise that the Australian Microplastic Assessment Project has found that Sydney beaches have levels as high as 1,000 microplastics per square metre. We do not often see it because it breaks down but we are slowly but surely polluting our natural environment if we do not take action to address this. The drive and need for the bill in some ways has also not been because we have wanted to save sea turtles and birds, although some people have. It is also because the rest of the world has stopped taking our plastic and we need to find a way to reduce it ourselves rather than shipping it thousands of kilometres to other countries and making it their problem. We now have to deal with it here ourselves. That is the other part that is driving this.

The bill has four objectives. One is to prohibit the supply into and within the State of certain plastic items. Schedule 1 to the bill defines a number of problematic and unnecessary plastic items that will be prohibited in a two-stage process. In six months we will finally be rid of single-use plastic bags. From November next year plastic straws, plastic stirrers, plastic cutlery, expanded polystyrene food items, cotton buds with plastic sticks, and microbeads in rinse-off personal care and cosmetic products will also be banned. We will move amendments through the Committee stage in relation to the need to look at other items that are not currently included within the bill.

I think the important thing about the bill—and I signal Labor's approach to amending it—is that we actually think the Government has designed a framework that allows us to deal with the other problematic single-use plastics over time. Nothing within the framework stops us dealing with those within the one-year time frame. It sets up a proper industry, community and business consultation process if we are to add extra things to that list. Labor believes that the Government is putting forward a very good framework and we endorse it.

The bill gives the Minister the power to deem a plastic item as unnecessary or problematic and to facilitate the addition of future items. The list does not include plastic items that are integrated into the packaging of products such as frozen meals, plastic cutlery in yoghurt containers et cetera. The bill also specifies design standards for certain items. It gives us a regulation-making power to set design standards generally with minimum eight-week consultation and six-month phase-in periods. The first design standard will prohibit microbeads—small plastic fragments—in personal care items.

The bill also establishes a product stewardship framework for brand owners of certain products and a regulation-making power to set frameworks that impose stewardship requirements and/or targets on brand owners for the life cycle of a regulated product. The bill also creates various offences relating to the above matters, with the Environment Protection Authority being the regulator of the scheme. The offences include supplying prohibited items, failing to comply with product stewardship frameworks and failing to comply with enforcement notices.

The list of items to be prohibited under the New South Wales scheme is slightly out of step with the Queensland and Victorian schemes in that we will not prohibit plastic plates, which are banned in Queensland and Victoria, or plastic bowls, which are banned in Queensland. This inconsistency could cause confusion and a lack of business confidence for large corporations operating across the east coast. I indicate that Labor will move an amendment to deal with plastic plates and bowls that will bring us into line with Queensland.

This is a really important issue. One of the biggest issues for industry in relation to this type of legislation is that they have to deal with eight sets of rules in our States and Territories, which is very problematic. Container deposit schemes are different in every State and Territory. There is an opportunity under the national framework to try to align those as much as possible. While the bill still does not do all of the alignment and Labor has not sought to do that—it is impossible because the States all have their own schemes—Labor members think there is some value in the Government supporting at least an east coast consistency in relation to those matters.

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

The House continued to sit.

The Hon. PENNY SHARPE: The key here is that Labor can support this framework. Labor members would like to see more items added to the list, but we believe that the list is essentially consistent with most of the east coast States and we think that it is moving in the right direction. We would like to see some minor adjustments through the amendments, and we want to see greater ambition. We wish that the Government had not taken so long to get here, but here we are.

Finally, I acknowledge the work that has been done by community organisations all over the State and campaigns by groups like Boomerang Alliance, Take 3 For The Sea and all of the plastic-free movements across the State. They have done incredible work in their communities. Many communities have not waited for government to legislate; they have done the work themselves. They have set up their own plastic-free groups in Kiama and Kangaroo Valley. Up and down the coast and across the State, businesses and communities have said, "We want to be plastic free. We want to take action ourselves. We want to work in relation to issues like straws. We want to make our community more sustainable." Their sustained pressure has also led governments to finally act.

I make one point in relation to plastic straws. We have to understand that the banning of plastic straws is not without consequence for people with disability. It is an extremely difficult issue to manage. The reality for most people with disability—and the disability organisations have raised this with us very strongly—is that straws are an easily accessible way for people with disability to participate in the community without a barrier. By removing plastic straws, we are creating a barrier to access for people with disability. I am very pleased that the Government has taken that seriously and has worked very closely with disability organisations, which did not happen in other States. In New South Wales it has actually happened.

Disability organisations are comfortable with the exemptions in the bill and the way they will be set up. None of us should underestimate that basic issues of access and inclusion can come right down to the humble plastic straw. This change, while welcome in terms of getting rid of the plastic, makes sure that people with disability will not lose as a result. Labor also endorses that. The birds, turtles and sea animals will be happier, our food chain will be safer and our beaches will be cleaner as we work through this issue and change the way we look to live and consume—to become more sustainable and not harm the things that we love so much, such as our beautiful beaches, oceans and waterways. Labor is pleased to support the bill.

Ms CATE FAEHRMANN (22:04): I am pleased, at long last, to speak on behalf of The Greens in support of a Government bill to phase out single-use plastics and to go some way towards establishing a circular economy. While the bill could be much more ambitious, it represents a seismic shift in the way that the State deals with waste. The bill hopefully represents the start of us moving away from the linear take-make-waste economy, where a product is used once before becoming waste. Instead, we will begin the important and necessary transition towards a society that designs and creates products that can be reused and recycled as much as is technologically possible. The importance of this transition cannot be overstated. The levels of waste that we produce are simply not compatible with the long-term health of humanity or the planet.

Since the mass production of plastics began in the 1950s, over 8 billion tonnes of plastic waste have been produced, yet only 9 per cent has been recycled. The other 91 per cent is sitting in landfill, is contaminating our oceans or has been incinerated. Single-use plastics pervade our society. We have become incredibly used to the convenience of using an object once and then disposing of it. The cost of those mere moments of convenience is immense. The object you have just disposed of—the cutlery, cup or plate—will persist, as we have heard time and again, for thousands of years.

Of the nearly 3 million tonnes of plastic that Australia produces each year, 95 per cent is used just once. Research from the World Wide Fund for Nature [WWF] has found that of the 3.4 million tonnes of plastics used across Australia annually, around 130,000 tonnes leaks into the environment. Once in the environment it breaks down into microplastics or nanoplastics, which contaminate ecosystems and food chains both on land and at sea. Once in the soil, microplastics are impossible to remove. They block soil pores and limit plant growth. Plastic debris also causes injury, illness and death for marine animals and turns our oceans into a toxic environment for living organisms.

Research by the CSIRO suggests that millions of seabirds and over 100,000 marine animals die from ingesting plastic each year. Marine animals such as turtles ingest plastic, which they cannot digest, and many die as a result. All members would have seen really disturbing images of seabirds and turtles dying from plastic. The long-term health implications of plastics for humans, however, remain unknown—which is terrifying because we are all unwittingly consuming microplastics on a daily basis in the food we eat, the water we drink and the air we breathe. Those microplastics contain trace metals and potentially harmful organic chemicals, which can have toxic effects. Microplastics can have carcinogenic properties and can damage DNA.

Plastics are also fuelling the climate crisis. A report by the Bennington College and Beyond Plastics projected that the carbon-intensive production of plastics throughout their life cycle, from drilling for oil and gas to fuel the facilities to the incineration of plastic waste, is on pace to emit more greenhouse gases than coal-fired power plants in the United States by 2030. That is quite a stark bit of information in terms of the carbon-intensive impact of plastics, which is way beyond the waste we are seeing in our oceans.

The bill is long overdue. It will finally legislate prohibitions on forms of single-use plastic that have long been prohibited in other jurisdictions like South Australia, Queensland and the Australian Capital Territory. In March this year I introduced the Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill 2021, which set far more ambitious targets for many of the plastics that are in this bill as well as other plastics. Some of the differences between The Greens bill and the one before us are that The Greens bill established a time line for the phase-out of many different plastics and listed many more products for elimination. Importantly, it would also have established a plastics reduction commission that would have developed a plan for the elimination of plastic pollution. Each year that New South Wales has failed to address single-use plastics has seen millions of pieces of plastic make their way into the environment.

As the inquiry into The Greens bill took place, the New South Wales Government released its long-awaited longer term waste strategy, the NSW Waste and Sustainable Materials Strategy, as well as the NSW Plastics Action Plan. The plastics action plan flagged the Government's intention to introduce its own legislation to phase out certain single-use plastics, and it was the recommendation of the inquiry into The Greens' Waste Avoidance and Resource Recovery Amendment (Plastics Reduction) Bill that the report and everything contained in it inform the drafting of the Government's foreshadowed legislation. I certainly hope that was the case. Looking at what we have before us, I believe the Government took the submissions of the communities that presented at that inquiry, the expert evidence and that report into consideration.

The bill creates the Plastic Reduction and Circular Economy Act 2021, which will give the Minister the power to classify particular forms of single-use plastic as a prohibited item, as well as set design standards to reduce waste and increase the potential for products to be re-used and recycled. Schedule 1 to the bill sets out a number of single-use plastics that will be classified as prohibited items, with lightweight plastic bags to be prohibited six months after the assent of the bill and plastic single-use straws, stirrers, cutlery and plastic cotton buds to be prohibited from 1 November 2022. Sadly, this is the extent of the single-use plastics the bill identifies as prohibited items.

Although the Act established by this bill will give the Minister the power to identify further single-use plastics as prohibited items, it is disappointing that it appears as though the Government intends to wait three years before reviewing a handful of items that could be prohibited. These items include plastic bowls and plates, plastic cups, oxo-degradable plastics, non-compostable fruit stickers and heavyweight plastic shopping bags. This is too little too late, and it is why I will be moving amendments that will make this bill more ambitious by removing much more plastic from our environment sooner.

The second part of the bill establishes a framework to create product stewardship requirements and targets in an attempt to make brand owners responsible for the life cycle of a product. Currently, a brand owner can produce a disposable product and profit greatly from the use of cheap plastic materials, while taxpayers and the environment are left to pick up the bill when the product becomes waste. In New South Wales brand owners face the choice between entering a voluntary agreement to meet waste targets by becoming a member of the national Australian Packaging Covenant Organisation [APCO] or being regulated under part 8 of the Protection of the Environment Operations (Waste) Regulation 2014.

The National Plastics Plan 2021 was released on 4 March 2021. It includes actions for industry to phase out certain single-use plastics. A meeting of environment Ministers on 15 April 2021 agreed to the following eight problematic single-use plastic product types being phased out nationally by 2025: lightweight plastic bags; plastic products misleadingly termed as degradable; plastic straws; plastic utensils and stirrers; expanded polystyrene consumer food containers; expanded polystyrene consumer good packaging; and microbeads in personal health care products.

The New South Wales Government has stated it intends to introduce waste stewardship agreements with exemptions for APCO members in an effort to specifically target, in its words, "freeloader" brand owners who have preferred to be regulated under the Protection of the Environment Operations (Waste) Regulation 2014 and hence avoided the voluntary scheme. The Government says that this would have the effect of shepherding these brand owners into this scheme, but I am not sure how that is the point. In the second reading speech, the Parliamentary Secretary stated in relation to the stewardship agreement aspects of the bill:

Brand owners of products that are prescribed by regulations to be "regulated products" will be required to meet mandatory product stewardship targets or requirements as outlined in clause 13. That may include targets such as recycled content or recovery of products at the end of their productive life. That will help to shift the responsibility for products back onto the businesses who profit from their sale and drive the transition to a more circular economy. By making brand owners responsible for managing the whole life cycle of their products, we will ensure they improve the environmental and economic outcomes of their products, while supporting innovation. That will ensure brand owners assess the impacts of their products and consider how their products are made and disposed of and the impact on the environment.

The second reading speech sounds great, but the intent is to shepherd all of the companies to the voluntary scheme. During the inquiry into The Greens bill, we heard evidence that this voluntary approach by APCO has failed to see serious progress towards the targets set in that national waste plan. For example, the Boomerang Alliance pointed out that the national waste plan has set a target of 70 per cent of plastic packaging being recycled or composted by 2025, but the National Plastics Plan 2021 reported only 13 per cent of plastic is recovered.

The productive stewardship targets under APCO are voluntary and, because of this, these targets have never been met. APCO has never been penalised for this, and these targets are unlikely to ever be met. The Greens wants to see legally enforceable and mandatory targets, and I will be moving amendments to that effect. This bill also introduces the capacity to set design standards by regulation to minimise waste and maximise the re-usability and recyclability of a product. The bill includes the first design standard, which will commence from 1 November 2022 and prohibit the use of plastic microbeads in rinse-off personal care products. This is a fantastic thing, and we wholeheartedly support it. I will also be introducing an amendment to create another design standard that requires all washing machines to be fitted with a filter capable of filtering out microplastics. Filters are cheap and can catch nearly all plastic microfibers that result from artificial fabrics like nylon.

Having personal care microbeads eliminated is a good first step but unless we deal with what scientists estimate are the textiles that produce 35 per cent of the microplastic pollution in the world's oceans, we are not really tackling the problem. Many stakeholders to the inquiry into my plastics bill highlighted a need for consistency in legislation and regulation on plastic around Australia to provide clear direction and certainty for producers, retailers, local government, the waste management industry and consumers alike. This bill goes a long way to doing that. The Greens support the bill. I hope we get support for our amendments. If we do not get support for our amendments, I am still very glad to stand here today as The Greens' environment spokesperson. I congratulate Minister Matt Kean on finally getting here. It is a good thing that he has. I look forward to finally seeing some action on plastics in New South Wales.

The Hon. EMMA HURST (22:17): I speak in debate on the Plastic Reduction and Circular Economy Bill 2021. The Animal Justice Party supports urgent action to reduce our plastic waste, which is vital to protecting the health of animals, the environment and humans alike. According to the Australian Marine Conservation Society, New South Wales has the largest plastic footprint of any State or Territory. This is extremely concerning, particularly for our oceans and waterways, where much of this plastic ends up. It is then ingested by marine animals, causing serious harm and sometimes death. For example, sea turtles often eat plastic bags after mistaking them for jellyfish. Research shows that over 50 per cent of sea turtles have eaten plastic waste. The result can often be a death sentence, with sharp plastics rupturing internal organs and bags causing intestinal blockages that

lead to starvation. Studies have shown other Australian animals impacted by plastic waste in oceans include cetaceans, seabirds, dugongs and sharks.

Any steps to reduce our plastic waste are positive. That is why the Animal Justice Party will be supporting this bill that will prohibit lightweight, single-use plastic bags in six months, which have already been phased out by most major supermarkets. Single-use plastic straws, cutlery, stirrers, cotton buds and expanded polystyrene foam serving ware will also be prohibited from 1 November 2022. The bill also creates new design standards, which will phase out the use of personal care items with harmful plastic microbeads, with the possibility of more problematic plastic products being phased out in the future.

I am pleased to see that appropriate exemptions are being put into place around the use of plastic products for people with disabilities, which I know has been an ongoing concern around this bill. Taking steps to reduce the consumption of single-use plastic by consumers is incredibly important. Having said all that, I think there is a real danger with this bill as it can give the impression that this issue is being dealt with, when in reality this bill hardly scratches the surface, especially in regards to plastic waste in our oceans.

A critical issue that has been entirely left out of this bill and conversation is ghost fishing gear, which is the nets, lines and ropes left behind in the ocean by commercial fishermen. It makes up the majority of large plastic pollution in the ocean and about 46 per cent of plastic in the Great Pacific Garbage Patch. According to the World Wildlife Fund, ghost fishing gear is the deadliest form of marine plastic. It unselectively catches wildlife, entangling marine mammals, sea birds, sea turtles and sharks, subjecting them to a slow and painful death through exhaustion and suffocation. Ghost fishing gear can also damage critical marine habitats such as coral reefs. The reality is, if we want to reduce plastic in our oceans we need to stop eating fish and promoting the fishing industry. I encourage all members in this place to watch the Netflix documentary *Seaspiracy* to better understand the issue of plastics in our ocean and the very real threat it causes to both human and non-human animals.

Banning plastic bags and straws will make a small difference and it is a good first step, but it will not solve the major issues we face with plastic waste in our society and will hardly make a dent on the plastics in our ocean. We need bigger and bolder plans to tackle this issue and restore our planet. The Animal Justice Party supports this bill. While we recognise it does not go anywhere near far enough, it will go some way to stop the traumatic deaths of many animals who have been killed by plastic items such as straws and plastic bags, and reduce the incredible waste of single-use plastics.

The Hon. MARK LATHAM (22:21): The Plastics Reduction and Circular Economy Bill 2021 is the ultimate expression of the nanny state. The Government is reaching into people's homes to take away the plastic straws, spoons and forks at children's birthday parties. It is a government reaching into family picnic baskets and barbecue kits to take away the straws, the spoons and the forks. It is even reaching into the Asian restaurants to take away the plastic chopsticks. It is a government that clearly does not trust people to lead their own lives, according to their own priorities and their own environmental values. It is a government that sees itself with a god complex, saving the world straw by straw. Of course, it is a complete absurdity.

When I look at this legislation—the plastics bill and the nanny state that goes with it—I think of Sir Robert Menzies and wonder what he would think of today's Liberal Party. Bob Menzies had a great statement about the sanctity of the family home and the need for government to stay out of home life—for government not to reach in taking the straws, the forks and the spoons from little kids at their birthday parties. Menzies said this:

I do not believe that the real life of this nation is to be found either in great luxury hotels and the petty gossip of so-called fashionable suburbs, or in the officialdom of the organised masses. It is to be found in the homes of people who are nameless and unadvertised, and who, whatever their individual religious conviction or dogma, see in their children their greatest contribution to the immortality of their race. The home is the foundation of sanity and sobriety; it is the indispensable condition of continuity; its health determines the health of society as a whole.

What beautiful words from Menzies' 1942 "The Forgotten People" speech. If Bob Menzies was to look at the Liberal Party of Matt "Green" he would think, "Whatever happened to leaving the family home alone?" But Menzies was also a prophet. He foresaw the rise of the bourgeois left, continuing in his speech:

Your advanced socialist may rave against private property even while he acquires it; but one of the best instincts in us is that which induces us to have one little piece of earth with a house and a garden which is ours; to which we can withdraw, in which we can be among our friends, into which no stranger may come against our will. If you consider it, you will see that if, as in the old saying, "the Englishman's home is his castle", it is this very fact that leads on to the conclusion that he who seeks to violate that law by violating the soil of England must be repelled and defeated.

National patriotism, in other words, inevitably springs from the instinct to defend and preserve our own homes.

Menzies, in that beautiful statement, spoke about the things that are basic and decent in all our lives. We run our own homes. We look after our children. We raise them and do the best we can for our family in the circumstances that we determine, not to have our family life with the nanny state, the social engineers of the Labor Party, The

Greens and today's Liberal Party reaching in to decide the configuration and the materials used for a kid's birthday party.

The Hon. Mark Buttigieg: What about The Nationals?

The Hon. MARK LATHAM: Well, The Nationals are supporting this, that is true. But they have not had a leader who has spoken as beautifully as Bob Menzies, that I am aware of, so I will leave The Nationals out. I will leave the National Party out by force of rhetorical omission. I do not think, in their heart of hearts, The Nationals believe in stealing children's straws and spoons. But they are voting for it—that much is true. Of course, in the Minister's second reading speech there was no mention of the impact of this bill on industry and jobs. They are literally, as Menzies put it, the forgotten people of this legislation. Because there are plastics manufacturers, people who create jobs and wealth and opportunity in our society, who are damaged by this legislation. They have complained about it, but the Minister has made no response. The second reading speech forgets entirely the important role of plastics manufacturers in our society in helping people to lead their family life and have a decent standard of living. Those manufacturers see this very much as a job wrecker.

Coming out of COVID, how curious is it that the Liberal Party would be banning yet again—banning plastics? The Liberal Party banned, at various times, the Sydney and Newcastle night economy, uranium mining, nuclear power, the construction industry for a fortnight in the recent lockdown, it closed down the greyhound racing industry and it banned coal-fired power generation. When people look at the 107-day Sydney lockdown, of course it came naturally to this Government to ban yet again. It is incongruous, as we talk about COVID economy recovery, to have a bill that is banning certain items to be purchased that actually create jobs in the manufacturing sector. These plastics companies are very important and they have made the point that they have been left out of the Government's consideration entirely.

Of course, the Labor amendments that I have seen are worse and go further—they ban plastic bowls and plates. The Greens ban everything plastic. There are even amendments from the Animal Justice Party to ban little kids' plastic balloons. But these are the same people who endorse the wind turbines that slaughter birds by their thousands and millions. Apparently, the balloons are bad for the birds. Well, if I was a bird I would rather run into a balloon than a wind turbine blade that would cut me to pieces. These things are totally incongruous. They are saving the world by constructing wind turbine blades that slaughter the bird wildlife. The poor innocent birds go splat, straight into the blades, but apparently a little kid's balloon released innocently into the sky—not from the movie *It*, not a red balloon even—is a threat to the bird wildlife of New South Wales. The proposition only needs to be stated to be dismissed as completely absurd. How can you say you are worried about the environment if you are allowing the birds to be slaughtered by those wind turbines?

If you want to talk about circular economy, the real thing that is circular and the great challenge for landfill in New South Wales is not a couple of spoons and plastic bowls or a plastic straw. The real challenge is what to do with all the solar panels. As my colleague the Hon. Rod Roberts has pointed out, these solar panels cannot be recycled, they are clogging up the landfill and they are an environmental menace—again, supported by The Greens. They buy the solar panels from China—not a manufacturing job in it for Australia—

The Hon. Penny Sharpe: No, that is wrong. We used to manufacture them in western Sydney.

The Hon. MARK LATHAM: Well, where is the Energy Board? We sat up all night with that electricity bill and 12 months later the board has not met or created a single manufacturing job. We have got Chinese solar panels that cannot be recycled, clogging up the landfill, and apparently that is The Greens' and Labor's environmental policy. The wind turbine blades made of fibreglass are just as bad. It is a bill that reaches into the family home. It is a bill that ignores the interests of the plastics manufacturing companies that create the jobs and provide the economic opportunities in our State.

As the experts in this field have pointed out, are we really the problem here in New South Wales? The top 20 rivers polluted with plastic, located mostly in Asia, account for 67 per cent of global plastics pollution. Only 20 rivers account for 67 per cent of the global plastic pollution problem, and 1,000 rivers, mostly in Third World countries, account for 80 per cent of the global riverine plastic emissions into the oceans. So New South Wales is not going to save the world straw by straw. That is a delusion of a political party that has completely departed from the founding principles of Menzies and wants to embrace the nanny State.

The bill refers to the circular economy, another useless, invented concept from the hessian pants-wearing, lentil- and tofu-eating, great unwashed of the green left. Who has ever heard of the circular economy? They try to present themselves as eco-friendly. In fact, the people promoting these ideas are the new rich in our society, and the great consumers of everything. Just today a report shows that the 1 per cent of global elites consume 16 per cent of the global carbon. And that is not counting Woollahra. Once you factor in Woollahra, it is even worse. Per capita, they consume 70 times more carbon than the poorest 50 per cent of people internationally.

To find out who is causing the real environmental damage, the bourgeois left need only look in the mirror. In fact, while this bill fashions its commitment to the circular economy, many of the arguments in the bill are themselves circular. On page 29, the note to clause 1 in part 1 of schedule 1 to the bill states that "a pre-packed salad to which cutlery is manually added to the packaging" is not bad. What a relief! A person can still get a pre-packed salad bowl with a little plastic fork. Matt Kean has not got his hands on that as yet. A person can have a little plastic fork when they buy a salad bowl at the supermarket, yet plastic knives, forks and spoons at a kid's party are out. The bill contains contradictions. That is the problem with the methods of the nanny state. It is intrusive, interventionist and contrary to the Perrottet promise of freedom in New South Wales. We have had basic freedoms restored, but we have not even got the freedom to have a plastic straw, spoon and items for a family picnic or a kid's birthday party. No part of our life is safe from the meddling environmental agony aunts of today's Liberal Party. Poor old Menzies must be wondering why the heck did he even bother.

Mr JUSTIN FIELD (22:31): I support the Plastic Reduction and Circular Economy Bill 2021. Of course we should ban unnecessary single-use plastics. They are utterly wasteful. We have created a legacy that we will live with for generations, for millennia. I think people are very familiar with the impact on marine life as a result of single-use plastics entering the waterways, breaking down, being consumed and entering the food chain. Increasingly, we are also becoming aware of the potential risks to human health as a result of the legacy of pollution caused by plastic waste. The community would be shaking their heads if they were listening to the debate tonight. To a large degree, they have moved on. They have supported plastic reduction for years. In many instances they have acted personally and individually at home. Businesses have also been moving. Why has this Parliament and, more to the point, this Government, taken so long?

It is worth providing a quick history lesson about the great journey that the New South Wales Liberal-Nationals Coalition has gone on, particularly when it comes to the banning or phasing out of single-use lightweight plastic bags. In 2018 a story in *The Sydney Morning Herald* outlined that torturous journey and the famous ban on bans that was instituted after Mike Baird's backdown on the greyhound racing ban. A fear went through the Government that it was getting a name for being banners. All the work done by the NSW Environmental Protection Authority and other officials in developing a strategy to phase out what was then an enormous problem in New South Wales was thrown in the bin, washed out to sea, as might be seen with a piece of single-use plastic.

At that time the Government's estimate was that as many as 10 million of the two billion lightweight plastic bags used in New South Wales ended up being discarded in the environment. Environmentalists put it at much closer to 60 million. Of course, ultimately the Government failed, but the community was inspired by the *War on Waste* program that brought to the minds of so many people the need for change and resulted in action from young people, schools and businesses. Eventually, corporations responded. In mid-2018 Coles, Woolworths and Aldi all moved to phase out lightweight single-use plastic bags. Had businesses not started acting but waited for the Government to act, today there would be around 200 million to 300 million extra lightweight plastic bags in our parks and streams, on our beaches and, of course, in the ocean.

In 2018 on behalf of The Greens I introduced legislation, as did quite a few people in this Chamber, to try to deal with this problem. It seems many people, other than government members, have recognised the need for it. Since then, The Greens have introduced similar legislation to this place. It was an effort to put on the table a genuine transition plan for all the problematic single-use plastics. This bill does not go that far, but I recognise it does set up a framework to do much more. I told a story when I introduced that bill. I was a relatively new father at the time, and it was not long after my little boy started walking. I remember being at the beach with him. I grew up on the beach in a coastal community in Central Queensland. I do not ever remember seeing plastics on the beach when I was little. I am sure there would have been a few fishing floats around.

The Hon. Penny Sharpe: Glass.

Mr JUSTIN FIELD: A lot of it was glass that had sunk to the bottom. It was not floating onto the beaches. There would have been flotsam and jetsam around. I remember my excited two-year-old coming up to me on the beach with a piece of plastic he had found. The Hon. Mark Latham says the bill will ruin kids birthday parties by depriving them of the right to a plastic fork or spoon, and what a disgrace the nanny state is. He gives us a political history lesson, a diatribe and a political theory lesson. But I tell you what, you know the reality of what this means—it is not political theory—when your two-year-old comes up to you excited about a piece of plastic they find on the beach, instead of a shell. He is not excited about the colour of the sand or seeing a crab on the rocks. He picks up plastic because it is everywhere, it is shiny and it stands out. What sort of future have we created? I would hazard a guess that those people at birthday parties would think it is our job in this place and the job of businesses to do everything possible to make sure that kids at the park, down the creek or on the beach do not see plastic first. I reckon they would give up a plastic fork at a birthday party to have a clean environment for their children. That is ultimately what the bill is about.

The specifics of the bill—the ban on single-use plastic bags in six months and on other single-use plastics in about a year from now—are largely reflective of the move already being driven by consumers and the action taken by a lot of businesses, in particular the big retailers. I think the most useful part of the legislation will be in the design standards and the product stewardship arrangements. Obviously, how those powers are used will make all the difference. It will take some courageous Ministers. I congratulate the environment Minister for bringing this bill to fruition. Where others failed, he has succeeded, but we all know he will not be the Minister for long. It is incumbent on the next environment Minister in New South Wales and on future environment Ministers of all governments to use the powers in this bill for the public good. For example, I imagine that the design standards could be used to improve the recyclability of certain plastic items. It is a problem when there are mixed plastics in a product. If it is a single type of plastic, it is much more easily recyclable. That is an example. Dark plastic is hard to recycle; it disrupts the quality of the waste stream.

There are things that can be done to improve the recyclability. I can imagine, for instance, mandating filtration systems on washing machines or other appliances, which could take some plastic out of the waste stream before it ends up in our waterways. Those sorts of things could be done under the bill. It could mandate manufacturers to take action to recover their waste. One really good example is cigarette butts. I think they could use that tool here. It is going to take some creative thinking and I understand there will be a lot of consultation that will be required with manufacturers, retailers and others. Let's use this. This bill on its own, as it is right now, goes nowhere near solving the problem of plastic litter, never mind the absolutely wasteful consumption of single-use plastics.

I do not want to be dismissive of how the bill advances this particular area of policy and of the hope for the future, but I had a look at some of the statistics collected by the NSW Environmental Protection Authority to see the record of the Government up until now. The reality is that since 2011 it looks as if household waste per kilogram, per household, per year, week, or whatever was in there, has dropped about 10 per cent over the past decade. It is a relatively small amount given the conversation around this and given the claims of many people in government that they want to take action. I will look at a couple of pieces of historical legislation and put that in a bit more context. Strangely—and I was quite surprised by this—despite the fact that our recycling bins are getting bigger and bigger, the percentage of our waste that is going into recycling is largely unchanged in this term of government.

It is not enough to simply put a yellow bin or a Food Organics and Garden Organics bin out. We need to get much more creative about not just how we are removing waste from the litter stream but also the creation of waste in the first place. It was interesting to go back and look at a couple of pieces of historical legislation. People may not be aware that in 1995 New South Wales introduced the Waste Minimisation and Management Act. It started with a fundamental principle, which was:

... to achieve by the end of 2000 a 60% reduction in the amount of waste disposed of in New South Wales ... and ... to establish a waste management hierarchy of the following order:

- avoidance
- re-use
- recycling and reprocessing
- disposal.

That objective from 1995 lasted just six years. I will not say which Government brought it in and changed it; people will be able to work it out from the record. In 2001 the targets were removed and the hierarchy that we know today much more than back then was largely gutted from the bill. The first objective was simply:

... to encourage the most efficient use of resources and to reduce environmental harm in accordance with the principles of ecologically sustainable development ...

In reality, we have abysmally failed at doing that, when we look at the statistics. I point to the objectives of this bill, which are more wishy-washy and talk about promoting the principles of a circular economy. I recognise, of course, that underpinning that is the Government's policy, but the bill talks about reducing the total waste generated by 10 per cent per person by 2030.

How did we go from recognising in 1995 that the consumption of the 1980s and 1990s had gone through the roof? We were producing waste at record rates. We were creating a demand for landfill, a cost to the community and a cost to the environment at rates that were clearly unsustainable. We had quite an impressive target; obviously the government of the day thought it could do that. The bill laid out the sorts of tools it could use to do that. Twenty-six years later, we have introduced the same sort of concept with a much weaker target. It really is a lesson in the failure to recognise the risks that are coming and to act in the public interest as a government. We will live with the legacy and the cost of that failure for a very long time. Our children will be picking it up from the beaches for a very long time.

I had the great fortune to visit Lord Howe Island and do a bit of diving a few years ago. It is an absolutely magical place, but the primary reason I went there was to meet with some scientists who were studying the implications of marine plastics on the shearwater population on the island. I went out with them at night and we pumped the stomachs of the chicks. They had not fledged yet. They had not left the burrows in the sand. They come out at night, they get fed, they are caught by the scientists and their stomachs are pumped. The scientists look at the plastic contents of their stomachs and document information about where the plastics are coming from to try to understand the risks to these populations. These species are at risk of collapse because entire generations are dying before they fledge.

Depending upon where their parent chooses to forage in the ocean, many young shearwaters do not even fledge. They make their way down to the sand but their stomachs are so full of plastic that they literally do not have the strength, as a result of not being able to digest the food that parents give them. Or their parents have given them too much plastic, or they carry so much weight from the plastic that they literally cannot get off the sand, or they get off the sand and they plunge into the ocean, just a few metres into the water, and they wash up dead on the beach. Every morning we would go and collect the dead ones from the beach and open them up. It was astonishing that from one small chick an entire paper towel, laid out, was entirely covered with pieces of plastic. It had ingested that as a result of being fed by its parents in the first 60 or 70 days of its life. For those that think this is a problem from somewhere else in the world, overwhelmingly that plastic had largely come from domestic sources. This is a problem we have created. It is a problem that we live with the consequences of. It is a problem that we can fix.

Fundamentally, the principles of managing this type of waste are simple: avoid it, in the first instance; reduce your use of it, if you cannot avoid it; re-use it if you can; and do all of that before you try to recycle it and dispose of it. It is good that we are trying to move to a circular economy—that is absolutely important—but I flag that the bill is way too focused on recycling and managing the disposal of these products in a way that can minimise the environmental legacy. Until we work out how to encourage people and businesses to avoid, reduce and re-use, this problem is going to cost us more and more into the future. We will continue to live with the legacy of this waste and pollution. Having said all that, I support the legislation as an important step forward. Like others, I will move amendments to try to strengthen the bill and identify in particular a piece of useless, single-use plastic that we could take action on today and remove from the waste stream in New South Wales. I look forward to that debate.

Mr DAVID SHOEBRIDGE (22:48): From the outset I indicate my support for the comments of my colleague Ms Cate Faehrmann and her thorough contribution to the Plastic Reduction and Circular Economy Bill 2021. I will not repeat what she said, but I endorse the comments made. I wish to keep my contribution quite focused. One of the positive elements about the bill is the creation of product stewardship requirements and targets as set out in clause 14 in division 21. One particular product that is causing growing concern amongst people not just in our city and State but across the world is the widescale use of artificial turf to replace suburban fields and suburban playgrounds.

The widespread use of artificial grass and turf produces urban heat islands. On occasions when you monitor the heat in the middle of fields of artificial grass in western Sydney on a hot summer's day it can get to 80, 85 or 90 degrees Celsius. Playing on those fields is a health hazard. Around the world concerns are repeatedly raised about the very extreme microclimates produced by artificial grass. But not only are there those extreme heat island effects from artificial grass; the industry is now getting its teeth into local councils and local government across the State.

I will give Government members this credit. They have recognised the problem and commenced a process through the planning Minister to respond to the very real environmental and social problems created by the rapidly expanding artificial grass and artificial turf industry. The way in which those products are rolled out across communities in this city and also increasingly across the State is that they replace a natural grass product, which is part of nature and has been shown to actually reduce residual heat, particularly in our increasingly hot summers. They replace it with, effectively, a broadscale industrial product. Not only is that a non-recyclable use of plastics in the form of the artificial turf, but underneath that are layers and layers of rubber waste and increasingly very small micro-waste, described in the industry as nerds.

The micro-waste and the rubber waste that is the under-fill for artificial grass has been shown in a series of studies undertaken not just in Sydney but also in the United States and the United Kingdom to produce rivers and volumes of microplastic waste into the waterways that surround these artificial grass fields. You only have to go out and see a recently installed artificial grass field, go just downstream to where it washes into the waste streams and into our rivers and waterways, to see the sheer volume of waste that is being washed off these fields. Those communities who are aware of the nature of this product are calling for an urgent ban on it being rolled out

in suburban sports fields and for immediate action to be taken to prevent it industrialising nature and producing this ongoing waste stream.

I know from discussions with Government members that they are not yet at the point where they can put those kinds of provisions in, because there is a guideline process and a consultation process being undertaken. But the initial reports and studies done by the planning Minister already indicate how damaging this product is. They are already indicating that we need to move rapidly to extremely tight restrictions on the use of this product. That is why I call upon the Government, with the support of a growing number of communities around the State, to include this product in the regulations that are set out, either in detailed design requirements greatly limiting and regulating its use or in express prohibitions in schedule 1, part 1 of the regulations. I say again: This is urgent business because, as we speak here today, parts of nature are being replaced with industrial waste fields, with all of the local and regional health hazards that that is causing. We call upon the Minister and the Government to prioritise the regulation of that industry.

The Hon. BEN FRANKLIN (22:53): On behalf of the Hon. Don Harwin: In reply: Thank you very much to all members. I speak briefly in reply on this bill. It is an important bill. We are actually doing something serious and significant and important today. It is a bill that will enable the New South Wales Government to prohibit problematic or unnecessary plastic items. It will set design standards for environmental, human health or economic purposes and establish mandatory product stewardship requirements for brand owners of regulated products. It will help New South Wales transition towards a circular economy where materials and resources are valued and kept in the productive economy, while protecting jobs, the environment and our communities.

We have had speeches from almost all parties represented in this place today. I will briefly respond to some of the remarks that have been made. The Hon. Penny Sharpe spoke of the Labor Party's position. The Government appreciates the support of the Labor Party on this bill. I acknowledge that she has foreshadowed moving an amendment. The Government considers the amendment a sensible and reasonable one and I foreshadow that it will be supporting that. Ms Cate Faehrmann and Mr David Shoebridge welcomed action on this. I appreciate their support as well. They both talked about issues they would like to be raised in addition to the ones already raised.

I will be dealing with the substantive reflections on those extra submissions in my discussion about amendments, but I will make a few comments about Mr Shoebridge's comments on artificial turf, and that is to say that the planning Minister has recently commissioned the NSW Chief Scientist & Engineer to undertake significant research on this issue. I can advise Mr Shoebridge that the Environment Protection Authority is working with Planning officials on what planning guidance is required in light of that research. I also point out that there is funding allocated in the Plastics Action Plan to examine the impact of problematic plastics, including things like artificial turf, and look at potential alternatives. I hope that that will alleviate some of his concerns.

I acknowledge the support of Mr Justin Field. I particularly acknowledge his passionate advocacy in this space. We look forward to considering his amendment as well. I understand that this bill does not go as far as some members in this Chamber would like but it is doing something important and significant. I appreciate his endorsement of it, as I do Ms Emma Hurst's, from the Animal Justice Party, whom I understand is also moving an amendment which we will deal with shortly. Finally, I thank the Hon. Mark Latham, my old sparring partner, for his contribution. Although he was, I think, unkind in saying that there were no great National Party orators, to that I say, "What about Black Jack McEwen? What about Doug Anthony? What about the great Warren Truss?" That is what I say.

This bill is important. It is significant. It is actually something that is incredibly meaningful for three substantial reasons: It will address the harmful impacts of plastics and support a shift in the way products are made, used and disposed of in this State; it will reduce plastic waste and litter, helping to protect our environment for generations to come; and it will support, at the same time, innovation and job creation in many sectors as we transition towards a more circular economy. For those reasons I commend the bill to the House.

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

Motion agreed to.

In Committee

The CHAIR (The Hon. Trevor Khan): There being no objection, the Committee will deal with the bill as a whole.

Ms CATE FAEHRMANN (23:02): By leave: I move The Greens amendments Nos 1, 4, 5 and 6 on sheet c2020-153E in globo:

No. 1 **Consequential amendment to commencement provision**

Page 2, proposed section 2, line 10. Omit "3-5". Insert instead "3, 4 and 5".

No. 4 Further prohibited plastic single-use items

Page 30, Schedule 1, proposed section 3. Insert after line 3—

- (e) balloons containing plastic,
- (f) plastic ring carriers for beverages,
- (g) plastic confection sticks,
- (h) reusable plastic bags,
- (i) plastic takeaway sauce containers,
- (j) plastic fruit and vegetable packaging,
- (k) plastic newspaper and magazine packaging,
- (l) plastic single-use table cloths,
- (m) plastic bowls and plates,
- (n) plastic cups,
- (o) oxo-degradable plastic items.

No. 5 Further prohibited plastic items

Page 30, Schedule 1. Insert after line 22—

4A Other prohibited plastic items

- (1) This section commences 18 months after the date of assent to this Act.
- (2) The following plastic items are prohibited plastic items—
 - (a) expanded polystyrene packaging,
 - (b) non-compostable cigarettes,
 - (c) expanded polystyrene construction blocks, known as waffle pods,
 - (d) plastic takeaway food containers.

4B Further prohibited plastic items

- (1) This section commences 3 years after the date of assent to this Act.
- (2) The following plastic items are prohibited plastic items—
 - (a) non-recyclable and non-compostable beverage containers,
 - (b) petroleum-based single-use plastic items.

No. 6 Design standard for washing machines

Page 30, Schedule 1. Insert after line 36—

5A Design standard for washing machines

- (1) This section commences on 1 January 2025.
- (2) A washing machine must be capable of trapping microplastics and microfibers loosened during the laundering of synthetic fabrics.

Under the bill some of the most problematic plastics in New South Wales are either not mentioned at all or simply said to come under review in 2024. By 2025 we will be lucky to have a handful of single-use plastics added to the prohibited items listed in the bill, with a much larger amount yet to be addressed that will continue to end up in our environment. The Greens amendments identify and introduce a time line for the prohibition of those single-use plastics that the Government has failed to address. The list is lifted from The Greens bill, which was the subject of a Portfolio Committee No. 7 – Planning and Environment inquiry. Many of the stakeholders that presented to that inquiry were supportive of the plastic items that were listed in that bill.

Similar to The Greens bill, the amendments would prohibit the following additional items six months after the assent of the bill, which is when the first single-use plastics will be phased out under the bill as it stands: balloons containing plastic, plastic ring carriers for beverages—we have all seen the terrible images of birds and other animals with plastic ring carriers around their necks—plastic confection sticks, reusable plastic bags, plastic takeaway sauce containers, plastic fruit and vegetable packaging, plastic newspaper and magazine packaging, plastic single-use table cloths, plastic bowls and plates, plastic cups and oxo-degradable plastic items. It would prohibit the following items 18 months after assent of the bill: expanded polystyrene packaging; non-compostable cigarettes; expanded polystyrene construction blocks, known as waffle pods; and plastic takeaway food containers. After three years, the amendments would prohibit non-recyclable and non-compostable beverage containers, and petroleum-based single-use plastic items.

Those single-use plastic items that the Government has failed to address represent billions of pieces of plastic that will otherwise make their way into our environment. I will focus on the oxo-degradable plastics, which the amendments look at addressing six months after assent of the bill. Oxo-degradable plastics in any form are particularly problematic, which we heard during the inquiry, so it is unfortunate that the bill does not seek to introduce a prohibition on them. They are often confused with biodegradable plastics but they are a separate category. They are not bioplastic or biodegradable; they are a conventional plastic that breaks down into tiny bits that fragment into smaller and smaller pieces that eventually become microplastics. We heard about how disastrous they are during the inquiry. Western Australia will see them banned by the end of 2022, so it is possible to do, and the amendments would see New South Wales ban them in six months.

The amendments also introduce a requirement for all washing machines to be capable of trapping microplastics and microfibres, which I talked about in my contribution to the second reading debate. It is good that the bill addresses the cosmetic microbead situation, and I give a shout-out to the many organisations such as Sea Shepherd, the Australian Marine Conservation Society, Greenpeace and many others that have campaigned on how insidious microplastics in cosmetic products are and the extent to which they are right through our environment. We must also deal with microfibres in clothing, which we can easily do. I do not think many people are aware of how disastrous they are but the solution exists: the installation of filters in washing machines that can easily filter out those products. Tonight we can support the amendments. I acknowledge that they are ambitious and that other members are moving their own amendments to deal with a few aspects that I have mentioned, but The Greens amendments would go a long way to ridding plastics from our environment. I urge members to support them.

The CHAIR (The Hon. Trevor Khan): I am not going to call upon the Parliamentary Secretary yet because The Greens amendment No. 4 conflicts with One Nation amendments Nos 1 and 2 and Opposition amendment No. 1 on sheet c2021-154. So we have a melange of amendments. I invite the Hon. Mark Latham to move his amendments and speak to them, and then I will ask the Hon. Penny Sharpe to move her amendments. We will then finally hear from the Parliamentary Secretary.

The Hon. MARK LATHAM (23:09): I move One Nation amendment No. 1 on sheet 49P:

1. Page 29, delete lines 42 and 43 and Page 30 delete lines 1 and 2

This amendment is to save the plastic single-use straw, stirrer and cutlery from abolition under this nanny state Government for the reasons I set out in the second reading debate. While I am here, I also point out that we reject The Greens amendments conflicting with ours that were moved earlier. The Greens are making up things that we have never heard of in the suburbs of western Sydney, like oxo-degradable plastic items. Apparently, the big problem we have in saving the planet is the plastic takeaway sauce container. I have been to a few beaches in my time and a few rivers. I have never seen a plastic takeaway sauce container. I have seen a few at the footy and the cricket where they get used in the traditional fashion—to squirt a bit of sauce on your pie—and then they go into the bin. The Greens are just making things up.

There is also the idea that we have to buy a new washing machine to deal with waffle pods. Nobody has ever heard of a waffle pod. The idea that we are going to buy a new washing machine is just a green fantasy. They cannot run their own lives but they want to run everyone else's. The other proposition we heard from The Greens integral to these amendments was Mr David Shoebridge complaining about a couple of artificial hockey surfaces in western Sydney. He is saying those few astroturf hockey surfaces are on the way out as well. This is a Greens party that would line outback and country Australia with solar farms—hectare after hectare of industrially produced Chinese solar panels as far as the eye can see, wiping out nature. That is apparently good for the environment, but a couple of astroturf hockey fields in western Sydney is a national crisis, as defined by the leader of The Greens earlier on.

The propositions only need to be stated to be dismissed as absurd. The Greens are a party that wants whole landscapes taken up by solar panels as far as the eye can see. Apparently, nature completely wiped out is good for the environment. You cannot recycle or offload those things other than in overcrowded landfill, but we have a couple of astroturf fields in western Sydney that have to go according to the planning Minister and some other nanny state social engineering idea that says they are wrong. How do we produce our champion hockey players? On those artificial surfaces. They are nothing in the scheme of things. They are not an environmental problem; they are an asset to our community. What The Greens see as an environmental problem, normal people see as an asset. What The Greens see as saving the planet—vast solar panels as far as the eye can see—normal people see as environmental degradation. They have got the entire planet upside down.

The Hon. PENNY SHARPE (23:12): By leave: I move Opposition amendment No. 1 on sheet c2021-160 and Opposition amendment No. 1 on sheet c2020-154 in globo:

[c2021-160]

No. 1 Definition of bowl (Only to be moved if amendment No.1 on sheet C2021-154 is moved and passed)

Page 30, Schedule 1, proposed clause 3. Insert after line 4—

bowl excludes a bowl designed or intended to have a spill-proof lid whether separate or attached.

[c2020-154]

No. 1 Further prohibited plastic single-use items

Page 30, Schedule 1, clause 3. Insert after line 3—

(e) plastic single-use bowls,

(f) plastic single-use plates.

What we are discussing in this debate is what items do we phase out and in what time frame. Labor only has one amendment on that, and that is on sheet c2021-154 where we set out the schedule where we would like to include plastic single-use bowls and plates. The important thing to note is that single-use bowls exclude bowls designed or intended to have a spill-proof lid, whether separate or attached. That is important because of the basic principles of this bill and the way in which Labor is approaching it. I will get to why we are not going to support either the One Nation amendment, nor The Greens amendments on this. In Labor's view, six months to deal with single-use plastic bags and 12 months to deal with the next tranche of items are realistic time frames.

We are seeking to add the bowls and plates partly because other States are moving in that way. I said in my contribution to the second reading debate that we are keen to harmonise as much as possible, particularly with the east coast markets. Businesses are keen for the measure because they do not like the fact that they have different arrangements in different States. It makes sense to do it up and down the eastern seaboard. The amendment that defines the bowl issue is as a result of discussions with the Government, and I thank the Minister's office for discussing this with me because the other principle is that if we are going to move to ban these products there needs to be a very easily available alternative. The reality is that for bowls that are used for things like laksa and soup there is not an easy alternative at this point in time. That is why Labor has worked with the Government. We appreciate that, and we are very keen to make this work.

For all of my concerns about how long it has taken to finally get here, this bill is going quite a long way. It is an important first step that has been subject to a lot of consultation. It is consistent with the national principles on where we are going, and Labor is comfortable with that. I recognise the work that The Greens and other organisations have been doing to push us to go further and faster. At this point, Labor is comfortable with the time frame as it is. I make the point that in the regulation-making power the Minister is able to accelerate and work on different items within the framework that would get us there before 2025.

Labor has its own amendments. We understand what The Greens are doing, but we do not accept their accelerated time frame. We think that there has been fairly broad consensus around this. Yes, I think we need to be more ambitious, and I hope that future environment Ministers will keep going with this. I hope that whoever takes over from Minister Kean pushes ahead because a lot more can be done with proper consultation and in line with national agreements. Regarding One Nation's amendments about straws, the thing about plastic straws is that there are alternatives. No-one is saying that people cannot have a straw. We are just saying that there are alternatives that not going to go into landfill, litter our waterways and kill turtles. There are paper straws, bamboo straws and a whole range of different straws.

The Hon. Mark Latham: Do you like the metal ones?

The Hon. PENNY SHARPE: I do not like the metal ones, but I do not use them; I use paper straws. But that is not the point. The point is that there are readily available alternatives, and that is the key. We had a long discussion around the need for plastic straws for people with disability. That is catered for in this bill. I urge members to support Labor's amendment on sheet c2021-154. It is modest but it does take us a little bit further and align us with the eastern States. I appreciate The Greens' efforts but it is too fast, too soon. Regarding the One Nation amendment, we can use paper straws and no-one is going to have less fun.

Mr JUSTIN FIELD (23:17): I move my amendment No. 1 on sheet c2021-157C:

No. 1 Prohibition of expanded polystyrene packaging

Page 30, Schedule 1. Insert after line 22—

4A Expanded polystyrene packaging prohibited

Expanded polystyrene packaging is a prohibited plastic item.

My amendment is simple. I agree with the proposition put by the Hon. Penny Sharpe: all these amendments are largely seeking to bring forward other ideas about what products and when. Mine specifically deals with expanded polystyrene packaging. When you open a box these days, you are devastated to see that the manufacturer, for

whatever reason, has not moved to the clearly available alternatives—the cardboard and the paper options. You open it up and then you are left with tiny balls of polystyrene floating around your room. You madly try to vacuum them up and pick them up, only to find that when you go to put them in the bin outside they blow away. Then they are on your lawn, they get washed into the drains and you inevitably see them at the beach. Polystyrene packaging is pervasive in the environment. There are alternatives, and those alternatives are cheap. The amendment ticks all the boxes that the Government has said it wants to tick in terms of the types of unnecessary, easily replaceable plastic that ends up in our litter stream. I think it makes sense for us to deal with this tonight as well.

With regard to the other items, largely the bill is implementing the Government's policy. The key issue here is to phase out problematic and unnecessary plastics by 2025. It is now 2021. If this is about giving certainty to consumers and businesses that use these products and to manufacturers as to what we will accept or not accept, it would make sense to put down on paper now the transition timetable for phasing out all those unnecessary plastics. They are clearly unnecessary. We might have slightly different terms and different views about the alternatives, but the plastics are all unnecessary. Why not talk about what the plan is by 2022, 2023, 2024 and 2025? The bill only deals with the next 12 months. It creates a huge question mark and uncertainty about what comes next for industry.

I have not heard an argument here—other than from Pauline Hanson's One Nation party—that the items listed in The Greens amendments are necessary or are not able to be replaced. There might be differences about the cost and suitability of alternatives, but there are alternatives. The role of this type of legislation is for the Government to send that signal. One of the reasons the Government is not going there—and it will not go there with my amendment either—is it is largely reliant on voluntary processes that are in place under the national framework. But let us be absolutely clear, that was a tactic to avoid doing something. A bunch of State Ministers got together and said, "We have to come up with an industry-led voluntary process and a national unity ticket on this stuff," because the situation was getting out of hand. Consumers were making demands and the States were politically and popularly trying to address this real problem and get out in front of it, but now we are being constrained by this process.

It has always been useful when States have been able to push a bit further and encourage others to go along. I would advise the Government not to be constrained by the national process. The bill thankfully gives it the powers to get out in front of the problem. It could do that here. If the Government is not going to do so tonight, I would suggest it put out a list of the plastic items to be phased out and the timetable for phasing them out well ahead of 2025. That should be part of this bill. Ideally it should be done tonight, so we can leave here proud that we are forward thinking as a State and not just catching up to the rest. If not, I urge all those parties going to the election in March 2023 to put their timetable for plastic phase-out on the agenda so we all know what is coming.

The CHAIR (The Hon. Trevor Khan): Before I call on the Hon. Ben Franklin and the Hon. Emma Hurst, we have essentially started in the middle of the bill at the bottom of page 29 and then rolled over to the top of page 30. There is one part of the jigsaw in the middle of the bill that we have not dealt with, and that is One Nation amendment No. 2. We will start with that amendment, because it has been triggered by the moving of The Greens amendment No. 4. I am not being in any way critical, but because of the order in which the amendments have been received, we start with One Nation amendment No. 1, which has already been moved, and then separately put One Nation amendment No. 2. Subject to what happens with that amendment, we will then go to The Greens amendment No. 4 and the Opposition amendment. I will put everything separately but I invite the Hon. Mark Latham to move One Nation amendment No. 2, if he is prepared to.

The Hon. MARK LATHAM (23:23): I move One Nation amendment No. 2 on sheet 49P:

2. Page 30, delete line 3, subsection (d)

This amendment saves the cotton bud. We hear a lot of talk about gendered policies. Minister Bronnie Taylor even has a gender dashboard with some data. I know that she is a big supporter, on behalf of women, of the cotton bud, which is overwhelmingly used much more by women than by men. Why would the Parliament, in the name of gender equity, punish women and their use of cotton buds?

The Hon. Penny Sharpe: Because there is an alternative that is not plastic.

The Hon. MARK LATHAM: The Minister, who has the dashboard, has stood up for the plastic cotton bud because that is a practical device that is used in large numbers. I have seen them in large numbers—not from my usage. They are very important to women in our society. I do not see how we are saving the planet by hurting the women who use cotton buds at the vanity unit in the bathroom every morning, afternoon and evening. I move the amendment accordingly. I also make the point that One Nation is opposed to the Labor amendment to ban the single-use plastic bowls and plates because it is another attack on working families.

I hope the Parliamentary Secretary will address where in the legislation "single use" is defined because a lot of working families and lower income people use these plastic bowls and plates, which can be quite sturdy, wash them after the family picnic or a kid's birthday party and use them again and again. So they are not single use. I do not see how the Parliament can define "single use" when obviously the number of usages is in the hands of the consumer. The consumers decide whether it is single or multi use. This seems to be a nonsense. It is a Labor Party attack on lower income people who cannot afford all the fancy gear that members of Parliament have got in their cupboards. They rely on these sturdy plastic bowls and plates for various family- and children-related activities, then wash them and use them time after time. I ask the Parliamentary Secretary to address how the Government will define or police "single use plastic" in this circumstance, because it is entirely in the hands of the consumers in the privacy of their own homes.

The Hon. BEN FRANKLIN (23:25): It is my intention, for the clarity and understanding of the Chamber, to go through each of the amendments chronologically as we have heard them debated in order to keep to some sort of consistency. I will first deal with The Greens amendments Nos 1 and 5, which the Government does not support. These amendments obviously add further prohibitive plastic items to the bill. The Government determined the final list of prohibited items after extensive consultation with the community, businesses, environmental groups, disability advocates and other stakeholders. New South Wales also consulted with all other States and Territories to maximise opportunities for harmonisation where possible. The prohibited items in the bill are consistent with a list agreed to by the Commonwealth and State and Territory Ministers in April 2021.

The National Plastics Plan set actions to achieve a voluntary phase-out of expanded polystyrene [EPS] packaging, with moulded and consumer loose fill EPS to be phased out by July 2022 and EPS food and beverage containers by December 2022. The Government will work with the plastic packaging sector to strengthen producer responsibility requirements under the proposed bill. Regarding takeaway food containers, we have heard from stakeholders about the current lack of viable alternatives. That is why we are committed to reviewing items like coffee cups and takeaway noodle bowls in three years' time. Regarding cigarettes, the NSW Plastics Action Plan outlines the Government's commitment to investigate a new extended producer responsibility scheme that would make tobacco companies take responsibility for the litter impacts of their products. The bill will create the framework to allow requirements to be placed on tobacco companies. The Government does not believe it is feasible to ban petroleum-based single-use plastic items. The bill does include powers to set design standards and product stewardship requirements for these types of products, including beverage containers.

The Government does not support The Greens amendment No. 4 for similar reasons to those I have just outlined. The list of the items that we are prohibiting in the bill include those chosen because they are highly littered and, as the Leader of the Opposition indicated in response to Mr Latham's speech, have readily available sustainable alternatives. As previously stated, the prohibited items in the bill are also consistent with the list agreed to by Commonwealth and State and Territory Ministers in April this year. Our list did consider stakeholder feedback carefully.

We understand the importance for New South Wales consumers and businesses to be able to access suitable alternatives. Many of the proposed items in the amendment do not have practical and sustainable alternatives, and the Government is committed to striking the right balance between making sure we protect our environment and giving business and consumers access to viable alternatives. That having been said, we note that The Greens amendment No. 4 paragraph (m) is dealt with by the Labor Party's amendment and is one to which we will agree. I will come to that shortly.

I move on to The Greens amendment No. 6, which is about design standards for washing machines. The Government shares the concerns of The Greens about the impact of microplastics and microfibres released from washing machines. While microfibre filters for washing machines are sold to consumers with the argument that they will reduce the emissions of fibres from clothes to the environment, there is not sufficient peer-reviewed scientific evidence assessing their ability to retain fibres from washed clothes and to reduce environmental contamination.

Since 2018 the New South Wales Government has supported a University of New South Wales project that is researching the release of microfibres and microplastics from clothing during washing. The study is a long-term analysis that will provide data on the effectiveness of available washing machine filters to retain fibres from washed clothes and reduce environmental contamination. The study is due to be completed in 2022. After those results have come out the Government will analyse the results of the study before determining our next steps, such as potential design standards.

I move on to the One Nation amendments. I will discuss amendments Nos 1 and 2 in globo because our reasoning is similar for both. We do not support the amendments moved by One Nation. The items on the final list prohibited in the bill were identified because of their prevalence in the litter stream and the availability of suitable alternatives, as I have mentioned previously. The list was also determined by the Government after

extensive consultation with a broad range of people—with the community, businesses, environmental groups, disability advocates and other stakeholders.

The Government is committed to striking the right balance between making sure we protect our environment and giving businesses and consumers access to viable alternatives. As noted in my response to The Greens' proposed amendment to further prohibit plastic products, the prohibited items in the bill are consistent with the list agreed to by the Commonwealth, State and Territory governments in April of this year. On the Hon. Mark Latham's question of the definition of single use, schedule 4 to the bill defines "single-use" as:

... an item designed or intended to be, or ordinarily, used only once for a particular purpose, whether or not the item is or can be—

- (i) re-used for the same or another purpose, or
- (ii) used for more than 1 purpose, or
- (iii) recycled ...

Part 2 of the bill also sets out the matters the Minister may consider in forming the view that an item is problematic. I move on to Opposition amendment No. 1 on sheet c2021-154 and Opposition amendment No. 1 on sheet c2021-160. The Government supports those two amendments and appreciates the very constructive way that the Leader of the Opposition worked with the Government in landing at an acceptable point on this issue. Plastic plates indeed have available, fit-for-purpose alternatives such as those made from paper, cardboard or bagasse. Plastic bowls are contributors to the litter stream.

However, there are limited suitable and easily accessible alternatives available for some types of bowls. There are no suitable and easily accessible alternatives available for single-use bowls used to contain liquids, including hot liquids such as soups. Those bowls are generally designed for use with a lid, unlike a standard picnic bowl. The New South Wales Government supports the prohibition of plastic single-use bowls so long as the definition of a bowl excludes a bowl designed or intended to have a spill-proof lid, whether separate or attached. I note that the Leader of the Opposition has included that in her amendments. The New South Wales Government will clarify any definitions as necessary as part of the regulation-making process.

I finally move to the amendment moved by Mr Justin Field regarding the prohibition of expanded polystyrene packaging. I note that the National Plastic Plan has set actions to achieve the voluntary phase-out of expanded polystyrene packaging that is moulded loose-fill consumer packaging by July 2022, with EPS food and beverage packaging being phased out by December 2022. The bill already includes provisions to prohibit the supply of expanded polystyrene food service items. I assure the member that the Government will work with the plastic packaging sector to strengthen producer responsibility requirements under the proposed bill for other expanded polystyrene packaging.

The Hon. EMMA HURST (23:35): I recognise the time, but I put on record that the Animal Justice Party supports the amendments put forward by The Greens, Labor and Mr Justin Field. I recognise that The Greens amendment No. 4 would make the Animal Justice Party amendment non-valid, but we do support it. We will seek to move our amendment if theirs does not pass.

The CHAIR (The Hon. Trevor Khan): I will first deal with The Greens amendments Nos 1, 5 and 6 on sheet c2021-153E. The Greens amendments Nos 1 and 5 necessarily go together. The Greens amendment No. 6 is on a different topic. I could put them all together, but one would logically put Nos 1 and 5 and then separately put No. 6. Is that what you would prefer, Ms Faehrmann? One deals with washing machines and the others deal with something completely different.

Ms CATE FAEHRMANN (23:36): I would put them all together, just in terms of where everybody will land.

The CHAIR (The Hon. Trevor Khan): Once I have dealt with The Greens amendments Nos 1, 5 and 6, I will deal with One Nation amendment No. 1, then One Nation amendment No. 2, then The Greens amendment No. 4, then Opposition amendment No. 1 on sheet c2021-154 and Opposition amendment No. 1 on sheet c2021-160, and then Mr Justin Field's amendment—in that order.

Ms Cate Faehrmann has moved The Greens amendments Nos 1, 5 and 6 on sheet c2021-153E. The question is that the amendments be agreed to.

Amendments negatived.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Latham has moved One Nation amendment No. 1 on sheet 49P. The question is that the amendment be agreed to.

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): The Hon. Mark Latham has moved One Nation amendment No. 2 on sheet 49P. The question is that the amendment be agreed to.

Amendment negated.

The CHAIR (The Hon. Trevor Khan): Ms Cate Faehrmann has moved The Greens amendment No. 4 on sheet c2021-153E. The question is that the amendment be agreed to.

Amendment negated.

The CHAIR (The Hon. Trevor Khan): The Hon. Penny Sharpe has moved Opposition amendment No. 1 on sheet c2021-154 and Opposition amendment No. 1 on sheet c2021-160. The question is that the amendments be agreed to.

Amendments agreed to.

The CHAIR (The Hon. Trevor Khan): Mr Justin Field has moved amendment No. 1 on sheet c2021-157C. The question is that the amendment be agreed to.

Amendment negated.

Ms CATE FAEHRMANN (23:39): By leave: I move The Greens amendments Nos 2 and 3 on sheet c2021-153E in globo:

No. 2 Prohibition on exemptions from product stewardship requirements for APCO members

Page 25, proposed section 61. Insert after line 18—

- (8A) The regulator must not exempt a member of the Australian Packaging Covenant Organisation from a requirement in Part 3.

No. 3 Prohibition on exemptions from product stewardship requirements for APCO members

Page 28, proposed section 68. Insert after line 5—

- (3A) The regulations must not exempt a member of the Australian Packaging Covenant Organisation from a requirement in Part 3.

These amendments relate to APCO and will prevent the Government from differentiating between those brand owners that are members of the Australian Packaging Covenant Organisation and those that are not when implementing product stewardship schemes and requirements. The not-for-profit Australian Packaging Covenant Organisation administers a co-regulatory arrangement on behalf of the Australian State and Territory governments and over 1,500 industry signatories to the Australian Packaging Covenant. The Government has said that brand owners face the choice between entering a voluntary agreement to meet waste targets by becoming a member of the APCO or being regulated under part 8 of the Protection of the Environment Operations (Waste) Regulation 2014.

I alert one of the issues with this scheme at State level. The Government has said that some companies are able to be regulated at the State level. During the plastics inquiry, questions on notice were given to the Environment Protection Authority [EPA] about how many companies have chosen to be regulated this way by the EPA instead of going down the voluntary path. The response was that no companies have chosen to be regulated by the EPA under part 8 of the waste regulation. In the second reading speech, the Parliamentary Secretary talked about the fact that there are potentially all these ways to mandate various recycling and packaging targets at the State level with these companies, but none have. No companies are regulated under that.

The Government has argued that because APCO currently has stronger targets than the Government regulation, some organisations have elected not to join APCO to avoid these more stringent targets. As I said, I do not think that is the case. I will give a history of the inability or failure of APCO to reach its targets over many years. In 2005, the 2010 target was for all packaging to be 65 per cent recycled. In 2020 the recovery rate was 49 per cent. In 2005, the 2010 target was that 30 per cent of all plastic packaging be recycled. In 2020 it was only 16 per cent, which is about half of their 2010 target. The national waste plan has set a target of 70 per cent of plastic packaging being recycled or composted by 2025; however, the National Plastics Plan 2021 reported that only 13 per cent of plastics are recovered.

APCO has a target of 20 per cent of plastic packaging to consist of recycled content, but they are currently at 4 per cent. This amendment would not see additional cost burdens placed upon the industry; it would simply make the targets the industry is already working towards legally binding. A Senate inquiry into the Product Stewardship Amendment (Packaging and Plastics) Bill 2019 heard evidence from waste management associations that they wanted the certainty that legally binding targets would provide. However, this is not the case with APCO

at the Federal level with the product stewardship scheme. It is all voluntary. That is the biggest issue with the bill before us, and that is why I urge members to support these Greens amendments tonight.

The Hon. BEN FRANKLIN (23:43): The Government does not support the amendments proposed by The Greens to prevent the regulations from exempting APCO members from any proposed regulations to mandate product stewardship requirements for packaging. The framework is designed to provide the flexibility to establish product stewardship requirements for industry in a manner that allows the regulations to be tailored to specific industries and problem products without unreasonably burdening businesses. It is important to note that the Government has not made a decision to exempt APCO members from any of the requirements under this part of the bill. These matters should be rightly determined through the development of the regulations and careful consultation with the stakeholders. It is important to note that APCO plays an important role in driving improved outcomes for packaging, and their members are leading the way in working towards the 2025 national packaging targets. The provisions in the bill preserve the Government's ability to take action if the commitments under the 2025 national packaging targets are not met.

The Hon. PENNY SHARPE (23:44): I appreciate what The Greens are trying to do here. As I said before, Labor is comfortable with the framework at this point in time. We will keep a close eye on it into the future. I note the comments, particularly from the Parliamentary Secretary, that there has not been a decision to exempt the APCO organisations. I will be watching very closely at what the Minister does in the future after this bill has passed.

The CHAIR (The Hon. Trevor Khan): Ms Cate Faehrmann has moved The Greens amendments Nos 2 and 3 on sheet c2021-153E. The question is that the amendments be agreed to.

Amendments negatived.

The Hon. EMMA HURST (23:45): I move Animal Justice Party amendment No. 1 on sheet c2021-122B:

No. 1 Offence of releasing balloons

Page 33, Schedule 3.3. Insert after line 26—

[1A] Section 146E Restrictions on release of balloons

Omit "20 or more balloons at or about the same time" from section 146E(1).

Insert instead "1 or more balloons".

[1B] Section 146E(2)

Omit "(whether by one or more than one person) of 20 or more balloons at or about the same time".

Insert instead "by another person of 1 or more balloons".

This is a very straightforward amendment. It will make it illegal to release helium balloons in New South Wales. It is a major oversight that this Government would introduce a bill aimed at reducing the damage caused by single-use plastic without addressing the issue of balloon releases. There is overwhelming scientific evidence showing the serious harm caused by balloons to animals and the environment. Major environmental organisations have raised grave concerns about the impact of balloon plastic, including the NSW Environment Protection Authority. Once helium balloons are released, they can travel vast distances and end up as litter on beaches, rivers, lakes, oceans, forests and other sensitive areas, where they can take years to break down.

Balloons are the biggest plastic killers of Australian sea birds and one of the most lethal types of debris for ocean animals. Turtles will sometimes eat burst balloons because they look like jellyfish. Ribbons and strings from balloons can also become entangled around birds and other land and sea animals, leading to injury or death. Balloons tied with ribbons and strings rank just behind discarded fishing gear and plastic bags and utensils, due to the high risk of entanglement and death that they pose to marine life. By banning the release of helium balloons we can make a huge difference for animals and the environment, while having a minimal impact on our society. Section 146E of the Protection of the Environment Operations Act makes it illegal to release 20 or more balloons in New South Wales already. This amendment would make that number zero. It would be illegal to release one or more balloons in New South Wales.

This amendment will not ban balloons. It will just stop the practice of the intentional release of balloons at events like weddings, where those releasing balloons may have little understanding of the impact that such actions cause. There are many other ways that people can celebrate. For example, the Environment Protection Authority website suggests lighting candles, a visual light display, bubbles or even planting a tree as non-harmful alternatives to the ceremony of a balloon release. Again, New South Wales is behind other parts of Australia on this issue. Victoria has banned the release of balloons under section 115 of the Environment Protection Act 2017, and Western Australia is banning the release of balloons under its single-use plan for plastics from the end of this year.

It is not clear why New South Wales has not considered doing the same, especially since many in the balloon industry do not actually oppose a ban. In fact, the Pro Environment Balloon Alliance in Australia says it supports effective changes to legislation that will ban the deliberate release of balloons in order to prevent littering and reduce environmental impact. That is exactly what this amendment will do. There is no excuse not to support this very simple amendment. If we are going to seriously address the issue of single-use plastic, intentional balloon releases have to be part of the conversation. I urge everyone to support this amendment.

The Hon. BEN FRANKLIN (23:49): The Government does not support this amendment. The Protection of the Environment Operations Act 1997 currently prohibits the release of 20 or more balloons into the air. This carries a maximum court penalty of \$1,100. The Environmental Protection Authority [EPA] has been carrying out campaigns to raise awareness of the potential impacts of balloons on marine life and the relevant laws that apply in New South Wales. The EPA is also engaging with funeral homes, balloon party supply outlets and the community to educate them on the impact of balloon releases and safer alternatives. A provision of this kind is not required given the existing powers in the regulation. However, the New South Wales Government does intend to focus on education and consumer awareness rather than prohibition at this time.

The Hon. PENNY SHARPE (23:49): Labor supports this amendment. This has generated quite a lot of discussion, you would be surprised to know. I know that there have been some very solemn ceremonies where families and others have released balloons into the air, particularly after the death of a loved one. No-one is seeking to belittle that. But let us just be honest. This Government runs campaigns all over our buses, everywhere, with the slogan "Don't be a tosser". You could not go and pick up 20 balloons and throw them in the gutter because you would be charged with littering. But somehow we think that releasing these balloons—that then just get scattered and end up as litter—is different. Labor does not support the banning of balloons—we think that would be ridiculous. We think the Animal Justice Party has found a reasonable way to deal with this.

Other States have learnt the lessons in relation to release of balloons. All we are doing is tossing it into the sky for it to be litter elsewhere, rather than throwing it in the gutter. Throwing it in the gutter is illegal, but tossing it in the sky is somehow okay. That makes no sense. It does harm, it creates litter and it goes against all of the other messages that we have. I appreciate the Parliamentary Secretary's discussion about education around this, but this is actually very straightforward. There has been an incredible amount of work done in Victoria. I note the work that Zoos Victoria has done around this. This is a modest and sensible amendment. It is not a radical change. It is bringing balloon releasing into line with the way that we treat all other littering and that is that you cannot be "a tosser". You have to be responsible for where the things that you throw into the air or onto the ground end up.

Mr JUSTIN FIELD (23:51): Having worked with a lot of marine campaigners and plastic campaigners, the really common thing that they say in communicating to the public about the problem here is that there is no "away" when it comes to plastic waste. The idea that somehow our rubbish goes away is just totally misunderstanding the realities of what happens when we unnecessarily consume or we discard items into the environment. It goes in landfill at best. At worst it ends up as litter and, ultimately, it can end up harming marine life.

Where do you think these balloons go? They do not stay up in the sky. Because of our winds in Australia, they almost inevitably end up in the ocean. There is no end of pictures on the internet about balloons and the string attached to them getting caught up around the necks of birds and being ingested by turtles. Turtles are being found with a string hanging out of their mouth and being looked after by volunteer wildlife carers. Where do you think the balloons go? Each of us could release 10 right now. The idea that we somehow put a number on it and say "Over that is no good, but less than that is fine" is bizarre. This is a sensible proposal by the Animal Justice Party. I am glad to see the Labor Party supporting it. I support it and the Government should too.

The Hon. MARK LATHAM (23:53): One Nation opposes the amendment and asks: How much micromanagement of our lives can these people come up with? How many people out there in society would think the release of balloons is a pollution problem? This just would not occur to normal people, who look at the release of balloons as a joyous thing at a kid's birthday party or some other celebration in the community. Nobody really knows where the balloons go, it is something that people—

Mr Justin Field: No, they do not. That is right.

The Hon. MARK LATHAM: Well, it is their life. If Mr Justin Field does not want to release balloons he can sit on them and put them in his pocket and never touch them and never blow them up and never release them. But other people are allowed to live a life without him trying to micromanage every single thing they do. Every little thing in their life—

Mr Justin Field: Where does the balloon go? And then what?

The Hon. MARK LATHAM: The member thinks he should control what everyone else does. There are certain things called basic freedoms in life and if people want to have a celebration with a few balloons and release them into the air, then Mr Justin Field needs to get a life rather than denying others the life they have got and want for themselves with a modest celebration of something that could be significant to them. It might be related to a loved one. It might be related to a special family celebration. It might be related to the fact that they might just like balloons.

The Hon. Sam Farraway: Their campaign launch.

The Hon. MARK LATHAM: A campaign launch—there you go. The brains trust here in the marginal seats have worked out the balloons are for the campaign launch. These are things that happen. Balloons are not an evil force in our society. Generally, other than for the miserable Greens, balloons bring joy to people's lives in a range of ways. No normal person looks at them flying into the air and thinks that is a problem—a problem against which this Parliament needs to legislate. To hear the leader of the Labor Party in this place say that it is a problem just shows you how far removed the Labor Party has gone from working class people and how they look at the world. No person from a working-class background would look at this and think, "That balloon is a problem that needs to be exterminated and banned and terminated by the Parliament of New South Wales."

Things that bring simple joy to life in a fairly innocent and innocuous way should not be contemplated for legislation by this Parliament. It is to the point where I just get completely gobsmacked at the micromanagement, the nanny state, the social engineering by people who cannot even run their own lives—they have trouble running their own affairs—without interfering in what other people do. It is a ridiculous proposition and, ultimately, it is the revenge of the elites who want to sneer at the working people and define problems that just do not exist. Leave the people alone.

The CHAIR (The Hon. Trevor Khan): The Hon. Emma Hurst has moved Animal Justice Party amendment No. 1 on sheet c2021-122B. The question is that the amendment be agreed to.

The Committee divided.

Ayes18
Noes18
Majority.....0

AYES

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

Graham
Hurst
Jackson
Mookhey
Moriarty
Moselmane

Pearson
Primrose
Secord
Sharpe
Shoebridge
Veitch

NOES

Amato
Banasiak
Borsak
Cusack
Fang
Farlow

Farraway (teller)
Franklin
Harwin
Latham
Mallard (teller)
Martin

Mason-Cox
Mitchell
Poulos
Roberts
Taylor
Tudehope

PAIRS

Houssos
Searle

Maclaren-Jones
Ward

The CHAIR (The Hon. Trevor Khan): The votes being equivalent, according to Standing Order 116 I will cast a vote. I refer to page 26 of *A concise guide to Rulings of the President and the Chair of Committees*, as at March 2021, which states:

The casting vote on an amendment to a bill should leave the bill in its existing form.

Therefore, I cast my vote in the negative. There being 18 ayes and 19 noes, the amendment fails.

Amendment negatived.

The CHAIR (The Hon. Trevor Khan): According to sessional order, it being midnight, I will now leave the chair and report progress.

The PRESIDENT: The Committee reports progress. Further consideration of business before the Committee is set down as an order of the day for a future day.

Adjournment Debate

ADJOURNMENT

The PRESIDENT: I propose:

That this House do now adjourn.

KRISTALLNACHT COMMEMORATION

The Hon. SCOTT FARLOW (00:08): Kristallnacht, the "Night of Broken Glass", marked the onset of the Holocaust. On 9 and 10 November 1938 Nazi forces and supporters set fire to and destroyed 267 synagogues; damaged and destroyed over 7,000 Jewish owned businesses; arrested 30,000 Jews and incarcerated them in concentration camps; and murdered at least 91 Jews in Germany, Austria and the Sudetenland. The name Kristallnacht refers to the thousands of broken and shattered windows that littered the streets after the violence. It was the culminating event stemming from the anti-Semitic policies that Hitler had set in place and the prelude to Hitler's Final Solution, resulting in the murder of six million Jews during the Holocaust.

After the horrors and violence, the Nazis decreed that Jewish businesses could not be reopened unless they were managed by non-Jews; that Jewish children be banned from attending school; and that Jewish people could not sell goods or services anywhere, engage in craft work, serve as the manager of any firm or be a member of any cooperative. The Nazis also determined that the Jewish people should be liable for the damage caused to their own properties and that all insurance money owed for such damage be paid to the Reich government. Tonight, as Chair of the Parliamentary Friends of Israel, along with the Hon. Walt Secord, the Deputy Chair of the Parliamentary Friends of Israel, I hosted a live stream of the 2021 Kristallnacht commemoration, presented by the NSW Jewish Board of Deputies. I thank the members who attended: the member for Vacluse, the Hon. Gabrielle Upton; the member for The Entrance, Mr David Mehan; Reverend the Hon. Fred Nile; the Hon. Peter Poulos; and the Hon. Taylor Martin.

Members of Parliament came together in the Parliament House to observe the ceremony, as well as observe a moment of silence to honour the memory of those lost and those who have continued to be affected to this day. The theme of this year's commemoration, "Broken Glass, Unbroken Spirit", also honoured Mr Eddie Jaku, OAM, who sadly passed away recently and, as members know, was a survivor of the Holocaust. We heard that on 9 November 1938 Eddie returned home from boarding school to an empty house. At dawn, Nazi soldiers burst in. Eddie was beaten and taken to Buchenwald. That night was the onset of horrors to come for Eddie and the Jewish people of Europe.

Eddie survived Buchenwald and Auschwitz concentration camps and, after relocating to Australia, dedicated his life to ensuring that hope and love triumphed over despair and hatred, including through his work at the Sydney Jewish Museum over 30 years. It was remarked that only weeks before his death, as we entered into lockdown, Eddie was asking the Sydney Jewish Museum when it would reopen again so that he could go and do the thing that he loved, inspiring generations to come. Sadly, he will not be around for that reopening, which will be happening later this month. Eddie wrote:

This is my message, as long as I live, I'll teach not to hate.

That is a memory and a message that he left for generations to come and all of those who he touched. It should be said that when it comes to Eddie and other Holocaust survivors—I think of my friend Ernie Friedlander in this way—all they express has always been to love, not to hate. It always inspires me that those who have seen the worst of humanity would look to instil the best for the generations to come. Eddie's comments were reflected tonight at the Kristallnacht commemoration. His last words before his death were, "I will be the voice for the six million Jews who cannot speak." No doubt, what a voice Eddie was.

Kristallnacht reminds us of the importance of stopping and confronting hatred and anti-Semitism in its early stages. We must never forget the horrors that occurred and we must do everything we can to ensure that such horrors can never occur again. Sadly, throughout the pandemic we have seen the rise of anti-Semitism and hatred for many within our community. We must make sure that this is stamped out. I thank the NSW Jewish Board of Deputies, its president, Lesli Berger, and its CEO, Darren Bark, who presented a moving commemoration tonight and continue to work tirelessly against hatred and anti-Semitism. I also thank my colleagues who joined us in commemorating Kristallnacht tonight. May care, compassion and understanding always triumph over hatred.

HOUSING AND RENTAL AFFORDABILITY

The Hon. ROSE JACKSON (00:13): From Bathurst:

I am writing on behalf of my friend and her little ones who have lost hope of finding a home before Christmas. Their lease has finished and haven't been offered a new one - they have applied for so many properties and it's just no no no

From Coffs Harbour:

I am a single mother of two with a part time job, the unit I rent at the moment is to be converted into an air bnb and I need to move. I am desperate to find somewhere to live. Hope there is someone out there who can help us. I know there are very hard time for renters but I'm desperate. I have references

From the mid North Coast:

My partner and I are currently homeless and are in desperate need of a house/unit. I am currently 24 weeks pregnant. We are quiet and respectful of our neighbours - we always pay rent, we have pre -approval for our bond and all the correct paperwork ... We have been applying for months and haven't gotten anywhere

From Bellingen:

I'm looking for a small place for my girls and I - we are a local family, my girls go to school here and I run a business in the Main Street of Bellingen. We have been in the area for 4 years but I have separated from my husband - we had to start again so we were staying with friends and moving around a bit. We are financially stable but cannot find somewhere to call home - a small one bedroom place or even a piece of land I could put a demountable home on - please help us

I quote:

Looking for a caravan with shower and toilet - we have nowhere to live

I quote:

I have just moved to Coffs Harbour with my partner. We are doctors working at the hospital. The rental market appears to be quite tricky so I thought I'd try this. We are looking for a 1 or 2 bedroom place

I quote:

In northern NSW it's heartbreaking to see the procession of older people and single mum living in their cars with nowhere to go

These are just some of the hundreds of people who take to local noticeboards and online community groups, desperately seeking help from their neighbours to help them find a home. These people have been to all the open houses. They have put in hundreds of rental applications, have exhausted local caravan parks and are close to giving up. It is heartbreaking to see post after post from people desperate to secure a place to live because the Government has let the housing crisis in regional New South Wales get so out of control.

Housing and rental affordability in regional New South Wales has reached a crisis point. Tree- and sea-changers from Sydney, lucrative short-term rental markets, pressure from regional tourism workforces and years of underinvestment in new housing stock and social housing has culminated in the daily pleas of families on local Facebook groups, desperate to avoid homelessness. We have seen rents in some parts of regional New South Wales increase by more than 20 per cent in the past year. Many have increased by more than 10 per cent. Vacancy rates are less than 1 per cent, which effectively means zero. There is simply nowhere to live for many people who have been long-term residents of regional towns.

The regional housing crisis has been growing in plain sight for years. This is not something we just discovered yesterday. Because many of the problems are due to years of neglect, many of the things the Government needs to do will take years to turn around. But there are two things it can do right now to help people in regional New South Wales secure housing. The first is to use government land to build social housing. This does not require finding new land or getting private developers interested. This is the Government using its own land—and there is lots of it in regional New South Wales—to build social housing immediately. The Regional Housing Taskforce itself notes that this has been sadly lacking. Secondly, the Government can change rental laws in New South Wales so people cannot be evicted before their lease is finished for absolutely no reason other than because the landlord wants to increase the rent.

That is the reality for many people in regional New South Wales: Their landlord evicts them halfway through a lease. They have not done anything wrong. They have paid their rent on time. And then, next week, the property is back on the market for \$200 more or is listed on Airbnb. We can change the law right now to provide some protection for these people, some basic assurance that if you do the right thing, sign a lease, pay the rent and keep the place clean, then you have somewhere to stay until at least the lease runs out. There has been far too much talk from the Government on regional housing and an alarming lack of action. We have had the inquiries. We have had the discussions. Now we have the report from the Regional Housing Taskforce. The excuses for delay and inaction have run out. The Government must act. This should not be a State characterised by citizens

desperately trying to crowdsource a place to live in a local buy, swap or sell Facebook page because the Government has let them down so badly, but that is the reality in regional New South Wales right now.

THE GREENS LOCAL GOVERNMENT REPRESENTATIVES

Ms CATE FAEHRMANN (00:18): There are not many people in New South Wales who work harder than local government representatives. There are even fewer people who work harder than our Greens councillors. Time and time again, it is local governments that step up to fill the gap left by the failures of successive State and Federal governments to deliver for people and the planet. It has been councils that have led the way with action to address the climate emergency, having successfully initiated ambitious 2030 emissions reductions targets, including by Greens in Hornsby, Byron, Woollahra, Hawkesbury and Inner West councils. Newcastle was the first city in New South Wales to be powered 100 per cent by renewable energy. Now, often thanks again to Greens councillors, many more across the State are too.

Waverley, Hornsby, Inner West Council and Parramatta Greens councillors have successfully passed motions to support and align climate and sustainability targets with the Starting Line criteria of the United Nations Framework Convention on Climate Change Race to Zero and identify ways to strengthen overall interim net zero targets, other commitments and action with a requirement to keeping global warming to 1.5 degrees. Meanwhile, Greens on Wollongong Council have been successful in changing the council's electricity contract from generic coal-fired power to a commitment to a power purchase agreement for renewable energy. Who can forget the incredible work and leadership of Greens mayors Carol Sparks on Glen Innes Severn council and Amanda Findley on Shoalhaven council during the horrific Black Summer bushfires? They called it for what it was, a disaster driven by climate change, and supported their communities to get through to the other side.

The Greens councillors are not only kicking goals for the environment. Tweed is recognised as an internationally significant environment, championed by Greens on council, and has set a target for zero waste by 2040. Inner West Council Greens have transformed public spaces with better pedestrian infrastructure. They were able to turn a designated road into green space and have ensured that no waste from the inner west will go to incinerators. In Wollongong, thanks to Greens representatives, you can still catch the free shuttle bus; access the first safe separated cycleway from east to west across the CBD, along Smith Street; and take a walk along double the amount of footpaths in the city, especially around schools.

Greens have championed inclusion for LGBTQIA+ people at a local level by having the rainbow flag flown during Pride and International Day Against Homophobia, Biphobia and Transphobia and organising Pride Month events in Wollongong, providing gender-neutral bathrooms, providing staff and councillor training in Hawkesbury, and ensuring non-gendered language on all council forms in Campbelltown. Led by Lismore's first Greens mayor, Vanessa Ekins, Lismore City Council took the small but incredibly significant step of handing back the Sleeping Lizard site, which is 37 hectares of Widjabul-Wyabul country and home to six significant cultural sites, to the rightful owners for their care and control. The inner west has First Nations voices at all council-run events. Randwick council's 10 days of domestic violence leave, initiated by Greens on council, is now an industry standard for every local government in New South Wales, while anti-abortion protesters can no longer spread their bile outside of abortion clinics.

Greens on council have championed support for people and local business throughout the COVID pandemic. Thanks to them, council staff retained their jobs, and their initiatives meant that people in need did not have to go hungry. A Greens-led initiative on Newcastle council secured a 15 per cent affordable housing levy on all high-density developments. In Byron, where the Liberal-National Government's failure to address the housing crisis has led to some of the worst homelessness rates and out-of-control rents in the State, the Greens successfully initiated an affordable housing project. Our local Greens have championed animal welfare and the shift to no-kill shelters. Animal shelters in Campbelltown and Hawkesbury have been completely reformed thanks to this work.

This is just a snapshot of what Greens across New South Wales have won, just a miniscule view of the incredible work our elected representatives put in for their local communities. We have 58 Greens councillors across the State. Just imagine what could be achieved if there were 75 or 100 or more. We are a party that is not beholden to the interests of big corporations. We will always put what is best for local communities before the profits of big business. The Greens are motivated by a simple motto: Think globally, act locally. At a local level is where we often have our biggest and most important wins for the community.

HUNTER REGION EMERGENCY SERVICES

The Hon. TAYLOR MARTIN (00:23): I update the House on a number of upgrades and improvements to the capability of emergency services across the Hunter region that have been announced or that have come online in recent months. Since 2011 the Coalition Government has built or upgraded 36 police stations. Over the past year alone, we have invested \$287.7 million in capital projects for the NSW Police Force across the State.

One station that has been upgraded is Cessnock Police Station, which became fully operational earlier this year and was officially opened in October by the Minister for Police and Emergency Services, the Hon. David Elliott.

The purpose-built Cessnock Police Station is the result of a 2018 Coalition Government commitment for a new facility to support the community of the Hunter Valley. The new station is a \$17 million investment in policing capabilities for the Hunter region and a major boost to police resources in the Hunter Valley Police District. The facility is designed to support smaller regional stations in the district, to deliver enhanced frontline policing services, and was designed to integrate with nearby buildings, including the courthouse. The new station also has a state-of-the-art charging facility with a custody manager suite and three docks and holding cells, and it provides secure prisoner transfer to the adjoining courthouse. Importantly, it is staffed and operates 24 hours a day, seven days a week.

Cessnock is not the only local police station benefitting from the Perrottet Government's investment, with both Maitland and Newcastle police stations also ready for an upgrade. Newcastle Police Station will undergo a \$6.5 million upgrade, which will see a refurbishment of the station's ground floor, enhancements to the safe movement of persons in custody and—much to the delight of people throughout the greater Newcastle area—it will also include work to the building's brutalist facade, which is falling apart. Maitland Police Station will receive a \$700,000 upgrade of its facilities to improve safety for officers, staff and the community. To operate efficiently a modern police force needs a functional workplace. Maitland is one of the fastest growing areas of our State, so we are ensuring that police have the most up-to-date facilities to support the region.

Recently I was joined by the Minister for Police and Emergency Services and Detective Superintendent Dave Waddell in commissioning a new purpose-built heavy rescue truck for the police rescue squad in Newcastle. The vehicle is one of 11 to be based across the State and one of five based in the regions. The vehicle was funded under the New South Wales Government's \$6.75 million specialised vehicles replacement program. The new rescue truck has been developed according to the needs of the officers on the ground. The vehicle is outfitted with specialist equipment such as drones, vertical rescue gear, 100-tonne hydraulic cylinders, extended duration breathing apparatus and road-crash rescue hydraulics. Emergency services in the Hunter region will be further boosted by an \$800,000 upgrade of the surf lifesaving communications network, following the upgrade to the network serving the Hunter and Lower North Coast regions between Catherine Hill Bay and Camden Haven.

When it comes to saving lives, every second counts. Clear, reliable communications between our volunteers and other emergency services is vital. We all know that a reliable digital radio network is vital to providing immediate support. The upgrade to the network will be crucial to ensuring the safety of volunteer lifesavers throughout the upcoming summer season. The project to migrate the radio technology from 50-year-old technology to digital is the first in a partnership with Resilience NSW and the telco authority. I thank all emergency services personnel in the Hunter region for the job they do protecting the community. I am proud to be part of a government that is supporting them in the work they do.

PALLIATIVE CARE

The Hon. GREG DONNELLY (00:27): While it is trite to say that honourable members of this House do not have anywhere near the contact with constituents that MPs from the other place have on a day-to-day basis and thus direct exposure to the punters' concerns, members of the Legislative Council can and do develop significant insights into matters of the day. This is done in various ways but in particular through our involvement in inquiries undertaken by the various committees of this House. In recent times I have had the privilege of participating in two inquiries, one completed and the other concluding in the not-too-distant future. The first inquiry I refer to is the select committee on the provisions of the Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2020. The second is the Portfolio Committee No.2 inquiry into health outcomes and access to health and hospital services in rural, regional and remote New South Wales.

Both those inquiries, like all inquiries undertaken by this House, were informed by a number of submissions and much quality evidence provided at the public hearings that were conducted. The first inquiry was particularly focused in that it was examining a piece of proposed legislation. It received 21 submissions and heard from 33 witnesses over three days. The second inquiry has been much larger in scope and summary, looking at health delivery and outcomes outside of Newcastle, Sydney and Wollongong. It has received 714 submissions and heard from 178 witnesses over 11 hearing days, with four further days scheduled before the inquiry concludes.

A short adjournment speech like this cannot possibly canvass even a small proportion of the issues covered by those two inquiries, let alone offer considered, detailed reflections and responses to the myriad of matters raised. Tonight I comment on one matter that has come up time and again throughout both inquiries; that is, the way in which the citizens of this State are, when it comes to supportive and palliative care at the end of life, generally speaking only modestly provided for. For those who do not live in the three large metropolitan areas, their end-of-life circumstances can be bleak indeed. In making that statement, I am in no way reflecting negatively

on the outstanding medical and health professionals, nurses, allied health workers and volunteers who day in, day out, give it their all to provide the best possible supportive and palliative care to citizens.

In New South Wales approximately 55,500 people will die this year and many, along with their families, will have been fortunate to be provided with excellent supportive and palliative care, dying in circumstances where pain, anxiety and stress for the dying person will have been controlled through proper medication, medical treatment and care. As a health system and a State, New South Wales knows how to do supportive and palliative care as good or better than anywhere else in the world. That is not some throwaway line or exaggeration; it is true. The issue is not whether we can do it; we certainly can. The issue is the amount and availability of supportive and palliative care that we as a State deliver to our citizens at the end of their lives.

I have to admit that I continue to be surprised by the lack of knowledge and understanding that many people have regarding best practice supportive and palliative care. If you are lucky, you get some comments about a basic syringe driver delivering opioids to a person who is about to die. However, that explanation is just a shadow of what best practice supportive and palliative care is. If members want to know what it can and should be, think of a multidisciplinary team outlined above delivering the best care and support to a dying person and their family; standing by and with the dying person to be with them and look after them until the very end. If they can find the time, I encourage members to look through the submissions and *Hansard* of the two inquiries I have referred to and see for themselves just how much we need to do right now to provide and improve supportive and palliative care for our citizens.

On 17 July this year, in what I expect was an unplanned and unguarded response to a question from the media, the Queensland Premier, Annastacia Palaszczuk, admitted that while citizens in her State under the proposed assisted suicide and euthanasia laws would have access to the poison to end their own lives or be euthanised, they would not necessarily have access to supportive and palliative care. In other words, under what is now Queensland law, you will be provided by the State with the poison to kill yourself or be euthanised, but no such guarantee applies when it comes to being provided with supportive and palliative care. Members can form their own view about what type of choice that really is for a person at the end of their life. I believe that is no real choice at all. What is on offer is cruel and brutal: suffering what may well be a painful and anxious death for the individual and their family because of nil or little palliative care, or ending one's life by one's own hand or being euthanised. I find it is appalling— [Time expired.]

PAYROLL TAX

The Hon. ROBERT BORSACK (00:33): Payroll tax has long been a thorn in the side of regional businesses. After all, it is a tax on employment. The Shooters, Fishers and Farmers Party believes regional businesses should be exempt from payroll tax because it is what our constituents tell us as we travel throughout New South Wales. In fact, we previously tried to move amendments to that effect in this place, only to have The Nationals vote against our amendments. The Nationals love to tell people that this Government is open for business but what they fail to tell people out west, up north or down south is that when this Government says it is open for business that means Sydney, Newcastle and Wollongong. Under this Government, of which The Nationals are a Coalition partner, all our regions have is the bad end of any deal. Payroll tax is a burden on businesses, and it is a deterrent to employing more staff. It is brutal on regional employers and puts an unnecessary financial burden on already stressed businesses.

As this State restarts after the most recent lockdown, the Government should be looking for ways to alleviate burdens on businesses and ways to encourage business owners to employ more staff. It is not good enough, nor is it fair, that after drought, bushfires, floods and COVID-19—where businesses were forced to reduce capacity, temporarily close or shut down completely—that they must also cover payroll tax on top of the mountain of other up-front costs they will be paying to reopen. We know that The Nationals have failed the regions, but now we have a new Premier. If he is serious about an economic recovery, tax exemptions for regional businesses should be on the table. The bush should be classified as special development and growth areas in this State and exempted from payroll tax. Drafting instructions should already have been done and sent out. The very least The Nationals can do is support the Shooters, Fishers and Farmers Party, which is supporting people in regional and rural New South Wales.

The Shooters, Fishers and Farmers Party has campaigned on this issue many times with the support of the regions behind us. It is a small thing with huge benefits. By removing payroll tax this Government is saying to our regions, "We hear you, even if we don't see you, and we are with you." By making that structural change to our taxation system, the Liberal-Nationals will no longer need to pork-barrel electorates and bribe our regions with sports clubs, music conservatoriums and gun clubs before elections. Last year in my contribution to debate on a bill I said, "the economic condition of the bush is precarious". Now, a year on and after another lockdown, the situation is grievous and we are still waiting for real and tangible help from the Liberal-Nationals Government. Instead, the bush gets more taxes, like the new property tax that will move away from a one-off stamp duty

payment to a yearly wealth tax and, for the first time, a tax on intergenerational farm transfers. A tax reform that directly impacts our State's primary producers and forces younger generations off the family farm is ill thought-out and bad policy.

That is a new low for the National Party. To even contemplate, let alone sign off on something like this is an absolute betrayal of the people they purport to represent. The bush will not accept welfare or handouts. They need incentives to get back out there and reopen their businesses, start a small business or get a job with a local company to get employment going again. Our regional areas should have been managed better so that already struggling country towns with virtually no COVID cases did not have to suffer the economic setback that those with large numbers did. Payroll tax and its impacts on employment and competitiveness have been continually questioned since its introduction in 1971. For smaller employers, the mere requirement to register, understand and practise their payroll tax obligations comes at a price. Business NSW produced the report *Back on track*, which outlines the steps the Government should take to get New South Wales going again. Recovery driver number eight is "Solve payroll tax". The opening sentence states:

Payroll tax is regularly reported as one of employers' most despised taxes because it inhibits their ability to create jobs and economic opportunity in their communities.

It goes on to say:

Our members report that small and medium enterprises incur around \$10,000 a year in tax administration costs alone. Not only is payroll tax a growth tax, it also distracts employers from their main task of successfully running a business.

The Government must step in to ensure that payroll tax does not hinder the recovery of our regions. The Nationals need to grow a backbone and stand with the Shooters, Fishers and Farmers in support of exemptions for our regions and be counted with us.

The PRESIDENT: The House now stands adjourned.

The House adjourned at 00:37 until Wednesday 10 November 2021 at 10:00.