



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Wednesday, 17 November 2021

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday, 17 November 2021

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

Business of the House

ORDER OF BUSINESS

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (10:03): I seek leave to amend business of the House notice of motion No. 1 on the *Notice Paper* for today by inserting at the end:

- (2) That this House authorises:
 - (a) the first speech of the Hon. Peter Poulos to be broadcast direct to the NSW Parliament YouTube channel; and
 - (b) the publication of a recording the Hon. Peter Poulos' first speech on the NSW Parliament YouTube channel.

Leave granted.

The Hon. DAMIEN TUDEHOPE: Accordingly, I move:

- (1) That on Tuesday 23 November 2021 proceedings be interrupted at approximately 6.00 p.m., but not so as to interrupt a member speaking, to enable the Hon. Peter Poulos to make his first speech without any question before the Chair.
- (2) That this House authorises:
 - (a) the first speech of the Hon. Peter Poulos to be broadcast direct to the NSW Parliament YouTube channel; and
 - (b) the publication of a recording the Hon. Peter Poulos' first speech on the NSW Parliament YouTube channel.

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

Motion agreed to.

Motions

NSW COMMUNITY SPORTS AWARDS 2021

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

- (1) That this House notes:
 - (a) on Thursday 17 June 2021 the NSW Community Sports Awards were held at Bankwest Stadium;
 - (b) the NSW Community Sports Awards is a longstanding program run by Sport NSW to recognise and celebrate community sport and its dedicated volunteers;
 - (c) the awards are presented in the following 11 categories and the winners include:
 - (i) Community Official of the Year – Gregory Smith, Rowing;
 - (ii) Young Official of the Year – Mason Colwell, Touch Football;
 - (iii) Community Coach of the Year – joint winners – Bec Bulley, Netball; David Groom, Judo; Johanna Tarrant, Rowing;
 - (iv) Young Coach of the Year – Drew Fryer, Athletics;
 - (v) Community Sport Administrator of the Year – Michelle Slack-Smith, Volleyball;
 - (vi) Volunteer Director of the Year – joint winners – Joe Dougall, Touch Football and Kip Stavrou, Martial Arts;
 - (vii) Community Team of the Year – Crusaders Youth League Men, Basketball;
 - (viii) Community Club of the Year – joint winners – Balmain Rowing Club and Northern Barbarians Rugby Club;
 - (ix) Local Council of the Year – Blacktown City Council;
 - (x) Community Event of the Year – NSW Senior State Cup, Touch Football; and
 - (xi) Distinguished Long Service Award – 21 recipients.
 - (d) clubs and sporting organisations from across New South Wales participate in the awards night.

- (2) That this House congratulates all the nominees and winners of the 2021 awards on their exceptional dedication to sport in New South Wales.
- (3) That this House thanks all volunteers involved with community sport.

Motion agreed to.

ANIMALS AND STRATA SCHEMES

The Hon. EMMA HURST (10:04): I move:

- (1) That this House notes that:
 - (a) earlier this year amendments to the Strata Schemes Management Act 2015 were introduced which prohibit strata schemes from unreasonably banning animals;
 - (b) these amendments, which were introduced by the Animal Justice Party, were a critical step forward in making strata accommodation more accessible to people with animals, including people leaving family and domestic violence situations; and
 - (c) since the amendments came into effect, it has been reported that a number of strata schemes have introduced exorbitant application fees and bonds as a barrier to residents seeking to have animals in their apartments, in a clear attempt to frustrate the intent of the amendments.
- (2) That this House calls on the Minister for Better Regulation and Innovation to urgently address the issue of animal application fees and bonds being improperly charged by strata schemes as part of the ongoing Statutory Review of NSW Strata Schemes Laws.

Motion agreed to.

WORLD DIABETES DAY 2021

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

- (1) That this House notes that:
 - (a) Saturday 14 November 2021 is World Diabetes Day, a day which recognises the 422 million people worldwide who have diabetes and raises awareness for the increasing disparity between access to diabetes care, support and treatment; and
 - (b) this year's theme is "Access to Diabetes Care", which highlights the urgent need to have completely accessible, affordable and quality-assured care, support and treatment for all people with diabetes, with particular focus on those who are marginally affected by lack of access to diabetes care, including women, First Nations people and people living in poverty.
- (2) That this House notes that:
 - (a) according to Diabetes NSW, 1.9 million Australians have diabetes, a figure which includes the 1.4 million people who have been diagnosed as well as an estimated 500,000 cases of undiagnosed type 2 diabetes; and
 - (b) according to the Australian Institute of Health and Welfare, diabetes is a leading cause of disability, including cardiovascular disease, blindness, kidney failure and lower limb amputation.
- (3) That this House calls on the Government to commit to supporting people with diabetes in our community through sustained funding for diabetes care, support and treatment.

Motion agreed to.

INTERNATIONAL DAY TO END VIOLENCE AGAINST SEX WORKERS 2021

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

- (1) That this House notes that Friday 17 December 2021 is International Day to End Violence Against Sex Workers, a day which pays respect to sex workers impacted by marginalisation, victimisation and discrimination, and raises awareness for the urgent need to end violence against sex workers.
- (2) That this House notes that, according to the Scarlet Alliance, Australian Sex Workers Association, which is the national peak sex worker organisation in Australia:
 - (a) there is a distinct lack of research into the reported and widespread unreported incidents of violence against sex workers within as well as outside of their place of employment;
 - (b) this violence is linked to the stigmatisation and exploitation of sex workers and alienation from police services; and
 - (c) this violence is linked to transphobia, racism, stigma and criminalisation of drug use and xenophobia, and cannot be ended without the ongoing comprehensive combating of these issues.
- (3) That this House calls on the Government to recognise the discrimination and marginalisation faced by sex workers in their place of employment and in all facets of society, and to work toward ending violence against sex workers through comprehensive and sustainable funding for frontline crisis, counselling and legal services.

Motion agreed to.

*Documents***RENEWABLE ENERGY SECTOR BOARD****Production of Documents: Order**

The Hon. PENNY SHARPE (10:05): I seek leave to amend private members' business item No. 1480 outside the order of precedence for today of which I have given notice by omitting paragraph (a) and inserting instead:

- (a) the document entitled *Chain Analysis Report: NSW Electricity Infrastructure*, prepared by MBB Group;
- (b) the document entitled *WHS Baseline & Opportunities Study: Renewable Energy Sector*, prepared by MBB Group;
- (c) the document entitled *International Trade Law and the NSW Renewable Energy Sector Board's Plan*, prepared by King & Wood Mallesons;
- (d) the document entitled *Employment, Skills and Supply-Chains: Renewable Energy in NSW*, prepared by UTS Institute for Sustainable Futures & SGS Economics and Planning; and

Leave granted.

The Hon. PENNY SHARPE: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents created since 1 January 2020 in the possession, custody or control of the Minister for Energy and Environment, the Minister for Planning and Public Spaces, the Department of Planning, Industry and Environment or the Renewable Energy Sector Board relating to the Second Report on Activities of the Board (the Second Report):

- (a) the document entitled *Chain Analysis Report: NSW Electricity Infrastructure*, prepared by MBB Group;
- (b) the document entitled *WHS Baseline & Opportunities Study: Renewable Energy Sector*, prepared by MBB Group;
- (c) the document entitled *International Trade Law and the NSW Renewable Energy Sector Board's Plan*, prepared by King & Wood Mallesons;
- (d) the document entitled *Employment, Skills and Supply-Chains: Renewable Energy in NSW*, prepared by UTS Institute for Sustainable Futures & SGS Economics and Planning; and
- (e) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

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

Motion agreed to.

STATE INFRASTRUCTURE STRATEGY**Production of Documents: Order**

The Hon. PENNY SHARPE (10:07): I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents created since 1 January 2021 in the possession, custody or control of the Premier or the Department of Premier and Cabinet relating to the State Infrastructure Strategy:

- (a) the most recent draft of the State Infrastructure Strategy; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Motion agreed to.

VALUER GENERAL NSW**Production of Documents: Order**

The Hon. ADAM SEARLE (10:07): I seek leave to amend private members' business item No. 1490 outside the order of precedence for today of which I have given notice as follows:

- (1) Omitting "14 days" and inserting instead "21 days".
- (2) Omitting "Office of the Valuer General" wherever occurring and inserting instead "Valuer General NSW".

Leave granted.

The Hon. ADAM SEARLE: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2020 in the possession, custody or control of the Department of Planning, Industry and

Environment, the Minister for Water, Property and Housing, or the Valuer General, relating to the Valuer General NSW or the Valuer General:

- (a) all documents recording any complaints made about the Valuer General;
- (b) all documents related to the Valuer General's initial assessment report, prepared by Somerset Hoy, Deputy General Counsel, dated 1 July 2020, including:
 - (i) a full, unredacted copy of the initial assessment report; and
 - (ii) a full, unredacted copy of any subsequent reports, including any final reports, relating to the initial assessment report;
- (c) all reports relating to work health and safety matters in Valuer General NSW;
- (d) all emails or correspondence relating to concerns about the welfare of staff in Valuer General NSW;
- (e) the full People Matter Employee Survey results for Valuer General NSW for 2020 and 2021;
- (f) all results of staff surveys, staff feedback and comments by staff in Valuer General NSW, collected on or by software Teamgage; and
- (g) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

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

Motion agreed to.

Motions

AUSTRALIAN SEARCH AND RESCUE AWARDS

The Hon. SHAYNE MALLARD (10:09): I move:

- (1) That this House notes that:
 - (a) on Saturday 2 January 2021, a tragedy unfolded in the upper Blue Mountains when a 24-year-old woman canyoning on the Wollangambe River was swept into a whirlpool and disappeared; and
 - (b) an off-duty police officer, Senior Constable Kelly Foster, attempting to rescue the woman was also swept into the whirlpool where both women tragically perished.
- (2) That this House notes that police divers hiked for two hours to reach the whirlpool carrying heavy equipment and conducted a dive into the dangerous whirlpool, which presents risks of becoming trapped or tangled with equipment, to successfully retrieve the deceased.
- (3) That this House notes that on Thursday 21 October 2021, the police diving team was recognised at the National Search and Rescue Council's twenty-fifth Annual Australian Search and Rescue Awards.
- (4) That this House commends:
 - (a) NSW Police divers, Senior Sergeant Raymond Busby, Sergeant Josh Little, Sergeant Steven Wye, Senior Constable Tim Boardman and Senior Constable Ryan Good, for receiving the Professional Search and Rescue Award 2021;
 - (b) NSW Police Marine Area Command members, Sergeant Tony Hogg, Senior Constable Matthew Gray and Senior Constable Nicholas Leach, for receiving a commendation in the Professional Search and Rescue category;
 - (c) Andrew Peter Coronis and Samuel Michael Coronis for receiving the Non-Professional Search and Rescue Award 2021;
 - (d) Captain Rohit Upadhyay, Chief Officer Santosh Kumar and the crew of the ship *Godam*, for receiving a commendation in the Non-Professional Search and Rescue category;
 - (e) Southport Volunteer Marine Rescue for receiving the Long-standing Contribution to Search and Rescue Award 2021; and
 - (f) Mr Francis Egan for receiving a commendation in the Long-standing Contribution to Search and Rescue category.

Motion agreed to.

Documents

GEOANALYSIS PTY LTD

Production of Documents: Order

Mr JUSTIN FIELD (10:11): I seek leave to amend private members' business item No. 1523 outside the order of precedence for today of which I have given notice by:

- (a) omitting "21 days" and inserting instead "28 days"; and
- (b) omitting "the Department of Transport" and inserting instead "Transport for NSW".

Leave granted.

Mr JUSTIN FIELD: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of the passing of this resolution the following documents, created since 1 January 2000, in the possession, custody or control of the Minister for Energy and Environment, the Minister for Planning and Public Spaces, the Minister for Transport and Roads, the Department of Planning, Industry and Environment and Transport for NSW:

- (a) any contracts, agreements, tender documents or letters of engagement between Geoanalysis Pty Ltd and the New South Wales Government;
- (b) any reports, briefs or other documents produced by Geoanalysis Pty Ltd as a result of engagement of Geoanalysis Pty Ltd by the New South Wales Government;
- (c) any proposals made by Geoanalysis Pty Ltd to the New South Wales Government;
- (d) any correspondence with Geoanalysis Pty Ltd or its director, Steven House;
- (e) any other documents containing the company name Geoanalysis Pty Ltd;
- (f) any documents relating to the lease held by Geoanalysis Pty Ltd in Kosciuszko National Park; and
- (g) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

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

Motion agreed to.

PUBLICATION OF TABLED PAPERS 1856 - 1901

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (10:12): I move:

- (1) That this House notes:
 - (a) that in 2015 a project to digitise the historic tabled documents of the Legislative Council and the Legislative Assembly commenced;
 - (b) that the tabled papers of the first Legislative Council from 1824 to 1856 were digitised, made available on the Parliament's website and the original documents transferred to State Records for care and preservation; and
 - (c) that the documents tabled in the Legislative Council and the Legislative Assembly from 1856 to 1901 were digitised but not published due to concerns that some of the documents may not have been authorised to be published by the House.
- (2) That this House authorises the publication of all papers laid upon the table of the House from the beginning of May 1856 to the end of August 1901.

Motion agreed to.

TABLING OF PAPERS

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

- (1) Annual Reports (Statutory Bodies) Act 1984 and Annual Reports (Statutory Bodies) Regulation 2015—*Western Parkland City Authority—Annual Report 2020-2021*.

I move:

That the report be printed.

Motion agreed to.

*Committees***PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT****Reports**

The Hon. MARK PEARSON: I table report No. 12 of Portfolio Committee No. 7 – Planning and Environment entitled *Protection of the Environment Operations Amendment (Clean Air) Bill 2021*, dated November 2021, together with the transcript of evidence, submissions, tabled documents, answers to questions on notice and correspondence relating to the inquiry. I move:

That the report be printed.

Motion agreed to.

*Business of the House***RESTORATION OF BUSINESS**

Ms ABIGAIL BOYD: According to paragraph 6 of the resolution establishing the Selection of Bills Committee, I move:

That the Protection of the Environment Operations Amendment (Clean Air) Bill 2021 be restored to the *Notice Paper* and the second reading of the bill stand an order of the day for the next sitting day.

Motion agreed to.

POSTPONEMENT OF BUSINESS

The Hon. PETER PRIMROSE: I move:

That business of the House notice of motion No. 2 be postponed until Friday 19 November 2021.

Motion agreed to.

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. SHAYNE MALLARD: I move:

That standing and sessional orders be suspended to allow the moving of a motion forthwith relating to the order of private members' business this day.

Motion agreed to.

ORDER OF BUSINESS

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

That the order of private members' business for Wednesday 17 November 2021 and Thursday 18 November 2021 be as follows:

- (1) Private members' business item No. 1504 standing in the name of Reverend the Hon. Fred Nile relating to the Abortion Law Reform (Sex Selection Prohibition) Amendment Bill.
- (2) Private members' business item No. 1474 standing in the name of Ms Cate Faehrmann relating to the Road Transport Amendment (Medicinal Cannabis—Exemptions from Offences) Bill.
- (3) Private members' business item No. 1481 standing in the name of the Hon. Penny Sharpe relating to an order for papers regarding the delivery of election commitments.
- (4) Private members' business item No. 417 standing in the name of the Hon. Walt Secord relating to the Local Government Amendment (Disqualification from Civic Office) Bill 2020.
- (5) Private members' business item No. 1494 standing in the name of Mr David Shoebridge relating to coal and coal activists.
- (6) Private members' business item No. 1435 standing in the name of the Hon. Robert Borsak relating to the ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill (No. 2) 2021.
- (7) Private members' business item No. 1524 standing in the name of the Hon. Rod Roberts relating to the procurement of public transport.
- (8) Private members' business item No. 1507 standing in the name of the Hon. Daniel Mookhey relating to a reference to the Public Works Committee.
- (9) Private members' business item No. 1442 standing in the name of the Hon. Natasha Maclaren-Jones relating to the National Cervical Cancer Awareness Week 2021.
- (10) Private members' business item No. 1509 standing in the name of the Hon. Peter Primrose relating to an order for papers regarding the Regional Seniors Travel Card.
- (11) Private members' business item No. 1519 standing in the name of the Hon. Mark Pearson relating to an order for papers regarding compliance with kangaroo harvest management plans.
- (12) Private members' business item No. 1510 standing in the name of Ms Abigail Boyd relating to a motion carried by the Central Coast Council.
- (13) Private members' business item No. 1516 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding the teacher supply strategy.
- (14) Private members' business item No. 1514 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding Construct NSW.
- (15) Private members' business item No. 1332 standing in the name of the Hon. Robert Borsak relating to an order for papers regarding disqualifications from greyhound racing.
- (16) Private members' business item No. 1437 standing in the name of the Hon. Lou Amato relating to Diwali 2021.
- (17) Private members' business item No. 971 standing in the name of the Hon. Adam Searle relating to the Work Health and Safety Amendment (Industrial Manslaughter) Bill 2021.

- (18) Private members' business item. No 1468 standing in the name of the Hon. Adam Searle relating to the Law Enforcement Conduct Commission Amendment Bill 2021.
- (19) Private members' business item No. 1394 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding student enrolment.
- (20) Private members' business item No. 254 standing in the name of Ms Cate Faehrmann relating to the Pill Testing Bill 2019.
- (21) Private members' business item No. 1407 standing in the name of the Hon. Emma Hurst relating to the Companion Animals Amendment (Rehoming Animals) Bill 2021.
- (22) Private members' business item No. 1487 standing in the name of the Hon. John Graham relating to the Government Grants Administration Bill.
- (23) Private members' business item No. 1484 standing in the name of the Hon. John Graham relating to the Stronger Country Communities Fund.
- (24) Private members' business item No. 1491 standing in the name of Mr David Shoebridge relating to the an order for papers regarding cemeteries.
- (25) Private members' business item No. 1479 standing in the name of the Hon. Penny Sharpe relating to the Climate Change (Emissions Targets) Bill.
- (26) Private members' business item No. 1465 standing in the name of the Hon. Scott Farlow relating to Perinatal Mental Health Week 2021.
- (27) Private members' business item No. 1381 standing in the name of the Hon. Robert Borsak relating to an order for papers regarding the Southern Highlands Regional Shooting Complex.
- (28) Private members' business item No. 1526 standing in the name of the Hon. Mark Buttigieg relating to an order for papers regarding TAHE assets since 2015.
- (29) Private members' business item No. 1515 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding the School Excellence policy.
- (30) Private members' business item No. 1506 standing in the name of the Hon. Daniel Mookhey relating to the Fiscal Responsibility Amendment (Privatisation Restrictions) Bill.
- (31) Private members' business item No. 1470 standing in the name of the Hon. Mark Latham relating to an order for papers regarding the classification of the Hon. Brad Hazzard MP as a casual contact.
- (32) Private members' business item No. 1500 standing in the name of the Hon. Mick Veitch relating to an order for papers regarding documents prepared for Budget Estimates 2021-2022.
- (33) Private members' business item No. 1508 standing in the name of the Hon. Emma Hurst relating to an order for papers regarding the Australian Animal Welfare Standards and Guidelines for Poultry.
- (34) Private members' business item No. 1501 standing in the name of the Hon. Mick Veitch relating to an order for papers regarding TAFE NSW Organisational Health Surveys.
- (35) Private members' business item No. 1418 standing in the name of Mr David Shoebridge relating to the Children and Young Persons (Care and Protection) Amendment (Family Is Culture Review) Bill.
- (36) Private members' business item No. 1362 standing in the name of the Hon. Taylor Martin relating to the 2021 Surf Life Saving NSW Awards of Excellence.
- (37) Private members' business item No. 1382 standing in the name of the Hon. Robert Borsak relating to an order for papers regarding aerial shooting operations.
- (38) Private members' business item No. 1521 standing in the name of Ms Cate Faehrmann relating to the Great Koala Protected Area Bill.
- (39) Private members' business item No. 1517 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding e-cigarettes in schools.
- (40) Private members' business item No. 1466 standing in the name of the Hon. Shayne Mallard relating to United Nations Day 2021.
- (41) Private members' business item No. 587 standing in the name of Ms Abigail Boyd relating to the Anti-Discrimination Amendment (Sex Workers) Bill 2020.
- (42) Private members' business item No. 1522 standing in the name of Ms Cate Faehrmann relating to an order for papers regarding koala crossings on Appin Road.
- (43) Private members' business item No. 1374 standing in the name of the Hon. Mark Banasiak relating to a further order for papers regarding Monaro Farming Systems.
- (44) Private members' business item No. 1301 standing in the name of Ms Abigail Boyd relating to an order for papers regarding road user charges.
- (45) Private members' business item No. 1456 standing in the name of the Hon. Ben Franklin relating to Grandparents Day 2021.
- (46) Private members' business item No. 1493 standing in the name of Mr David Shoebridge relating to an order for papers regarding the Western lands lease conversion program.

I indicate to the House that with respect to paragraphs (3), (5), (7) to (17), (21), (24), (26) to (29), (31) to (34), (36) to (37), (39), (40) and (42) to (46) of the motion, the members with carriage of those motions have given an undertaking that they will move that their motion be considered in the short form format.

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

Motion agreed to.

Bills

ABORTION LAW REFORM (SEX SELECTION PROHIBITION) AMENDMENT BILL 2021

First Reading

Bill introduced, and read a first time and ordered to be printed on motion by Reverend the Hon. Fred Nile.

Second Reading Speech

Reverend the Hon. FRED NILE (10:29): I move:

That this bill be now read a second time.

I commend the Abortion Law Reform (Sex Selection Prohibition) Amendment Bill 2021 to the House. The explanatory note states:

The object of this Bill is to amend the following Acts—

- (a) the *Abortion Law Reform Act 2019* to prohibit the performance of terminations on persons for the purposes of sex selection,
- (b) the *Assisted Reproductive Technology Act 2007* to prohibit the provision of assisted reproductive technology treatment for the purposes of sex selection,
- (c) the *Health Practitioner Regulation (Adoption of National Law) Act 2009* to provide that the performance of terminations on persons for the purposes of sex selection amounts to professional misconduct of a registered health practitioner,
- (d) the *Health Care Liability Act 2001* to void approved professional indemnity insurance for a registered health practitioner to the extent the insurance provides cover for the performance of a termination on a person for the purposes of sex selection.

This bill is needed. It reads:

1 Name of Act

This Act is the *Abortion Law Reform (Sex Selection Prohibition) Amendment Act 2021*.

2 Commencement

This Act commences on the day that is 3 months after the date of assent to this Act.

Schedule 1 Amendment of Abortion Law Reform Act 2019 No 11

[1] Section 11A

Insert after section 11—

11A Terminations for sex selection

Despite any provision of this Part, a registered health practitioner must not perform, or assist in the performance of, a termination on a person for the purposes of sex selection.

...

Schedule 2 Amendment of Assisted Reproductive Technology Act 2007 No 69

...

[2] Section 75

Insert after section 74—

75 Review of section 29A

- (1) The Minister must conduct a review of section 29A to determine if the section—
 - (a) has prevented the provision of ART services for the purposes of sex selection, and
 - (b) remains appropriate for securing that objective.
- (2) The review must be conducted as soon as possible after 2 years after the commencement of section 29A.
- (3) The Minister must table a report on the outcome of the review in each House of Parliament within 3 years after the commencement of section 29A.

Schedule 3 Amendment of Health Practitioner Regulation (Adoption of National Law) Act 2009 No 86

Schedule 1 Modification of Health Practitioner Regulation National Law

Insert at the end of Schedule 1[13], section 139E, with appropriate paragraph numbering—

; or

contravention of the *Abortion Law Reform Act 2019*, section 11A.

Schedule 4 Amendment of Health Care Liability Act 2001 No 42**Section**

Insert at the end of Part 3, with appropriate section numbering—

Approved professional indemnity insurance void in relation to abortion for the purposes of sex selection

Approved professional indemnity insurance is void to the extent that it provides cover for a registered health practitioner who performs, or assists in the performance of, a termination on a person for the purposes of sex selection.

Violence against women occurs around the world, even from the moment of conception. In many regions across the world, girls are considered to be a drain on finances and less valuable than boys. If the unwanted girls are born, they are often killed by their parents. The 2012 documentary *It's a Girl: The Three Deadliest Words in the World* is difficult to watch. Impoverished mothers speak about the infanticide of their children by their own hands. In the Indian State of Uttarakhand, no female babies were reportedly born over a three-month period in 2019 across more than 132 villages and 947 births. In the 2019 debate on the issue, similar stories were told and accusations of racism were hefted across the Chamber. I am grateful that the Hon. Daniel Mookhey and others repudiated those claims, as that is not my intention in telling of those acts. I reject racism entirely.

In the First World we are no better. We murder the unborn while still in the womb, so it is easier to hide the depravity of our actions. Planned Parenthood describes the abortion procedure as "a combination of medical tools and a suction device to gently take the pregnancy tissue out of your uterus". That "pregnancy tissue" is an unborn child, but it avoids using those words. That unborn child has a heartbeat from as early as six weeks and can feel, breathe and even taste. It is chopped up and sucked out. How efficient, cold and clinical. This is sad, ugly and real. Mothers should be offered more support to carry their child to term regardless of sex.

While I am publicly opposed to the ongoing practice of medical abortion, I stress that the bill does not eliminate abortion as a whole. It seeks to eliminate the practice of aborting unborn children on the grounds of their sex. Further, the bill penalises medical practitioners who conduct a sex-selective abortion. Those penalties are clearly defined in schedule 2 and schedule 4, with severe criminal penalties and the voidance of any approved professional indemnity insurance. This is not the first time such legislation has come before Parliament. In 2019 the Hon. Damien Tudehope raised a similar bill. It was my privilege to support his bill, and I invite him and the Government to do the same now. Similar legislation already exists in South Australia under the Termination of Pregnancy Act 2021, which states:

Health practitioner must not terminate pregnancy for sex selection

- (1) Subject to subsection (2), a registered health practitioner must not perform a termination of a pregnancy for the purposes of sex-selection.

Members of this Chamber, who shall remain nameless, have previously denied the very existence of sex-selective abortion in New South Wales. They claimed that reports of said abortions have been misread and misrepresented, or they just outright denied the fact. One would wonder what has changed. Why am I reintroducing this bill? That is because sex-selective abortion does occur in New South Wales, and the evidence is piling up year by year, month by month, day by day. NSW Health published the *Review of pregnancy for the purpose of sex-selection in NSW* in December 2020. The report, which was received on 6 September 2021 and reported on 12 October 2021, states:

Thirteen notifications of termination of pregnancy (0.08 per cent) indicated that they were for the sole purpose of sex selection. Nine of these notifications were completed on the PDF notification form and emailed or faxed into the Ministry. Of the notifications indicating that they were for the sole purpose of sex selection, ten indicated that these were for pregnancies less than nine weeks gestation.

The report further states that 13 instances were documented requests made to providers. These are not reporting errors, and this is not a misrepresentation of the facts. This is real, and it is happening today in New South Wales. I hope that members of the Chamber are not calling these 13 women liars. I stress the importance of section 75. A review into the impacts of the bill in two and three years is crucial in determining its effectiveness. In 2019, during the last debate on this matter, the Hon. Penny Sharpe argued that the prohibitions on sex-selective abortion do not really work, based on the findings of the World Health Organisation in the 2011 report *Preventing gender-biased sex selection*. I have read this report and it does not say this. What the report actually says is:

... experience indicates that legal restrictions in isolation from broader social policies and other measures to address deep-seated social norms and effect behaviour change may be ineffective and may even detrimentally impact upon the human and reproductive rights of women ... The prevention of gender-biased sex selection will require major commitment and sustained and concerted efforts by governments, civil society, international agencies and all others working towards the goal of gender equality. A carefully planned and systematic approach involving stakeholders at all levels is needed to put in place supportive legal and policy measures for girls and women. This must be combined with the use of non-judgemental and non-coercive mass-media strategies and other social measures to encourage behaviour change. Imbalanced sex ratios are an unacceptable manifestation of gender discrimination against girls and women and a violation of their human rights.

In summary, the report does not rule out the effectiveness of sex-selective abortion bans but rather says that, in isolation, they may not work. A broader education campaign on this issue is needed as well. I am open to amendments to further increase my bill's effectiveness. I remind all members that in 2019 there was unanimous consensus regarding opposing sex-selective abortion as a principle. I am sure that members still share those views. This bill is about more than just sex-selective abortion; it is about the fight against sex discrimination. For the sake of unborn girls, please vote for my bill. I thank the House for its attention and for the opportunity to present this bill.

Debate adjourned.

ROAD TRANSPORT AMENDMENT (MEDICINAL CANNABIS - EXEMPTIONS FROM OFFENCES) BILL 2021

First Reading

Bill introduced, and read a first time and ordered to be printed on motion by Ms Cate Faehrmann.

Second Reading Speech

Ms CATE FAEHRMANN (10:48): I move:

That this bill be now read a second time.

It is with great pleasure that I introduce the Road Transport Amendment (Medicinal Cannabis-Exemptions from Offences) Bill 2021 on behalf of The Greens, as the drug law reform and harm reduction spokesperson for The Greens. This bill seeks to end the injustice that has been perpetrated by this Government against patients who legally and legitimately access medicinal cannabis. The bill is simple. It amends the Road Transport Act 2013 to provide an exemption to people who test positive for tetrahydrocannabinol [THC] in their system while driving, if the THC was obtained and administered in accordance with the Poisons and Therapeutic Goods Act 1966 or a corresponding Act of another State or Territory. Importantly, the defence applies only if THC is the only illicit drug present in a person's system at the time that they test positive.

The person must have consumed a legally prescribed medicinal cannabis product and, importantly, they had to have consumed the product according to the guidance of their doctor. That guidance will include how to use the product in such a way as to avoid driving while impaired, as is the case for other prescription drugs like opioids. The bill does not provide a catch-all defence for persons with a medicinal cannabis prescription who are demonstrably impaired. Section 111 (5) of the Road Transport Act 2013 provides a medical defence for those found driving with morphine present in their system if it was consumed for medicinal purposes. Section 111 (6) defines "medicinal purposes" as:

- (a) a drug prescribed by a medical practitioner taken in accordance with a medical practitioner's prescription, or
- (b) a codeine-based medicinal drug purchased from a pharmacy that has been taken in accordance with the manufacturer's instructions.

Morphine is exceedingly more dangerous than is medicinal cannabis both on and off the road and has been found to delay reflex responses for up to 36 hours. If the Government can provide a medical defence to those who legitimately use morphine for their pain, it has no justification for not providing the same defence to the growing thousands of Australians who legally use medicinal cannabis. In 2016 the Federal Government legalised access to medicinal cannabis after a campaign led by Lucy Haslam, a retired nurse, gained national attention. Ms Haslam's 20-year-old son Dan was diagnosed with bowel cancer in 2010. Medicinal cannabis provided relief to Dan, whose chemotherapy killed his appetite, gave him nausea and mouth ulcers, and made him vomit.

Mr Deputy President, I know you are well aware of the Haslam family, as they are from Tamworth, and what they went through. Dan's father, Lou, who had worked undercover for the New South Wales drug squad from 1972 to 2006, told of how things got so bad for Dan that he would vomit at the mere thought of chemotherapy. Mr Haslam tells of a life-changing moment when a family friend, who had colon cancer, offered Dan some cannabis to try, after all else failed. His son's ulcers disappeared, his appetite returned and his nausea decreased. Lou Haslam said:

He'd tried every bloody pharmaceutical drug. They did nothing. This was really working.

Stories similar to Dan Haslam's were repeated over and over again. Finally, medicinal cannabis was made legally available through the Therapeutic Goods Administration's [TGA] special access scheme. In the five years since, the number of Australians accessing medicinal cannabis has exploded. Up to 12 October this year, the TGA had approved over 180,000 applications for medicinal cannabis products. FreshLeaf Analytics, the leading supplier of data on the medicinal cannabis industry in Australia, has reported that the number of active medical patients has grown from 30,000 at the end of 2020 to 70,000 in September. That number is predicted to reach 75,000 by the year's end, with the exponential growth of the industry expected to continue into 2022 and beyond.

Yet, when our national laws were changed to make cannabis available for medicinal use, our driving laws were not. The United Kingdom, New Zealand, Norway, Germany, and Ireland all provide a medical defence for testing positive to THC to protect medicinal cannabis patients if they are not impaired and are using the drug as directed. However, despite the explosion in prescribing medicinal cannabis use in Australia, Tasmania is the only State with a medical defence to drug-driving charges for medicinal cannabis patients. The roadside drug-testing regime in New South Wales has also increased dramatically, from 38,830 tests conducted in 2014 to 166,351 tests in 2019. Unlike other road safety measures, there has been no discernible decrease in road trauma as a result of the roadside drug-testing regime. On the other hand, random breath testing [RBT], which was introduced in 1982, has resulted in road trauma reduction.

A 1985 study on the impacts of RBT found a 25.7 per cent reduction in fatalities and an 11.4 per cent reduction in injuries in 1983 compared to the pre-RBT average. Since then, trauma from fatal crashes involving alcohol in New South Wales has dropped from about 40 per cent of all fatalities to 15 per cent in 2017. Similarly, legislation making seat belts compulsory in New South Wales was introduced at the end of 1971. A 1973 analysis comparing 1972 road fatalities to expected fatalities found a 25 per cent reduction in deaths. Meanwhile, since 2014 deaths associated with drug driving have not decreased but have remained steady, despite the exponential increase in roadside drug testing, as I mentioned earlier.

Despite that, the New South Wales Government set a 2020 target of 200,000 tests. Given that the tests cost at least \$40 per unit, that represents an \$8 million cost to the taxpayer, without accounting for the costs of police personnel, increased pressure on the criminal justice system and the social costs of individuals negatively impacted by entering the criminal justice system. The roadside tests used by New South Wales police are incredibly sensitive to THC. Just five nanograms per millilitre is enough to trigger a positive result. That result will be used as evidence that a person was driving while impaired by THC.

The New South Wales Government has previously claimed that THC remains in a person's system for up to 12 hours. In reality, regular cannabis users can take up to 22 to 24 hours to drop below 10 nanograms per millilitre, and even light or moderate use can trigger a positive test over 24 hours later. Many medicinal cannabis patients have reported testing positive days or even weeks after they had last consumed cannabis. Even some cannabidiol [CBD] products that are consumed regularly contain very low levels of THC, which can accumulate in fat cells and trigger a positive test. Unlike alcohol, where a 0.05 blood alcohol concentration is widely accepted as too drunk to drive, there is no consensus on how many nanograms per millilitre of THC represents impairment. There is no shred of evidence to support the sensitivity to THC in the tests used by the New South Wales police. However, there is a wealth of evidence that impairment caused by cannabis is relatively short lasting.

The University of Sydney Lambert Initiative for Cannabinoid Therapeutics conducted a comprehensive analysis of 80 scientific studies to determine the window of impairment caused by the consumption of THC. The analysis indicated that impairment may last up to 10 hours if high doses of THC are consumed orally. When lower doses of THC are consumed via smoking or vaporisation, the duration is generally four hours. One study found almost no increase in crash or culpability risk from the presence of THC. Another study found that users with THC in their system were only 1.1 to 1.4 times more likely to be involved in a crash than were sober drivers. That is comparable to antidepressants, which are completely legal to use while driving but increase the likelihood of a crash by 1.35 to 1.4 times. A study measuring the driving performance of occasional cannabis users who vaporised 13.7 milligrams of THC found modest driving impairment at 40 to 100 minutes and no impairment at 240 to 300 minutes. The Lambert Initiative's Dr McCartney has said:

... [it is] becoming increasingly clear that our drug-driving laws are not only out of date but hugely unreasonable now that we have tens of thousands of Australians using legal, prescribed medical cannabis.

Our drug-driving laws should be about enhancing road safety and minimising injury, not about criminalising drivers who have only the mere presence of a drug in their system ...

But they are not impaired. The current situation in New South Wales is that if a person tests positive to THC while driving, they are found guilty of an offence under section 111 of the Road Transport Act 2013. In May 2019 police were given the power to issue a penalty notice for a first-time drug-driving offence, resulting in an instant three-month licence disqualification and an on-the-spot fine of \$572. If an offender challenges the penalty notice

in court, that can result in a fine of \$2,200 and a six-month licence disqualification period, although a judge has discretion to be lenient and drop the suspension to three months, but that is all.

In 2019, there were 9,446 people who tested positive for THC from roadside drug tests in New South Wales—9,446 people in just one year. Thousands of individuals have been penalised for the mere presence of a drug in their system despite a lack of evidence that they were ever impaired. This is already an incredible injustice. But this Government goes further, waging war on patients for whom medicinal cannabis is the only serious relief from chemotherapy side effects, chronic pain, multiple sclerosis and a litany of other serious illnesses and pain. This is despite the fact that these patients are accessing legally prescribed medicinal cannabis under the instruction of a doctor. This is despite there being no evidence that they are a danger on our roads, and despite there being no evidence that a positive test for THC indicates impairment.

Loss of licence often leads to a loss of income, financial distress, housing instability and sometimes the breakdown of relationships. The Government has no plans to address this gaping hole in our justice system, leaving thousands of users to make the impossible choice of living with the risk of a serious drug driving charge, or forgoing their driver licence and not being able to drive when they need to, or forgoing their use of a life-changing medicine. My office has been contacted by many people whose lives have been changed for the better after being diagnosed with an illness and prescribed medicinal cannabis. Jay contacted me in May this year and told me how he has been recently diagnosed with a crippling condition called functional neurological disorder, as well as complex post-traumatic stress disorder. He said he has found legally prescribed medicinal cannabis with THC to be life-changing, despite the almost prohibitive cost. It enables him to perform otherwise challenging tasks but also normal tasks like walking and going about his day.

As a result of his condition, he moved to what he thought would be a more peaceful location in the hills of Nimbin to rehabilitate some rainforest, while living off his savings, where community attitudes were more positive towards his medicine. He told me how this has left him caught up in a discriminatory campaign that has ruined his reputation and future prospects, despite always living a life guided by what he thought to be high moral standards. He told me how he had to face court for driving with THC present in his saliva, which was from his medication that he took at 4.00 a.m. so that he could drive to the airport the following afternoon to pick up his elderly father. There are many other stories like Jay's. The injustice of this system was one of the motivations for former magistrate David Heilpern to retire early after serving on the bench from 1999 to 2020.

While Magistrate Heilpern presided over Lismore Local Court he was overwhelmed with drug driving cases, with the Richmond-Tweed area leading the State in drug driving charges between 2015 and 2016. During this time, he made a number of groundbreaking rulings in favour of those he judged to have been unfairly targeted by the roadside drug testing regime, including hundreds of people who were charged despite having a prescription for medicinal cannabis. He even found a driver not guilty of driving under the influence of cannabis after he was satisfied he had not consumed the drug for nine days prior to testing positive. After stepping down from his position, David Heilpern told the ABC the following:

We had a situation where people were taking their medicine as prescribed, they weren't driving in any adverse way and yet they were losing their licence, being fined and getting a criminal record. I started driving home from work, thinking, I just can't do this.

David Heilpern is now the director of the Drive Change campaign to achieve exactly what is in this bill—a medical defence to drug driving charges for users of medicinal cannabis. Speaking to Sydney Criminal Lawyers, David Heilpern explained how a defence for medicinal cannabis patients would function. He said:

If people are apprehended, and if people have a detectable level of THC in their system, then they should be able to show their medical certificate and have a defence. That defence is that they have a prescription and are using it in accordance with that prescription, therefore they weren't driving under the influence in the sense of being adversely affected. That should be the defence. That way the police can exercise their discretion because they wouldn't have reasonable prospects of success in court. If someone shows them the prescription on the side of the road, they can refer it up for there to be a decision not to prosecute on the normal prosecutorial principles, as there is a valid and available defence. So, ideally, those people would never get to court. And if they did, they would have a defence to the charge. That would update us with the rest of the world and would be a start with reform in this very important area.

Former Magistrate Heilpern also stated:

... in terms of increasing road safety, what would happen then is that people would stop using opioids, barbiturates and other drugs that really do have an adverse effect on their driving even though detectable levels aren't a defence.

Instead we have a drug driving framework that actively discourages the uptake of medicinal cannabis and drives people to—let us be honest—more dangerous drugs like opioids, even though the risk of those drugs causing road trauma is significantly greater. The bill builds on the work of my colleagues in other States, including The Greens MLC Ms Tammy Franks, who introduced the Road Traffic (Medicinal Cannabis) Amendment Bill 2021 in South Australia, and Ms Fiona Patten MP of Fiona Patten's Reason Party, who introduced the Victorian Road Safety Amendment (Medicinal Cannabis) Bill 2019 in Victoria. I also acknowledge the work of my colleague in this

place Mr David Shoebridge, who has campaigned on this issue for many years, including moving an amendment to the Road Transport Legislation Amendment Bill 2020 in October last year, which aimed to introduce a similar defence. Of course, that bill did not get through.

I recognise the work of those in the legal field and the community who have been campaigning for this compassionate, fair and eminently sensible reform for many years. I also recognise the exceptional work of the fairly new organisation Drive Change in raising awareness of the need for drug driving law reform that is fair, equal and improves public health. This reform is long overdue and increasingly urgent. This reform should have happened when medicinal cannabis was legalised at the Federal level in 2016. Instead, medicinal cannabis patients have been discriminated against and forced not to drive because our laws have not kept up. We need to change that. I commend the bill to the House.

Debate adjourned.

Documents

GOVERNMENT ELECTION COMMITMENTS

Production of Documents: Order

The Hon. PENNY SHARPE: I move:

That private members' business item No. 1481 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. PENNY SHARPE (11:08): I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents created since 1 January 2021 in the possession, custody or control of the Premier or the Department of Premier and Cabinet relating to the delivery of election commitments:

- (a) all briefings, notes, reports and tracking documents related to the delivery of the 913 election commitments made in 2015 and 2019; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This is a very straightforward motion under Standing Order 52. It basically seeks the briefings, notes, reports and tracking documents related to the delivery of the 913 election commitments made in 2015 and 2019 by the Government. As we know, only about one-third of those commitments are complete. The Government tells us that the rest are on track or that it is going to get there. That is fine, but the Opposition would like the Government to release those documents so that the rest of New South Wales can actually understand how many promises it is keeping and/or breaking. I encourage members to support this motion.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (11:09): Fundamentally this matter is about those opposite wanting to know how to do it. This motion says, "We want the manual to know how to do it, because you guys are so good at doing it. We want to know how to do it on our side. We want to get the manual and all those documents which show us how to do it, so we can develop some sort of policies." Those opposite do not have any policies.

The Hon. Walt Secord: So you're supporting the motion?

The Hon. DAMIEN TUDEHOPE: We are going to support it. We are going to give it to you, but I cannot resist making some points in relation to it. Of the 913 commitments the Government has made, 815 are now delivered or are on track. That is over \$154 billion in infrastructure projects delivered and another \$108 billion in the pipeline. I compare that to Labor's record. Those opposite promise everything, build nothing, ignore hospitals and close schools. More importantly for the purpose of this debate, I take issue with what occurred yesterday. In the take-note debate yesterday the Hon. Courtney Houssos claimed—

The Hon. Penny Sharpe: Point of order—

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I think I know what this point of order is going to be.

The Hon. DAMIEN TUDEHOPE: Taking up my time. That's what it's about.

The Hon. Penny Sharpe: I gave you plenty of time because I only spoke for a minute. The Minister's speech is completely irrelevant to the motion before the House, and it is out of order. If the Minister wishes to revisit the debate from yesterday, he can speak in the take-note debate tonight, not in this debate.

The Hon. DAMIEN TUDEHOPE: To the point of order: I will be addressing the claims made by the member in respect of this issue.

The Hon. Penny Sharpe: It has nothing to do with this motion.

The Hon. DAMIEN TUDEHOPE: It directly goes to this issue because what the Hon. Courtney Houssos said is—

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I will rule on the point of order. Last week I pulled up and, I think, offended the Hon. John Graham when I said that when one is moving a motion under Standing Order 52 the matter to be addressed is why the SO 52 is necessary, not all the background material. The Hon. John Graham is often very good at weaving in. I shut him down, and then a Government member proceeded in another debate to essentially do the repost. I shut that member down as well. The Minister is falling into the same error.

The Hon. DAMIEN TUDEHOPE: Thank you. I appreciate your ruling, Mr Deputy President, but—

The Hon. Penny Sharpe: Don't canvass it.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): He won't.

The Hon. DAMIEN TUDEHOPE: I seek an extension of time.

Leave granted.

The Hon. DAMIEN TUDEHOPE: It goes to the extent to which this is potentially a fishing expedition for material. That is a relevant point because the member deliberately used what she said was in the Premier's briefing material, stating that there is independent advice contained in the material which says that the Government is not delivering on its commitments. She was quoting what she said—

The Hon. Penny Sharpe: Point of order: The Minister is flouting the ruling. He is now going back to what the Hon. Courtney Houssos said yesterday. That has absolutely nothing to do with this call for papers, which is about election commitments and whether the public will get to see them or not.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I will not rule on the point of order because the Minister has 12 seconds remaining to speak.

The Hon. DAMIEN TUDEHOPE: This material is designed to get one-liners. The member demonstrated that yesterday and, in many respects, this member continues that process. The commitments are out there. They are being delivered. They are on track. There are some that may not be delivered for all sorts of reasons. Those opposite can get the manual if they want to, so they can learn how to do it.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I will put the question.

The Hon. Penny Sharpe: May I speak in reply?

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Yes. Do you want to?

The Hon. Penny Sharpe: Yes. I will be very brief.

The Hon. Damien Tudehope: In reply to the point of order?

The Hon. PENNY SHARPE (11:13): In reply: No, I am replying to the substantive motion, which the Minister should have addressed. However, I am not going to reflect again on that matter. This is very straightforward. This is an SO 52 call for papers about the Government's public commitments. It is about the role of this House in terms of public oversight of those commitments and public accountability. The motion should be supported.

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

Motion agreed to.

Bills

LOCAL GOVERNMENT AMENDMENT (DISQUALIFICATION FROM CIVIC OFFICE) BILL 2020

Second Reading Debate

Debate resumed from 27 February 2020.

The Hon. SHAYNE MALLARD (11:15): On behalf of the Government I speak on the Local Government Amendment (Disqualification from Civic Office) Bill 2020. This is the Opposition's second attempt

at legislating the measures proposed in the bill. The last attempt was a complete mess. The last bill sought to ban people who were officers of companies undertaking property development activities and their spouses from being councillors, while leaving natural persons—people who were not officers of companies but were property developers—free to be elected to councils. It was easy to get around the ban proposed by the Opposition's previous bill; all a person needed to do was cease all of their property development or real estate activities before the election. Then, if they were elected, they were free to resume those activities and continue to hold office in council for the next two years, until the disqualification took effect. It was a huge loophole.

This bill is an improvement on the last one—those opposite are getting better at it—but only because, unlike those opposite, the Government has already done the heavy lifting in crafting and delivering meaningful reforms to improve the integrity of council elections and to promote community confidence in their outcomes. The bill rests very heavily on the Government's far-reaching reforms to local government election funding and expenditure laws in recent years for its efficacy. However, the fact that the Opposition has been able to rely on the Government's reforms to election funding and expenditure laws to effect the improvements to the bill before the House has not assisted it to overcome the more fundamental flaws of its predecessor, which will probably see the amendments overturned if legally challenged.

This raises the question of why the Opposition would again bring to this House a bill that it knows is likely to be unconstitutional and will be struck down by the High Court as soon as it is challenged. Why go to all this trouble, unless the bill is, as members know, simply a stunt? Unlike those opposite, the Government is about delivering real outcomes. It is not about subscribing to empty gestures, like those contained in the bill. For that reason, the Government will be opposing the bill. The Government has already done the hard yards in improving the integrity of local government and will continue to take the steps that are necessary to give members of the community reassurance that they can have confidence in their local council and any decisions that it makes.

The bill seeks to amend the Local Government Act 1993 to disqualify persons from holding civic office in a council if they are a property developer within the meaning of division 7, part 53 of the Electoral Funding Act 2018 or a real estate agent within the meaning of the Property and Stock Agents Act 2002. Under the proposed amendments, if elected to a council, property developers and real estate agents will have until the first meeting of the council after the election to cease to be a property developer or a real estate agent or their office in the council will automatically become vacant. The Government acknowledges that the current bill is an improvement on the earlier bill; I will give those opposite credit for that.

The earlier bill had three serious deficiencies. First, it used the then applicable definition of "property developer" contained in the Election Funding, Expenditure and Disclosures Act 1981, which has since been repealed. It only included corporations and their close associates. Natural persons who were property developers continued to be entitled to be elected to and hold an office in a council. That was a fundamental flaw in that bill. Second, the definition of "property developer" that was used was imprecise, posing significant challenges to compliance with and enforcement of any ban based on the definition. Thirdly, councillors who became property developers or real estate agents after being elected to a council continued to be entitled to hold their office in the council for two years, making the ban easy to circumvent. It was very embarrassing, and it is pleasing to see that that has been addressed in this second bill.

A more fundamental concern about the earlier bill was the susceptibility of the proposed ban to legal challenge on constitutional grounds. This continues to be a fundamental concern in relation to the current bill. That has not been rectified. It has been brought forward in this second attempt. The Commonwealth Constitution imposes limits on the laws that the New South Wales Parliament can make. This includes laws that unduly burden an implied freedom of political communication. The High Court has consistently held that laws, including New South Wales laws, that burden political communication must be reasonably appropriate and adapted to serve a legitimate end which is compatible with the maintenance of representative and responsible government.

A total prohibition of classes of persons from standing for elected office at any level of government is likely to require very significant levels of justification to withstand a High Court challenge. The Government is not confident that the measures contained in the bill which seek to ban whole classes of people from holding elected offices in councils based on how they earn a living are proportionate to the risk they seek to address—namely the risk that those persons may at some point have conflicts of interest in a matter they may be required to make a decision on. For this reason, the Government does not believe that the measures contained in the bill meet the high threshold of justification required for such a ban to be legally effective.

The measures proposed in the bill are particularly difficult to justify, given the existing safeguards to ensure that councillors disclose their personal and financial interests in matters they are asked to make decisions on and to exclude themselves from decision-making on them. Since 2015 the Government has progressively tightened the rules governing the disclosure and management of conflicts of interest by councillors and increased the penalties for breaches. These measures are now enshrined in the *Model Code of Conduct for Local Councils* in

NSW. The current iteration of these rules was only prescribed as recently as 2020, following a comprehensive review. I understand that, when the Office of Local Government consulted on the measures contained in the code, many councillors complained that they were being subjected to tougher ethical standards than elected officials at any other level of government, including this Parliament.

These tough standards are complemented by even tougher penalties. Councillors who breach their obligations to disclose their personal interests and remove themselves from any decision that could impact on those interests can be suspended for up to six months or disqualified from holding office on any council for up to five years—pretty tough penalties. A councillor who repeatedly breaches their obligations and who has been suspended on three or more occasions for misconduct is automatically disqualified from being a councillor for five years. And it does not end there. A councillor who personally profits from a breach of their obligations can be forced to hand over to their council any financial benefits they have received from that breach. These measures have been effective in deterring councillors from breaching their obligations to disclose conflicts of interest in matters they deal with and to remove themselves from decision-making in relation to them. Since 2015 there have been only six proven breaches of the code.

The risk of pecuniary interest breaches has been further reduced by amendments made to the Environmental Planning and Assessment Act 1979 to preclude councillors from metropolitan councils and the Central Coast and Wollongong councils from exercising the councils' functions as consent authorities on property. These functions are now exercised by local planning panels or joint regional planning panels. All development applications lodged by councillors at those councils must be referred to the local planning panel for determination. The measures contained in this bill are also hard to justify, given that electors now have information available to them on whether a candidate or a councillor is a property developer and can make informed choices about whether to vote for that person at council elections. The Government has introduced rules requiring candidates at council elections and serving councillors to publicly disclose whether they are a property developer.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Mr David Shoebridge and the Hon. Mark Buttigieg will come to order.

The Hon. SHAYNE MALLARD: In the case of candidates, this information is publicly accessible in candidate information sheets, which are available immediately prior to the elections. If a candidate who is a property developer is elected, they are required to disclose this information in the return of interests they are required to complete and lodge with their general manager, and this information is published on their council's website. The availability of this information means that electors can exercise their own judgement—we trust the electorate to make these decisions—on whether they want a property developer on their council. These measures are more proportionate to and better adapted to address the risks associated with property developers and real estate agents serving on councils than the total ban proposed in this bill.

[Opposition members interjected.]

This is a very serious response to this bill. I am not going to be laughing at yours. This Parliament should not be in the business of deciding who should or should not be elected to—

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! I will call members to order if they continue to interject.

The Hon. SHAYNE MALLARD: Do you want me to start the speech again?

The DEPUTY PRESIDENT (The Hon. Trevor Khan): No, I want you to keep going.

The Hon. SHAYNE MALLARD: This Parliament should not be in the business of deciding who should or should not be elected to councils based on how they are earning a living. This judgement should be left to the electors. Because of the strong measures taken by the Government to ensure the integrity of local government, electors are now able to exercise this judgement, having available to them information about whether a candidate is a property developer and confident in the knowledge that, if elected, they will be obliged to put the community's interests ahead of their own.

Further on conflicts of interest, we on this side are not entirely sure of what the Opposition is trying to achieve through this bill. It would seem to us that trying to ban people who are engaged in otherwise lawful, legitimate businesses from being able to make a contribution to their community by putting their hands up for election to their local council, simply because of how they choose to make a living, represents a serious case of regulatory overreach. One of the strengths of our democratic system of local government is that councillors are drawn from the local community. Because of this, it is inevitable that anyone who is elected to a council, regardless of their occupation, will be asked at some point in time to make a decision on something that directly affects their personal interests or the interests of someone that is close to them. What matters is not the potential for conflicts

of interest to occur but that councillors appropriately manage conflicts of interest in a way that ensures that the community's interests are always placed ahead of any councillor's personal interests. There are already strict rules in place under the *Model Code of Conduct for Local Councils in NSW* to ensure that this occurs.

The code identifies two types of conflicts of interest: pecuniary and non-pecuniary conflicts of interest. I am familiar with those, having been a councillor for 12 years. The rules governing these are simple but effective. If a councillor or their relative, employer or business partner, or a company they hold shares in stands to gain or lose financially from a decision the council is being asked to make, the councillor will have a pecuniary interest in the matter. They must disclose that interest, get out of the meeting and take no part in any discussion, debate or decision-making on the matter they have the interest in.

Non-pecuniary conflicts of interest relate to other types of interests that councillors may have that are not pecuniary in nature. A councillor will have a non-pecuniary conflict of interest in a matter being considered by a council where a reasonable and informed person would perceive that the councillor could be influenced by a personal interest in a matter they are making a decision on. There is another term for this test. It is called the pub test. Where the interest arises from a close relationship the councillor has with another person, like a business relationship, a personal friendship or a close affiliation with an organisation, then the councillor will need to manage that conflict of interest in the same way as with a pecuniary interest. The councillor must disclose their interest, get out of the meeting and take no part in any discussion, debate or decision-making on the matter they have the personal interest in.

Councillors will also be in breach of their obligations under the code where they try to misuse their position or try to improperly influence another decision-maker in council to obtain a personal benefit for themselves or for anyone else. If councillors do not comply with these requirements, they can be potentially suspended from council for up to six months or lose the payment of their fees for up to six months. In serious cases, they may even be banned from being a councillor for up to five years. If they repeatedly breach these obligations and are suspended on three or more occasions, they will be automatically disqualified from office for five years. If they benefit financially from their breach, the councillor can be forced to hand over that benefit to the councils so that they do not profit at all from their bad behaviour. The rules are already in place to ensure councillors put the community's interests ahead of their own. We do not need to resort to ill-conceived, anti-democratic measures such as those proposed in this bill.

I turn now to the voters' choice because that is fundamentally what is being eroded here. It would seem to me that what the Opposition is saying to voters, to the community, with this bill is that they are not smart enough to exercise their own choices when voting at council elections and that this Parliament needs to make these choices on their behalf: "We will tell them how to vote and who they can vote for." One of the strengths of our system of local government is its democratic nature. It allows ordinary people from all walks of life in the local community to put their hand up to serve their community as an elected representative. As the community's elected representatives, councillors are required to make decisions on behalf the community and in its best interests, not in their own interests. Councillors are accountable to the community that elects them for their decisions and for their performance, and their performance review is coming up on 4 December. If councillors make decisions that are not supported by communities or if their performance or conduct falls short of the high standards communities are entitled to expect of their elected councillors, then they will not be re-elected.

The system works. Let's not start selecting the types of people local communities can or cannot elect to their councils based on what those people do for a living or because of some other random criteria. This is a very dangerous, anti-democratic exercise that can only undermine the strengths of our democratic, representative system of local government. Electors have never been better informed about the candidates they elect into councils. Candidates are required to disclose in their candidate information sheets submitted with their nomination papers whether they are a property developer. This information is publicly available, meaning that electors can choose whether or not to support a candidate knowing fully whether or not they are a property developer. If property developers are elected to councils, they are required to disclose that they are a property developer in the returns of interests submitted to the council together with information about their property interests, offices, interests held in corporations and trusts and the sources of their income. Councillors are obliged to keep this information up to date. This information is published on councils' websites, making it easily accessible by electors.

Ultimately, it should be left to electors to exercise their own judgement about who they want to serve them as their elected representatives on their local councils. This Parliament should not be seeking to take that choice away from the voters. And how have electors exercised this choice? Data collected by the Office of Local Government indicates that only a small percentage of councillors are, in fact, property developers or real estate agents. In the 2016-2017 local government election cycle—the last one—only 1.5 per cent of councillors identified as property developers within the then applicable definition under the Election Funding, Expenditure and Disclosures Act 1981, and 1 per cent of councillors identified as real estate agents. This in turn begs the

question, what is the problem we are trying to fix with this bill? Do electors really need this Parliament to exercise a choice on their behalf to prevent property developers or real estate agents being elected to their councils? It would seem to me on these figures that they do not need the assistance of the Parliament to exercise this choice. They are exercising that choice for themselves at the ballot box.

An added problem with the bill is its timing. The timing could not be worse. Nominations for the December 2021 local government elections closed on 3 November. This means that there are currently candidates on ballots for council elections around the State who nominated believing they are eligible to do so, but who may now potentially—if the bill were to pass—be disqualified from holding civic office in councils if elected under the measures contained in the bill. This will potentially expose councils to months of uncertainty, throwing their election outcomes into doubt and preventing them from making key decisions in the critical first few months of their term, when a lot of the really hard decisions are made at councils. Councils do not need this added uncertainty after two years of recovering from catastrophic bushfires and dealing with the social and economic ravages of the COVID-19 pandemic. As I have mentioned in this comprehensive assessment of the bill, the voters are best placed to make their own judgement about which candidates will make suitable elected representatives on their councils. Let's leave this choice to the voters and not prescribe it from this Parliament. The Government does not support the bill.

Mr DAVID SHOEBRIDGE (11:31): On behalf of The Greens, I support the Local Government Amendment (Disqualification from Civic Office) Bill 2020. We commend the member for bringing it to the House. Contrary to the prior speaker, we could not think of a more timely time to bring it to the House than in the shadow of the 4 December local government elections. What does the bill do? The objects of the bill are to disqualify real estate agents and property developers from holding civic office as a councillor or mayor or, in the case of a county council, the office of a chairperson or member of the county council. In short, the purpose of the bill is to get property developers and real estate agents off local councils. And I say, could there be a more important time to bring it? We know it is important because the Liberal Party has been fighting tooth and nail to avoid this ban now for the better part of two years. And this is because across the State they are pre-selecting real estate agents and property developers as Liberal candidates. They are doing it knowing full well that they are going to have scandal after scandal. Look at the Strathfield mayor, Councillor Doueihi—pre-selected by the Liberal Party.

The Hon. Damien Tudehope: Is he standing?

Mr DAVID SHOEBRIDGE: I see the Minister is agitated and I know why you are agitated, because it is so embarrassing for you to have a—

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): Mr David Shoebridge will direct his comments through the Chair. The Minister will cease interjecting.

Mr DAVID SHOEBRIDGE: I know why the Minister is so agitated. He is so agitated because he is having the Liberal brand dragged through the gutter with property developer after property developer. We are told that there is all this rigour in the system: They have to put in statutory declarations and say that they are property developers; it is okay. If you go down into the basement, there is a filing cabinet behind a locked door with a "Beware the leopard" sign on it and somewhere in there is a notification that they are a property developer. All the community has to do is walk down those stairs, open the door, look in the filing cabinet and find it. When it comes to Mayor Doueihi, he did not even put in the statutory declarations. He has been found out for putting in false statutory declarations, failing to disclose that he is a property developer. And what happened when he was found out? He got a slap on the wrist from the NSW Civil and Administrative Tribunal. And he keeps sitting as a councillor, deciding rezoning after rezoning for the property industry while he is an undeclared property developer and a Liberal mayor. No wonder they are embarrassed about it.

You could also look at the current set of candidates. I heard the Parliamentary Secretary say that there are all these checks and balances. They have to put in a statutory declaration if they are a property developer and they represent their local area. And that is what it is. Why don't we take a little trip to Lake Macquarie? Let's take a little look at Lake Macquarie. What do we see at Lake Macquarie? I am not sure if it is a Liberal candidate. Maybe the Minister will confirm. Maybe it is a Liberal member running as a pretend Independent—we get a lot of those. But what did Councillor Luke Cubis do?

The Hon. Taylor Martin: Point of order: The member is misleading the House. That person is not a member of the Liberal Party.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): I caution Mr David Shoebridge to temper his statements.

Mr DAVID SHOEBRIDGE: Not yet—he is not yet a member of the Liberal Party. No doubt he will fill in the form after the election, because he has a habit of doing that. This is a bloke who the Liberal Party says is fine to run as a candidate in the election. What did he do? He fills in his nomination form and puts it in for this coming council election and says he is not a property developer. So there you go—that is the disclosure that the Government says is all great. He fills it in. He does his statutory declarations. He says, "I am not a property developer. Don't you worry about that!" What does he do the next day? The next day he puts a development application [DA] in with the council for a subdivision and associated building works on Victoria Street in the council for an estimated cost of works of \$1.96 million and wants to knock over 105 trees—the day after he signed the statutory declaration, which is the Government's great protection for the people of New South Wales. You could not make this up, could you?

And then not only that, this property developer decides not only to have a shot at Lake Macquarie but also at the same time nominates to be a councillor in Forster for the council further north. He is nominating to be a property developer-councillor in two separate councils at the same time, and there is no prohibition on being a property developer-councillor in two different councils at the same time. The whole thing is an absolute scandal. And Government members say it is all fine. Who could make up a scheme where you can put your nomination in on day one, sign a statutory declaration saying you are not a property developer and then whack in your DA for a subdivision and a \$1.96 million development the next day? Who could come up with that scheme? The Liberal Party could come up with that scheme, and backs it in like it is pretend useful.

It is also under the law, when you are putting in your statutory declaration, that you have to declare not only if you are a property developer but also whether or not you are a close associate of a property developer. If you read the Act—and I would urge the Liberal Party and their council candidates to read the Act as it might be useful—you realise that a close associate also includes being a spouse or de facto partner of a property developer. And you have to disclose that. That is the Government's great protection measure. So why don't we take a little trip, not to Lake Macquarie but to the Hawkesbury? There we have Councillor Richards who signed a statutory declaration stating that she is not a close associate of a property developer and yet her partner, Mr Bennett, is the owner of BCM Property Group. The website of BCM Property Group describes it as a real estate and development business, developing with "major residential and commercial subdivisions for both local and international clients".

How can that be true? How can the statutory declaration that Councillor Richards is not a close associate of a property developer be true when her partner is the owner and runner of BCM Property Group, which does major residential and commercial subdivisions for both local and international clients? If any resident in the Hawkesbury somehow manages to find the statutory declaration, they will see that it says it is all tickety-boo and there is nothing to see. But it is not true. What is the penalty for it not being true? We have seen with Councillor and Mayor Doueihi that it is nothing. They stay in office for years and years, making all the key decisions on rezoning for the benefit of the property industry. It is a disgrace.

Finally, why don't we take a little trip to Bayside Council? The bill, which we support, will exclude real estate agents and property developers from running for council because of the obvious conflict of interest. Let's have a little look at Ward 3 in Bayside Council, which is centred around Banksia, Kogarah and Bardwell Park. There are four lead candidates. One is Greens candidate Greta Werner. She is not a property developer or a real estate agent. She is a terrific candidate, but unfortunately she is up against the other three lead candidates. Ms Gerakis is a so-called Independent. I am not sure if her application to join the Liberal Party is pending or has been refused. The Independent for Ward 3 currently holds a real estate agent licence but makes no declaration about any employment. Under the bill, she would and should be banned for the obvious conflict of interest of being a real estate agent.

Andrew Tsounis is another Independent candidate. Again, maybe his application to join the Liberal Party is pending. We do not know. He owns a company called Tsounis & Son, which constructs ceilings for office fit-outs in the CBD. He declares on his register that he is employed as a project manager in the property industry. Bill Saravinovski is the Australian Labor Party nominee for Ward 3. Mr Saravinovski declares he is in the finance industry. However, his business experience is closely connected to past real estate developments, even while he was mayor. In fact, he sold apartments for developers while being mayor after the council on which he was mayor approved those development applications. If you look at his current email address, there is a bit of a clue. It is ccrealty@gmail.com. Maybe he is not a real estate agent. Maybe it is just a coincidence that the email is ccrealty@gmail.com. I do not know. He has also been involved in at least one court case where he declares he works in real estate and at a bank.

What are the poor old residents of Bayside to make of that? I think there is a good solution. They should vote for Greta. She is the only non-real estate agent and non-property developer. You have to go hunting and searching for records to find this stuff out. Why don't we fix it and make a rule here and now that says that if someone is a property developer or real estate agent, they cannot run for council? Why? That is because there is

such an obvious conflict of interest between their personal, pecuniary interest and their profession, and their work as a councillor. The Government says that is all going to fall over in the High Court. The High Court has already said that we can put reasonable restrictions on property developers engaging in the electoral process and making donations in the electoral process because of the obvious conflict of interest and the scandal after scandal that we see.

The Liberal Party has its own history of scandals. It has had to give back hundreds of thousands of dollars of property developer donations in the past. I am sure it hurt. There was the brown paper bag of \$10,000 that was given to the Liberal candidate in Newcastle. The most offensive part of that, if you recall, Mr Assistant President, was that the guy was a vet at the time. He had a dog on the operating table under anaesthetic. He gets a call from a property developer, who says, "Come out front." The Liberal candidate leaves the dog on the operating table, trots out, sits in the back of a Bentley, gets \$10,000 in cash, whacks it in his knapsack, goes back in and deals with the poor old dog again. Even on animal welfare grounds, we have to get property developers out of politics. I commend the bill to the House. It is urgent that we pass it in the light of the upcoming local government elections. If we do not, I give the House this absolute guarantee: In the next three years we will see scandal after scandal with that lot on the other side of the Chamber, the Liberal Party, right at the heart of it.

The Hon. ADAM SEARLE (11:45): I will address the constitutional issue that has been raised by the Hon. Shayne Mallard. I am on record as being a supporter of the propositions contained in the legislation. I have campaigned on it both within the Australian Labor Party and within the Parliament as well. A supposed constitutional issue has been raised that somehow this legislation might infringe on someone's constitutional right to participate in the political process or to be part of the implied freedom of political discourse. It is correct that the High Court has on a number of occasions found there is an implied right of political communication. That is an important, valuable right. But it is also important to understand that, in successive High Court decisions, that has been held to be a qualified right. It is not a personal or individual right as in the United States. If you like, it is a system integrity right.

The High Court has found that an implied freedom exists to maintain, support and promote the integrity of our system of representative democracy. Accordingly, it is permissible to burden that implied freedom if the burden is reasonably and appropriately adapted to securing the end, which is to maintain and promote the integrity of our system of representative democracy. There are two High Court decisions. One is the case of *McCloy v New South Wales*. McCloy was the mayor of Newcastle. He was a property developer and unable to donate to his own cause. He took that matter to the High Court. It was his Bentley backseat in which the \$10,000 in a brown paper bag was literally handed over to the vet, Dr Cornwell, who was the candidate, member and then ex-member for Charlestown.

Then there is the other case of *Unions NSW v New South Wales*. Those two cases really show the spectrum of what is possible. In *McCloy v New South Wales*, the High Court ruled that the implied freedom of political discourse can be burdened if it is to maintain the integrity of the system. Banning property developers and liquor and tobacco interests from making political donations was held to be an anti-corruption measure because those industries are largely regulated by State action. Therefore, although the freedom of those individuals who were prevented from making their political donations to candidates of their choice was burdened, that was found to be a permissible burdening of that right. That High Court challenge was rejected. Because the bill proposes a similar ban on people running for council, it would be my view—I think it is a fairly clear view—based on that precedent that there would be no successful challenge to this legislation on the basis that it precluded people who are property developers and real estate agents from participating in the political process.

The case of *Unions NSW v New South Wales* makes this clear. That was the case where this Parliament passed a law banning donations from unions to political causes and restricting donations to only natural persons on the electoral roll. In that case the Government could not point to the danger to the integrity of the political system that was to be targeted by that ban. The ban was brought on for ideological reasons by the government of the day. There was no good purpose in it and the High Court unanimously struck that ban down. It is quite clear from previous High Court decisions that the bans proposed in this legislation would survive legal challenge on the basis that they precluded people's constitutional rights to participate in the political process. I support the legislation and urge all honourable members to do so.

The Hon. MARK LATHAM (11:49): One Nation opposes the Local Government Amendment (Disqualification from Civic Office) Bill 2020 on the simple proposition that if a citizen has not broken the law in serious respects, they should be allowed to run for election and be judged by their fellow citizens at the ballot box. That is a basic proposition in a democracy. Once we start ruling people in and out, there is no end to it. One would have thought that if Labor had concerns about who is running for elected office in New South Wales, it needed to look no further than in the mirror because it is the party that gave us Eddie Obeid. No problem there about property development, real estate and mining tenements! It is the party that gave us Ian Macdonald. Indeed,

it is said that Labor's Federal leader, Anthony Albanese, was part of the infamous luncheon at Haymarket, Chinatown, that said that Macca could stay, even though Luke Foley had the dogs barking on that particular individual.

Labor should only introduce legislation to rub out certain individuals if it has an impeccable record—like it did in the Federal seat of Werriwa in the 1990s and beyond, of course. There was no problem there, but some of Labor's State representatives have been dusty indeed. If Labor is worried about real estate, why did it not put the clamps on Eddie Obeid, who was running a real estate empire out of Macquarie Street? He was allowed to run and run and had umpteen numbers and control of the New South Wales Right faction, the Terrigals—he even had a name for his sub-faction, and pretty well ran the last Labor Government. It is a bit late in the scene to be saying that property developers and real estate people are to be rubbed out at the municipal level.

The truth is that there are some good real estate people and some bad; there are some good property developers and some bad. It is not unlike other occupations in our society where there is good and bad, and the democratic process allows that to be sorted out. I was curious about the contribution from the leader of The Greens, Mr David Shoebridge. If he is worried about real estate, he too needs to look in the mirror. He is running a real estate empire in the Eastern Suburbs of Sydney. He is a multimillionaire real estate holder and landlord, which we know because one of his staffers, Lauren Gillin, who was sacked earlier this year, tweeted that there are some bad politicians but none worse than Mr David Shoebridge. I agree with that. She said he was a fraud and—the ultimate insult in Greens terminology—a landlord. In the pecking order of insults in The Greens, they can be called a "fraud" but there is nothing worse than being called a "landlord". How can Mr David Shoebridge—

The Hon. Taylor Martin: Capitalist.

The Hon. MARK LATHAM: —a well-known capitalist landlord come into Parliament and say, "Rub out the property developers and rub out the real estate people"? He stops there; he does not say "rub out the landlords", of which he is a prominent one. His own staff member, Lauren Gillin, who was sacked for standing up against the landlord, put that on Twitter and belled the cat. In terms of hypocrisy, is there anything worse than this proposition from members on that side of the Chamber? I do not put up with Kant and hypocrisy in politics. If members want to say that they are squeaky clean and have the ethical character to know who runs and who does not and exactly who should be barred from running in a democratic election, they must have a clean record. Clearly, Labor does not, and The Greens are even worse because, in their terminology, they are led by a landlord—which is worse than a "fraud" in their categorisation of a person's standing in public life.

Mr David Shoebridge pretends that he is an anti-capitalist, neo-Marxist and socialist extraordinaire. But he has subscribed to what Rodney Cavalier once put about in this place, that in the late stages of capitalism there is no need to impoverish yourself before the socialist revolution. Before the revolution comes, cash in on your assets; get those real estate and rental properties going in the Eastern Suburbs. Mr David Shoebridge, one of the wealthiest people in this Parliament, has decided that in the late stages of capitalism he would not impoverish himself; he would join, in spades, the bourgeoisie. You would need more front than Mark Foy's to come to this place with that background and say, "We spotted a real estate person up at Lake Macquarie, we saw someone over at Bayside, we checked the record at some other place, and they are out." If we are checking records, I am willing to set up a select committee of this Chamber to run through the whole real estate, rental and landlord holdings of the Shoebridge household. They must be on a good quid and a good wicket to live in Woollahra. Us poor folk in south-western Sydney look at Woollahra as the wealth on the hill. I am willing to call Lauren Gillin to come and elaborate on her tweets about the landlord.

The Hon. Walt Secord: As a witness?

The Hon. MARK LATHAM: As a star witness. She must have seen some of those holdings and have a record of them hidden away in The Greens office. I would not just investigate people running for municipal office at Bayside and Lake Macquarie. I would have a good look at the "Shoe", because he runs a real estate empire. In terms of rubbing people out, he needs to look in the mirror. This debate is dripping with Kant and hypocrisy. It runs against the principles of this Parliament of allowing citizens to be elected at local level. I see no problem with a property developer or any business person running for municipal office. We probably want more successful people in life running for that office, do we not? We want people who can run things, who can turn a dollar on behalf of ratepayers and give ratepayers financial expertise. We know that the New South Wales Treasurer was worried, for instance, about the Liverpool council public works budget in 1992 and value for the dollar. I can assure him that there was great value for the ratepayers' dollar in that instance, and that would be the case if we had more people with financial expertise, whether they be trained economists, people who run a business, people who know the property sector or people who have some experience in real estate.

Local government has pecuniary interest declarations and provisions in place to ensure that the rules are followed and that there is no impropriety. We have the ICAC, where some of those matters fall from time to time. But there is no reason to rub out a whole category of individuals for municipal office. Some of the people we are talking about have a lot to offer and have been successful in their own right. Would we not rather have successful people in office than those no-hopers like The Greens, who want to ban everything while cashing in on their own landlord investments? I would rather have someone with that kind of success running for election and representing people. But it is not for me to decide, it is not for the Hon. Walt Secord to decide, it is not for the Hon. Adam Searle to decide and it is not for the "Shoe" to decide. It is for the people to decide, which, of course, is the essence of democracy. Our position is clear. We will be voting against the bill, as we have in the past. There is no need for the Parliament to put restrictions on who can run for office. If you are a citizen and you are not in serious breach of the criminal laws, then of course you should be able to run for office.

In contrast, when the Keneally Government tried to have a caucus reunion, it whipped out to Long Bay jail to run it in the tearoom with Eddie and Macca and the other scoundrels. Sometime soon Labor might need to add to the legislation rubbing out from elected office anyone who has ever had their hand in an Aldi bag full of cash. I like Aldi, but I have never had a big load of cash in the bag. It is usually just the groceries. I go to the one in Campbelltown and there is no problem. It never occurred to me that in politics you could find an Aldi bag full of Chinese cash—the yuan and the Australian dollar probably mixed in. If those opposites want to rub people out, how about we start with Aldi bag merchants. How about we look at past Labor luminaries Eddie Obeid and Ian Macdonald, who ran the last Labor Government. As to The Greens, how about we look at that notable Eastern Suburbs real estate empire of Mr David Shoebridge and the hypocrisy he has brought to the debate. That sums up what needs to be said. If we need to stretch out the debate, if any other members can donate examples of Labor or The Greens—

The Hon. Don Harwin: Point of order—

The Hon. MARK LATHAM: —I am more than happy.

The Hon. Don Harwin: While I feel that this has been a robust debate and reluctant as I am to come to the aid of Mr David Shoebridge, who has well and truly dished it out to me in the past, there was a tendency in some of the Hon. Mark Latham's remarks to perhaps reflect on Mr David Shoebridge. I invite you, Mr Assistant President, to consider the matter and rule, if appropriate.

The Hon. MARK LATHAM: Well, that has knocked me around, hasn't it?

The Hon. Don Harwin: It did take up some time. The Assistant President has to rule.

The Hon. MARK LATHAM: I know what you are up to. You are a wily operator and you have been around the block a couple of times. Everything I have said is evidence based. I did not do anything more than quote The Greens staffer, who belled the cat, who shoe-ed the "Shoe", and who said that Mr David Shoebridge is worse than a fraud; he is a landlord. I am quoting from the inner bowels of The Greens research machine, who tweeted that the member who is so opposed to real estate agents and property developers himself runs a real estate empire in the Eastern Suburbs. I was only half serious in saying we will establish a select committee to look further into that and get all the details, but if it assists the House, then we can leave the debate at that point and move on to questions about other related matters.

The Hon. MARK BUTTIGIEG (12:00): I have an abiding interest in this subject, which I am sure I will be able to return to later in the day. The Local Government Amendment (Disqualification from Civic Office) Bill 2020, which we are debating, is very important, and I will avail the House of my pearls of wisdom after question time. I want to address some of the arguments that have been made in the debate. The public needs to be informed why this bill is important. Clearly, we will be able to come back to it in due course. The idea that the current system is somehow working to the benefit of the people of New South Wales when they are not even aware of a conflict existing in the first place, as was found through the NSW Civil and Administrative Tribunal process—

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): Order! According to sessional order, proceedings are now interrupted for questions.

Questions Without Notice

NEW SOUTH WALES CREDIT RATING

The Hon. PENNY SHARPE (12:01): My question is directed to the Minister for Finance and Small Business. What is the Minister's response to community concerns that S&P Global has downgraded the State's credit rating?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:01): I welcome the question because a speech given in this place last night by the Hon. John Graham went halfway to talking down the State. If there is one thing more despicable than to talk down the people—

The Hon. Penny Sharpe: Point of order: I am not quite sure what is wrong with the Leader of the House today or why he wants to review the contributions from last night, but that is not the question nor the purpose of question time. The Minister is required to be directly relevant to the question, which is about the S&P downgrading the State's credit rating. I ask the Assistant President to ask the Minister to be directly relevant.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): I think the Minister was setting the basis for his answer, and I am sure he will be relevant.

The Hon. DAMIEN TUDEHOPE: In his speech last night the Hon. John Graham talked about the credit rating of the State. He tried to talk up a whole series of previous Treasurers and said that never before had S&P downgraded the credit rating of this State.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): Order! The Minister will be heard in silence.

The Hon. DAMIEN TUDEHOPE: He failed to talk about the impact of COVID, the amount of money that had been spent by the Government in supporting small businesses and the role of the Government in making sure that we had a proper health response. Those opposite chose to ignore all those things that required a significant expenditure of money by the State to protect its citizens. Fundamentally, at the heart of the question and at the heart of the speech given last night was an absolute contempt for the people of this State.

The Hon. Penny Sharpe: Point of order: The Minister insists on continuing to review speeches that were made in the House last night and not being directly relevant to the question that was asked of him. I ask the Assistant President to ask the Minister to be directly relevant.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): I am sure the Minister was in the form of being directly relevant. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: Those opposite failed to acknowledge that the Government is committed to making sure that the State had a proper health response and that businesses had the best chance of being able to survive during the period. But let us talk about credit ratings. Let us talk about the credit ratings in Victoria and South Australia and Queensland, because those opposite fail to take them into account. That is where Labor governments absolutely display their economic credentials. Last Friday Moody's and Fitch released their analyses of the New South Wales economy, and what were those credit ratings? Did the Hon. John Graham talk about that last night and what great results they were for the people of New South Wales? The triple-A credit ratings were reaffirmed for this State, which drives the State's ability to continue to borrow money at favourable interest rates for the people of the State. [*Time expired.*]

The Hon. PENNY SHARPE (12:05): I ask a supplementary question. Will the Minister elucidate his answer in relation to the impact of COVID and the decision made by the Government to borrow \$20 billion, when S&P had warned the Government of a downgrading of the credit rating? Will he elucidate the reasons for that decision?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:06): Did members hear that question?

The Hon. Don Harwin: It was unbelievable.

The Hon. DAMIEN TUDEHOPE: If members were not listening to that question—

The Hon. Penny Sharpe: Point of order: The Minister is not allowed to debate the question.

The Hon. DAMIEN TUDEHOPE: To the point of order: I am not debating the question.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): I think the Minister was making initial remarks and was about to come to the question.

The Hon. DAMIEN TUDEHOPE: Inherent in that question is that we should not have taken those measures. We are hearing from those opposite that all the steps that we took to support the health system and the businesses of this State should not have been taken. That is inherent in the question.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): Order! The Minister does not need any help.

The Hon. DAMIEN TUDEHOPE: Today those opposite are telling every business in the State, "We wanted you to go broke because we did not expect the Government to support you. We did not expect the Government to borrow that money." For them, the advice of S&P was not to borrow money, which would impact

on the State's credit rating—"We do not want you to do that because we would prefer to see the families and the businesses of the people of New South Wales go broke, and all that goes with that." That is a matter of absolute shame for members opposite. It should be worn as a badge of dishonour by every one of them that they say, "We wanted the people to go broke. We told you that you should not have borrowed the \$20 billion." In that regard, every member opposite should be ashamed. Whoever was involved in that question time strategy should hang their head in shame.

The PRESIDENT: Order! Members will restrain themselves.

The Hon. DANIEL MOOKHEY (12:08): I ask a second supplementary question. The Minister says that Opposition members should hang our heads in shame. Will he elucidate that part of his answer where he referred to the \$20 billion that the Government borrowed to put into the NSW Generations Fund? How much of that \$20 billion has gone to any business or any worker in any industry in New South Wales?

The Hon. Ben Franklin: Point of order: That is by the far the most tenuous link that I have ever heard for an elucidation of an answer.

The PRESIDENT: I will allow the question.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:09): Every single dollar that has been borrowed by the New South Wales Government—

The PRESIDENT: Order! Members are aware that the occasional interjection may facilitate debate, but constant interjections seeking to unsettle the Minister are not to be encouraged—although the Minister is generally unflappable. I will have to deal with that. I make a general warning at this point in time. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: Members opposite want us to talk about the money that was made available for micro-economic grants—

The Hon. Daniel Mookhey: Point of order: Perhaps the Minister did not hear my question properly. In case he did not hear it, I will repeat it so that he can be directly relevant to it. I am not speaking about the micro grants; I am speaking specifically about the \$20 billion that his Government is borrowing to put into the NSW Generations Fund. The precise question was whether a single dollar has gone to any business or worker in New South Wales.

The Hon. DAMIEN TUDEHOPE: The total support program for the people of New South Wales was about \$45 billion. This is an attack on the Government at a time when its borrowings were for a COVID response strategy. Let us identify it for what it is; this is an attack on the Government's COVID response.

The Hon. Daniel Mookhey: Point of order: My humble request for information should not be interpreted as an attack on the Government. I am seeking a direct response to my question as to how much of the \$20 billion has actually gone to a single business or worker in New South Wales.

The Hon. Natalie Ward: To the point of order: As new as I am to this, I believe there are standing and sessional orders to which the member should refer when he is taking a point of order. Simply restating his question is not a point of order. He might like to specify what it is that he has difficulty with.

The Hon. Daniel Mookhey: To the point of order: I am advised that the specific order is Standing Order 65 (5).

The PRESIDENT: The Minister will bring himself to directly answer the question. I take his other comments as introductory.

The Hon. DAMIEN TUDEHOPE: Every cent borrowed by the New South Wales Government was for the purpose of a COVID response. Members opposite know it, but they stand here in their sanctimonious way—

[Opposition members interjected.]

The level of interjection and screeching makes my point. They do not like it because we are so demonstrably committed to making sure that businesses survive. Every time that members opposite question the COVID response, they are saying to some family, some business or some organisation, "We would rather you went broke." Members on this side of the House will do whatever is necessary to look after the people of New South Wales and to make sure that we get the response right. The questions asked by the Leader of the Opposition, and now supported by the shadow Treasurer, are designed to undermine the confidence of the people of New South Wales. We will not have a bar of it.

TOURISM SECTOR SMALL BUSINESSES

The Hon. LOU AMATO (12:13): My question is addressed to the Minister for Finance and Small Business. How is the New South Wales Government helping small businesses in the tourism sector to participate in our economic recovery through its new tourism campaign?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:14): That question and the last one are so demonstrably opposed to each other because this is a question that asks us to explain what we are doing for the people of New South Wales. I am delighted to be asked this question. It is no secret that small businesses in the tourism sector have been particularly hard hit over the past two years, but those opposite do not want us to spend any money on them. We have responded to the impacts on the tourism industry. We acknowledge the need to pause international tourism during the recent crisis. Thankfully, due to our shared efforts in getting vaccinated, it is time to get out and rediscover New South Wales and support all small businesses. I encourage everyone to acknowledge the contribution that all of our communities need to make to help small businesses. It is not just locals like the Hon. John Graham, who is booking a trip to a regional music festival. We are also welcoming interstate visitors to come and experience all of the great things that we have to offer.

The Hon. Walt Secord: What about the Elvis festival?

The Hon. DAMIEN TUDEHOPE: I am getting to that. Our Feel New tourism campaign is underpinning this visitor economy, with the next phase of the campaign titled "Renew" aiming to tap into the sentiment of consumers seeking to visit somewhere new, experience something new and, most importantly, renew themselves, following months of restrictions and lockdown. The "Renew" campaign will run on radio, digital and social media in key domestic markets until February 2022. We need to turbocharge the recovery of the hard-hit accommodation, cultural, entertainment, hospitality, tourism and events sectors.

I encourage everyone to go online and visit the Feel New website, which is packed with great ideas for doing something amazing in New South Wales. You can head off on Captain Sponge's Magical Oyster Tour on the Sapphire Coast. That is always a good one. I think they might get me to do some voiceovers for this. You can indulge your taste buds at Corowa Whisky and Chocolate. I have been there, and it is a really good spot. If you have ever wanted an event, that is the place to go. The whisky is terrific as well. Alternatively, if you are looking for a city experience—and I am sure the Hon. Don Harwin would encourage this—you can see the *Jagged Little Pill* musical at the Theatre Royal. I am sure he will be there. The Feel New campaign, combined with the Government's range of visitor economy support programs, will help all business—especially small business—involved in this important sector to participate in the State's economic recovery.

COVID-19 AND RANDWICK PUBLIC SCHOOL

The Hon. JOHN GRAHAM (12:17): My question without notice is directed to the Minister for Education and Early Childhood Learning. Given the outbreak at Randwick Public School, what is the Minister's response to a mother from Randwick who has demanded that the Government expedite the rollout of rapid antigen testing beyond the Albury trial?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:17): I thank the honourable member for his question. It is a good question. I assure the honourable member and any parents from Randwick Public School, particularly the mother to whom he refers, that we are actively looking at opportunities to use rapid antigen testing in other school communities. As I said last week, Albury is performing the trials so that we can look at the best use of that rollout. It is particularly targeted to the close contact approach for unvaccinated primary school children. We will continue to keep school communities updated if there is an opportunity to use rapid antigen testing in their school context. It is entirely possible that Randwick Public School may be a school that we use it in. I am happy to keep the local member and the community informed.

The Hon. JOHN GRAHAM (12:18): I ask a supplementary question. Will the Minister elucidate on that part of her answer that referred to the specific case in Randwick? Given that the reports of this case say that one of the mother's children was exposed to COVID on the Friday—and if the school had been closed from the Thursday, they may not have had to isolate for two weeks—is this not more urgent than the case the Minister has just put to the House?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:19): As I said in my earlier answer, we take seriously all cases where school communities are impacted. Yesterday I made comments about the time frame for notifications in Randwick and about the work that occurs between Education and Health. If there are opportunities to look at expanding or using the tests at Randwick Public School, we will do that. As I said when I was asked about this issue last week, I will take advice about where we can use the tests from our health and safety teams within the directorate. The focus is on using them to reduce the period during which unvaccinated primary school students are considered close contacts from 14 days to seven days, and to get

them back into the classroom from day eight. As I said, we will continue to keep the Randwick Public School community updated and, indeed, any other public school communities in New South Wales.

The Hon. COURTNEY HOUSSOS (12:20): I ask a second supplementary question. Will the Minister elucidate that part of her answer that referred to access to rapid antigen testing and to the answers she gave last week by providing the House with an update on how many tests are now available for New South Wales schools?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:20): As I indicated to the member last week, there was the initial procurement supply of 500,000, subject to I think a further 500,000 being procured. I am happy to get the specifics on notice for the member. We are making sure that we have the tests in stock. Like I said, decisions will be made in consultation and in conjunction with NSW Health. That is very important. Our strategy is to take a targeted and localised approach to suppression when it comes to using the tests in schools.

FRUIT TREE NETTING AND WILDLIFE SAFETY

The Hon. EMMA HURST (12:21): My question is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Agriculture and Western New South Wales. Fruit-tree netting is commonly used in backyards to protect fruit trees, but it can also kill and injure native animals like birds, possums and flying foxes who become trapped in the netting. In 2019 Victoria introduced the Prevention of Cruelty to Animals Regulations 2019, which regulate the use of wildlife-safe netting. Those regulations provide that the only netting that can be sold or used to protect household fruit trees and vegetable gardens must have a mesh size of five millimetres by five millimetres or less at full stretch. Will the New South Wales Government consider implementing similar rules for wildlife-safe netting?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:21): I thank the honourable member for her question and I welcome the opportunity to address the House. Netting is an important tool in the horticulture industry to help protect commercial fruit growers' trees from flying foxes. The best way to protect commercial crops is to cover them with full-exclusion netting or throwover netting. As the House is well aware, the New South Wales Government is committed to a high standard of animal welfare. It is an important issue to the people of the State and to the honourable member. To help avoid wildlife becoming trapped in nets, the New South Wales Government recommends wildlife-friendly netting. I am advised that two millimetre woven-mesh, box-shaped nets with long skirts that gather around the trunk of the tree are ideal.

Growers are encouraged to regularly check that netting is secure and that no wildlife has been trapped or hurt. However, the Department of Planning, Industry and Environment does not regulate consumer products to protect fruit trees, such as netting that may be available through outlets such as Bunnings. Obviously, horticulturalists have much to consider when using netting. Although I am advised that the New South Wales Government is broadly aware of the issue, it has not been raised specifically with the agriculture Minister. I am advised that the Minister will seek advice from his department. Again I stress to the House and to the people of New South Wales that the Government remains completely committed to protecting the welfare of animals.

WATER SAFETY FOR CHILDREN

COST OF LIVING

The Hon. CATHERINE CUSACK (12:23): My question is addressed to the Minister for Sport, Multiculturalism, Seniors and Veterans. Will the Minister update the House on how the New South Wales Government is prioritising water safety for children and reducing the cost of living for families?

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (12:24): I thank the honourable member for her question and her interest. As many of us in this place who have children know, it is imperative that children receive swimming lessons and that we support them in doing so. All members can appreciate the importance of swimming lessons for our children. Whether to safely enjoy a splash in the local pool, a swim at a beach or a dip in a river, it is important that all people, especially children, have skills and confidence in and around the water. Sadly, the Royal Life Saving Society Australia and Surf Life Saving Australia revealed that in 2020-21 some 294 people died at Australian waterways and beaches. That is why it is imperative that swimming lessons remain readily accessible and affordable for families across New South Wales. In the 2021-22 budget, the New South Wales Government announced our new First Lap voucher program, which includes a \$100 voucher for parents, guardians and carers of children aged three to six who are not enrolled in school to contribute towards the cost of swimming lessons.

Of course, the pandemic and the Delta strain in particular meant a lot of children were unable to access swimming lessons over the 18 months when pools were closed and we were in lockdown. That is why on 25 October I was proud to announce, alongside the Premier and Minister Dominello, that the program would be

expanded for the 2021-22 financial year to include children in kindergarten in 2021 and those starting kindergarten in 2022. That means the children who missed out on vital water safety education during their preschool years due to COVID-19 will be equipped with the skills they need to be safe in the water. The First Lap vouchers may be used with an approved First Lap provider. Similar to the Active Kids voucher, the First Lap vouchers will be available through the Service NSW website from 1 December 2021. This month businesses are able to apply to join the program. We are on track to have providers across the State for commencement on the first day of summer. I deliberately asked for that date to be brought forward so kids can start lessons before the summer season kicks off.

Following on from the Hon. Damien Tudehope's response in this Chamber today about assisting the people of New South Wales with the cost of living, the program is one of more than 70 cash offers from the New South Wales Government aimed at easing the cost-of-living pressures on families. We know we need to support families to get their kids out playing sport and in the water, and to help them pay for swimming lessons to equip their children as best as possible. A host of savings for households come from New South Wales Government offers such as Active Kids and Creative Kids vouchers, Dine & Discover NSW vouchers, energy rebates, toll relief, NSW Seniors Card discounts, travel card discounts, car registration concessions and lower green slip costs, just to name a few. This Government will continue to support families across New South Wales. [*Time expired.*]

ENVIRONMENTAL DEBT

The Hon. MARK LATHAM (12:27): My question is directed to the Minister for Finance and Small Business in his own capacity and also representing the Treasurer. With inflation, interest rates and borrowing on the rise in the global economy, why did Treasurer Kean tell *The Australian Financial Review* on Monday that he wants to borrow more to address the State's so-called environmental debt. Will the Minister explain what environmental debt is and why the State's real debt—the New South Wales budget financial debt—will increase to deal with that rather than with the COVID economic recovery that the Minister mentioned as his priority earlier in question time?

[*Opposition members interjected.*]

The PRESIDENT: Order! The Minister has the call. He does not need too much assistance.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:28): I thank the member for his question. In fact, I had to rush to get an understanding of environmental debt. The *OECD Glossary of Statistical Terms* defines environmental debt as follows:

... the accumulation of past environmental impacts of natural resource depletion and environmental degradation, owed to future generations.

This is a serious piece. There is a developing body of academic literature on the notion, including significant disputes about how to calculate environmental debt and how to apply it within the context of national accounts. The OECD definition refers to "natural resource depletion". In 1798 Thomas Malthus predicted that population growth would outpace food production, so there would not be enough food for the whole of humanity to consume and people would starve. That is how long this debate has been going on. But Malthus was wrong. Food productivity increased. As productivity increased, famines and the exclusion of the poor due to hunger and too little energy became a thing of the past in both France and England. In terms of calories, the average food supply in France has more than doubled over the past 300 years.

The Hon. Sarah Mitchell: Point of order: I am sitting next to the Minister and I am having trouble hearing him because of all of the interjections coming from those opposite.

The PRESIDENT: I uphold the point of order. I call the Hon. Mick Veitch to order for the first time. The members sitting behind him are all on notice. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: Because I was asked about this, it is important that we at least have a discussion about environmental debt. In 1972—

The PRESIDENT: I call the Hon. Mick Veitch to order for the second time. I call the Hon. Rose Jackson to order for the first time. I call the Hon. Walt Secord to order for the first time.

The Hon. DAMIEN TUDEHOPE: In 1972, when I was—

The Hon. Walt Secord: I was in kindergarten.

The Hon. DAMIEN TUDEHOPE: I was in university in 1972 and I recall that the Club of Rome—those opposite would know about the Club of Rome, I assume—published *The Limits to Growth*, warning of impending famines and the natural resource depletion of a range of resources including petroleum and gold. Based on the most optimistic predictions in this 30 million copies bestseller, the world should have run out of gold in 2001 and

humanity will use the very last drops of petroleum sometime in 2022. Intangibles need to be considered alongside purely financial questions when making decisions on budgets. The trouble is that some people get it wrong. Social impacts on families, the disabled, the aged, Aboriginal people and young people are all important factors.

The impact of our decisions on the environment is, likewise, a factor that needs to be given due consideration. Economists continue to argue about how to measure some of these factors. For example, the late Australian economic statistician Colin Clark argued in 1958—and I was born then—that national income is significantly underestimated by not taking into account income in kind provided by productive household activities. The New South Wales Government will continue to apply sound financial analysis to all its decisions, while also giving appropriate consideration to social impacts, including the impacts on the environment.

The Hon. MARK LATHAM (12:32): I ask a supplementary question. Will the Minister elaborate on his economic treatise? Given that both Malthus and the Club of Rome were wrong, why is Minister Kean now correct with a similar theory? Will the Minister outline to the House the size of New South Wales' environmental debt?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:32): I am glad the member has asked me the supplementary question, because the important component of the Treasurer's contribution in *The Australian Financial Review*, to which the member refers, is that there are impacts other than just financial impacts which have to be taken into account in determining how budgets work. One potential budgetary consideration which always needs to be taken into account is family impacts. How do we measure the impact of particular financial decisions on the outcome and outcomes for families? How do we measure financial decisions in terms of the impact on Aboriginal people? Because these social considerations are all things that we should take into account.

But, as the Hon. Mark Latham would well know, the important component is not only to take them into account but also to measure outcomes. To the extent that the Government makes financial decisions, we have to take into account a whole range of considerations, but then also have a process for measuring the outcomes of the decisions made. The debate is worth having. The contribution to the debate which the Treasurer has made in raising this concern about environmental debt is something which he is entitled to do and should do in terms of the way that he frames the economic narrative. The extent to which those opposite and the Hon. Mark Latham will seek to critique that will be on the basis of: Is it designed to reach a particular outcome and how are you going to measure it?

PUBLIC SCHOOL TEACHERS

The Hon. ANTHONY D'ADAM (12:34): My question is directed to the Minister for Education and Early Childhood Learning. Given that more than 100 Sydney public schools have a majority of temporary or casual teachers, why has the Minister allowed insecure work to disadvantage teachers and students in New South Wales schools?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:35): I thank the honourable member for his question. It raises an important issue concerning our teaching workforce. It is important that the Chamber is aware that, overall, the proportion of permanent full-time positions—as at September this year—has actually increased over the past decade, which is a very positive thing. Also, a number of factors contribute to why some schools have a higher than average number of temporary teachers versus permanent teachers. For example, often when a teacher takes leave the position is backfilled with a temporary employee. In small schools, this can mean the number of temporary employees exceeds the number of permanent teachers at that school for that time. In some cases, a permanent teacher can be on leave. Their temporary replacement might also decide to take leave and that position is then backfilled again. In this scenario, this would result in two temporary employees covering one permanent position. In larger schools, this differential is more likely due to a number of retirements or coinciding movements across the school.

Schools will often fill vacant positions with temporary teachers whilst permanent staff are recruited to fill the vacant spots. So when we look at figures it is really important to understand the nuancing behind what happens in school communities and why certain positions may be filled by temporary or casual staff. I also make the point that casual and temporary teachers play a really key role in our school system. They provide that capacity to support the replacement of permanent teachers who might be off on parental leave, long service leave, personal leave, or who are unwell or undertaking off-class activities such as attending professional development. Temporary and casual positions also provide flexibility and freedom for staff who do not want a permanent role. I think that is important as well. Another initiative that is worth mentioning in relation to those figures is our COVID intensive learning support program. This is a program that we all know is extremely beneficial. It will be running in schools next year. Even the Opposition has said, "This is a great program. You should continue it."

Teaching positions in that program are being filled by staff who are on a temporary employee basis—they are casuals, and retired teachers who are coming back. So, again, those numbers are reflected in our school communities. I argue that, far from being disruptive for students—as the member inferred in his question—this is a really important initiative that we are rolling out to help support students return to school and catch up on any learning that they need support for after the learning from home period. As I said, staffing in our school communities can be complex and it is nuanced. I think that looking at numbers on a page and making inferences about that is not helpful. It takes away from the fact that, as I said, casual and temporary teachers play a key role in our school system and provide flexibility and freedom to staff who, for whatever reason, might not want a permanent role.

The Hon. ANTHONY D'ADAM (12:38): I ask a supplementary question. I listened to the Minister's answer very carefully. Will the Minister elucidate how it is possible that almost 40 per cent of our teaching staff are on contingent arrangements and how that systemic problem can be addressed?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:38): I think I answered that in my first answer in regard to the nuancing around staffing at schools and why we need to use our casual and permanent staff. As I said, taking numbers and making inferences about that is unhelpful because it does not take into account the fact that all of our schools have got those COVID intensive learning support roles at the moment. There are a number of reasons why, in any school community, there might be temporary or casual staff working. They are a critical and key part of our workforce.

In response to the member about what the Government is doing around the further engagement of staff, I add that it has a \$125 million staffing supply strategy looking at what it can do to improve the pipeline of teachers coming forward. The staffing agreements that are in place are negotiated with the NSW Teachers Federation; it sits down with the Department of Education and works through these issues as part of the staffing agreement. The unions are at the table when those considerations are being made, and that will continue to be the case.

The Hon. COURTNEY HOUSSOS (12:39): I ask a second supplementary question. In the Minister's answer she said that there is such a high number of casual and temporary staff because the permanent positions are being recruited. Is the Minister able to provide a figure of how many of those permanent positions that are currently seeking recruitment are being filled by temporary and casual staff?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:40): When there are permanent vacancies in our schools, often they will fill those vacant positions with temporary teachers while permanent staff are recruited to fill the vacant spots. There are 2,200 public schools in the State and tens of thousands of teachers. Members opposite have asked a series of questions on notice asking for vacancies in schools, which the Government has provided. Government members are also talking to them about the new assistant principal curriculum roles, so a lot of information has gone to the Opposition in relation to vacancies at schools and the recruitment that is underway.

There is active recruitment for vacant positions in our schools each and every day. It is a fluid system. There are literally teams in the department that are working to recruit positions and vacancies and are working closely with school communities. Of course, there are also opportunities, depending on the recruitment process. Some are done centrally; some are done by principals. The member has simplified this into the question, "Can you tell me how many positions are being recruited for and filled by temporary or casual staff?" That is literally, day to day, what is happening within the Department of Education.

The Hon. Courtney Houssos: They are not recruiting. That is the problem.

The Hon. SARAH MITCHELL: There is always recruitment underway. That is what happens when you have the biggest public education system in the Southern Hemisphere. Recruitment is literally happening on a daily basis. Again, to try to capture a point in time is very disingenuous. I have been asked questions on notice about specific school communities and specific vacancies. The Government captures that at a point in time and provides it to those opposite when they ask. I will leave my comments there.

STOLEN GENERATIONS ADVISORY COMMITTEE

The Hon. TREVOR KHAN (12:42): My question is addressed to the Aboriginal affairs Minister. Will the Minister update the House on the work of the Stolen Generations Advisory Committee?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:42): I thank the Hon. Trevor Khan for his question. I am pleased to announce that the term of the Stolen Generations Advisory Committee has been extended for another two years in recognition of its important and continuing work. To date, the committee has engaged with significant policy issues and contributed to policy discussions on health, aged care, education, the school

curriculum, privacy and information child protection, and the National Redress Scheme. By extending the committee until 2023 we have more time to grow meaningful, sustainable relationships between Stolen Generations survivors and service provider agencies. We also have more time to effect real changes in areas such as child protection, health and aged care for Stolen Generations organisations to inform emerging work, including aspirations for the establishment of Stolen Generations keeping places. That is very important work indeed.

The committee is comprised of representatives from the New South Wales Stolen Generations organisations and government departments and has played a vital role in progressing actions under all Unfinished Business commitments. The committee was set up to oversee the implementation of Unfinished Business and continues to lead this important work. The committee has allowed survivors to meet with officials from across the New South Wales Government to discuss their priorities and advocate for better service responses. Through its continuing work and advocacy the New South Wales Government has funded coordinator positions in Stolen Generations organisations to support better access to NSW Health, the Department of Communities and Justice and the Aboriginal Housing Office service systems for survivors.

The committee also provides vital advice and guidance to me, as Aboriginal affairs Minister, on issues relevant to the Stolen Generations. Despite COVID disruptions, Stolen Generations organisations have continued to meet with Aboriginal Affairs NSW via videoconference. Face-to-face Stolen Generations Advisory Committee meetings will resume after COVID lockdown restrictions have completely finished. That meeting will be in early 2022. I take this opportunity to acknowledge and thank Stolen Generations survivors for their unwavering leadership and resilience. I look forward to continuing to work alongside survivors through the advisory committee, listening and learning from their experiences, and working together to implement the New South Wales Government's Unfinished Business commitments and make important and meaningful changes.

BEACHES LINK

Reverend the Hon. FRED NILE (12:45): My question is directed to the Hon. Sarah Mitchell, representing the Minister for Transport and Roads. Dozens of Sydney families are having their homes seized by the New South Wales Government to make way for the Beaches Link. Residents say that Government-appointed valuers are routinely undervaluing homes for acquisitions in Sydney's hot property market. Will the Minister confirm if the multimillion-dollar tunnel is definitely happening and, if so, when? Will the Minister please look into the complaints of the undervaluing of homes being seized and what assistance is being given to families whose homes are being seized?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:46): I thank Reverend the Hon. Fred Nile for his question. It was a detailed question asking quite specific and important questions of the transport Minister, the Hon. Rob Stokes, who is now in that portfolio. I am very happy to take that question on notice and refer it to the Minister for an answer.

TRANSPORT ASSET HOLDING ENTITY OF NEW SOUTH WALES ASSET VALUE

The Hon. DANIEL MOOKHEY (12:47): My question is directed to the Minister for Finance and Small Business. What steps has the Minister taken to allay the concerns held by New South Wales creditors about the decision by the Transport Asset Holding Entity board to write down the value of its assets by \$20 billion, which is the biggest ever writedown in New South Wales history?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:48): I thank the member for his question. In relation to State-owned corporations—the Transport Asset Holding Entity [TAHE] is one of those—I take advice from NSW Treasury. The incorporation of TAHE as a strategic vehicle to better manage the State's portfolio of transport assets has always been open and transparent. The New South Wales Government first flagged its intention to create TAHE in the 2013-14 half-yearly review. Its financial treatment was clearly set out in the 2015-16 budget. The legislation to create TAHE was debated in 2017 and passed by both Houses of Parliament. Rail safety is a core requirement of the TAHE legislation. The accredited safety managers are Sydney Trains and NSW Trains, which, under the legislation, are authorised to maintain rail infrastructure, carriages, engines, plant machinery and equipment. TAHE, like all other State-owned corporations, is a public non-financial corporation, which is a long-established vehicle for managing public assets and ensuring that these assets are best used, improved and managed for the benefit of the people of New South Wales.

In relation to asset writedowns, I am advised that a re-measurement of rail assets was always envisaged as part of the transition to a new commercial model. I am advised that the writedown was reflected in the 2021-22 budget aggregates. The change in TAHE's asset value is simply a consequence of the requirements of accounting standards. TAHE has engaged appropriately qualified advisers to assist it to apply the requirements of the accounting standards. This issue was put to the chairperson of TAHE earlier this week, and I know that the committee—

The Hon. Daniel Mookhey: Last week.

The Hon. DAMIEN TUDEHOPE: Last week. I beg the Hon. Daniel Mookhey's pardon. I think that I prepared the answer last week, thinking that he would ask me then. This issue was put to the chairperson of TAHE earlier this week, and I know that the committee inquiry is ongoing. I also note that the committee is currently conducting an inquiry and the Auditor-General is currently considering these issues, which is important. I am also advised that TAHE has responded to the Audit Office's requests for information, which will be provided on a timely basis.

The Hon. DANIEL MOOKHEY (12:50): I ask a supplementary question. The Minister said that the accounting treatment reflects accounting advice to Treasury or TAHE. Which firm provided that accounting advice that Treasury and TAHE have relied on?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:51): I thank the member for his supplementary question. I made clear in the answer I gave that the advice the Government relies on is Treasury advice. That is the advice in respect of the operation of TAHE and is provided to the Treasurer and shareholding Ministers in respect of the operation of that organisation. It is Treasury advice. Advice may be provided by external advisers, but, at the end of the day, the Government is advised by Treasury, which is the primary adviser to Government. I highlight two things. We rely on Treasury advice and also on our requirement to make sure that we take into account the relevant safety requirements, which are a component of the delivery of rail services. Those things are appropriately inquired into and appropriately delivered. There is an inquiry going on, and those opposite can engage in that inquiry, as they have been doing diligently. To the extent that there is financial advice relating to the operation of TAHE, the Government is satisfied with the advice appropriately provided by Treasury.

The Hon. JOHN GRAHAM (12:52): I ask a second supplementary question. Will the Minister elucidate that part of his answer about the advice he has been given on this subject? When did he become aware of this large-scale writedown?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:52): I thought that I had indicated that the advice was contained in the budget papers. However, I became aware of it when the chairperson of TAHE gave evidence to the Public Accounts Committee.

TEACHER SUPPLY STRATEGY

The Hon. WES FANG (12:53): 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 planning for a strong pipeline of teacher supply into New South Wales public schools, now and into the future?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:53): I can. This Government has big ambitions for school success and student outcomes in schools across the State. To support the delivery of these goals, we are taking a proactive approach to ensuring that we have a sustainable pipeline of highly skilled educators flowing into the system. That is why I was thrilled to release the New South Wales Government's \$125 million Teacher Supply Strategy, which will ensure that we have a diverse, solution-focused approach to the way we hire, retain and grow the teacher workforce in New South Wales. The strategy was developed through extensive research and analysis and stakeholder consultation, and includes both increased investment in existing successful programs and innovative pilots with built-in evaluation to optimise our investment decisions in the future. We expect that this strategy will add almost 4,000 teachers to our existing pipeline over the next 10 years, which is significant.

The strategy is built around three priorities. The first priority is to grow the overall supply of teachers. We will do this by recruiting teachers beyond New South Wales, by rolling out targeted awareness-raising campaigns of employment opportunities, by improving the overall perceptions of teaching, by accelerating careers of high-performing teachers through programs such as our FASTstream initiative, and by helping rural and remote schools to access more casual teachers where they are needed most. The second priority is to encourage more teachers to train in high-need, specialised subject areas. We will achieve this by providing, through the mid-career pathways program, accelerated channels for existing teachers and experienced subject matter professionals who wish to be teachers; providing targeted teacher retraining in high-demand subject areas; expanding scholarships for teachers retraining in inclusive education, which is very important; providing new pathways for school learning support officers and local students to become teachers through the Grow Your Own program; and collaborating with the university sector to access new Technological and Applied Studies teaching places via pilot programs.

Our third priority is to provide targeted teaching support for students in the places it is needed the most. This priority includes \$15 million of immediate investment based on our recently released review of rural and remote incentives; increasing the teach.Rural Scholarships to attract more high-quality teachers to rural and

remote parts of the State; expanding the Rural Experience Program to encourage metropolitan teachers to complete trial placements in regional schools; and providing more support for new teachers to settle into regional communities. There are many elements to this strategy because the challenges of teacher supply are contextual and nuanced. What works in Manly may not necessarily work in Moree. We need a diverse strategy that not only addresses all of the challenges but also embraces the opportunities we see across New South Wales. Whenever I visit a school and meet with teachers, what is evident is their passion for teaching and how much they enjoy their job and feel connected. We need to promote that to the community, so that we have the best and brightest talents teaching in our public schools.

PRINTED VEGAN MEAT

The Hon. MARK PEARSON (12:57): My question is directed to the Hon. Bronnie Taylor, representing the Minister for Agriculture and Western New South Wales. This week the renowned chef Marco Pierre White placed three-dimensional printed vegan steaks on the menu in all of his 20 restaurants in the United Kingdom, priced on par with the cost of meat steaks. The taste is said to be mind-blowingly good. Does the Minister accept that the future is plant-based meat and that she needs to urgently support New South Wales meat producers to transition before they are left behind in international markets?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:58): I hope that my husband is watching. But I doubt that he is one of the 60 people who are. There may be 28 today. I absolutely love meat. I completely—

The Hon. Mark Pearson: So do I.

The Hon. BRONNIE TAYLOR: We know. The question is whether I think that the future will not contain meat. I absolutely do not. I know that the Hon. Walt Secord is partial to a steak and a hamburger, because we have had that discussion before. I compliment anyone who wants to have a vegan steak, or whatever vegans have. I respect that. It is important to have lots of foods to choose from, which I love. I love my tucker, but I think to say that something like meat does not have a future is incorrect. There is great demand for meat as well as there will be for lentils and chickpeas and all sorts of things. Isn't it great that we have the choice? Isn't it great when we look at how incredibly well agriculture has done, particularly through COVID and in holding up the Australian economy? This is something that we should rejoice about with our farmers, who have been through such a horrendous time with drought and bushfires. To now be able to push the economy through a time when others are suffering is incredible.

Mr President would have seen the countryside at the moment while driving from here to Queanbeyan. Our cows are fat and shiny and our sheep are happy and running around. It is great for everybody, because we all want choice and diversity. Meat is a protein, which is a very important part of our diet. I think it is great that we can have choice, and I think that is important. I respect everyone's views. Recently in our office we have purchased a barbecue and we have called it Nigella. It was bought by my chief of staff, Daniel Newlan. If members are nice and ask politely and pleasantly, they will be invited to taste some samples of meat in my office. I would be very happy to have a barbecue. I will extend an invitation to the Hon. Mark Pearson and he can throw a vegan patty on the barbecue as well.

The Hon. DON HARWIN: The time for questions has expired.

The Hon. Walt Secord: Point of order: I draw to the attention of the House that question time started later today because you were inexplicably—

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

The Hon. DON HARWIN: I can assure you, Mr President, that the Hon. Rod Roberts stepped up in a magnificent way, very promptly after 12 noon. If members have further questions I suggest they place them on notice.

Supplementary Questions for Written Answers

ENVIRONMENTAL DEBT

The Hon. MARK LATHAM (13:02): My supplementary question for written answer is directed to the Minister for Finance and Small Business, representing the Treasurer. To deal with New South Wales' environmental debt, is the Treasurer intending to change the formatting of the 2022 State budget to produce a wellbeing budget upon the model adopted by the Ardern Labour Government in New Zealand?

TRANSPORT ASSET HOLDING ENTITY OF NEW SOUTH WALES ASSET VALUE

The Hon. DANIEL MOOKHEY (13:02): My supplementary question for written answer is directed to the Minister for Finance and Small Business. Will the Minister elucidate his answer by identifying on what date the Transport Asset Holding Entity board agreed to use the income approach to value its assets?

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. JOHN GRAHAM: I move:

That the House take note of answers to questions.

NEW SOUTH WALES CREDIT RATING**TOURISM SECTOR SMALL BUSINESSES**

The Hon. JOHN GRAHAM (13:03): I was not offended by the review of the Minister for Finance and Small Business of my adjournment speech last night. If we review his answers, I think it is fair that he is given a chance to review mine. I make this clear: I do not accept the Government's economic credentials. That was the point I was making last night. The Government lost the triple-A credit rating on 7 December last year. That was the point I was making. They called the former Treasurer's first budget the envy of the Western world. It was not the envy of lower Manhattan, at the headquarters of Standard & Poor's, which has rated it poorly. It has downgraded it. That is the point that the Opposition was making. Egan and Greiner would not have allowed this, but it happened under former Treasurer Perrottet.

In his other answer the Minister referred to the tourism sector. I direct his attention to the alarming chart 2.3 on page 2-5 of *Budget Paper No. 1*. The Minister for Finance and Small Business should have a look at that. It puts a spear through the boosterism of Destination NSW and should be alarming to anyone who is concerned about the tourism sector. There has been a dramatic fall in the past two years, but the real concern is what has happened under this Government. There has been a slight increase in our tourism exports but a massive increase in tourism imports. That widening gap, year on year, is deeply concerning to the Treasury, in the budget and to the Opposition. It is really concerning for the economic future of the State.

Finally, the Minister talked about economic support under COVID and really got a bit excited. He moved from a Legislative Assembly style of answering early in question time to the Legislative Council style in his later answers to some questions he was asked by the Hon. Mark Latham. But, in defending COVID support, he failed to mention that this Government this week has been considering extending the health orders until 2023. If the Government needs to do that, it knows it has a supportive Opposition if there is a reasonable case. But the Government is extending the health orders at the same time as it is turning off economic support, and that is a real issue. Turning off support in general over COVID and cutting off workers compensation payments are being floated as something we may see at some point in this Chamber, so we draw attention to that. The trouble for the Premier is that the ratings agencies, the Auditor-General and the State accounts are on to him. I would be concerned about all of those. His biggest concern, though, should be that the shadow Treasurer is also on to him.

TEACHER SUPPLY STRATEGY

The Hon. MARK BANASIAK (13:06): I take note of the answers given by the Hon. Sarah Mitchell in relation to temporary and casual teaching positions. I note the questions arose from documents that came out through a motion moved under Standing Order 52. It concerns me that on 9 September this year I asked a written question on notice much to the same effect, and the response I got was that the data does not exist. It seems that the data exists for a Standing Order 52 motion but does not exist for a reasonable question on notice. I encourage the Minister to respond to why that is the case. Any further action I take will obviously be guided by that response. I appreciate the Minister's response where she said it is a bit of a moving feast, it does change from time to time, but the data does exist in a little program called HR payroll that we have had for half a century. The data does exist and it can be accessed.

The Hon. John Graham: Since the Club of Rome.

The Hon. MARK BANASIAK: Yes, since the Club of Rome. It is just a case of having a willingness to access it for us. I encourage the Minister to come back with a response as to why the data was available for an order for papers but not for a written question on notice.

TOURISM SECTOR SMALL BUSINESSES

The Hon. LOU AMATO (13:08): I take note of the answer given by the Minister for Finance and Small Business to the question on small businesses and the renewal of our visitor economy. The Minister tantalised us

with his suggestions of possible activities that could attract visitors to get out and about in New South Wales or to head here from interstate, particularly our Victorian cousins. I understand Captain Sponge, also known as Brett, will take visitors out on the water at Broadwater on the Sapphire Coast to see firsthand how oysters are farmed. He will teach them the secret of oyster shucking and, of course, let them sample the famous Sydney rock oyster as they head off on Captain Sponge's Magical Oyster Tour on the Sapphire Coast.

Down on the Murray, at Corowa Whisky and Chocolate you can sample organic chocolate and liquorice before witnessing the making of high-quality Australian whisky—Mr President, I knew that would put a smile on your face. Alanis Morissette's *Jagged Little Pill*, the musical, at the Theatre Royal Sydney runs from 2 December to 19 December 2021—I am sure you want to go there as well, Mr President. I love this State, as I am sure all members do. I am certain that our interstate cousins would love to be here as well. Let's help small businesses by getting out and about, exploring its hidden gems and encouraging everyone we know around Australia—family and friends—to come for a visit to "Feel New" and renew themselves.

NEW SOUTH WALES CREDIT RATING

The Hon. DANIEL MOOKHEY (13:10): Today's answers by the Minister for Finance and Small Business were egregious enough to provoke me to fact-check him once again. I will be clear: Any confidence that anyone had in the Minister for Finance and Small Business, the Treasurer and the Premier being the team to get back our triple-A credit rating was put to an end today. Why should we trust the Minister to get back our triple-A credit rating when he clearly has not read the report that Standard & Poor's [S&P] published when it took it away? Had he read that report by S&P last year, he would be aware that the reason why S&P downgraded us was its concern about the built-up gross debt that New South Wales racked up before the world had even heard about COVID.

The truth of the budget circumstance this year and last year is that our gross debt is the highest on record, built up following blowout after blowout on infrastructure projects. Whenever there is a blowout on infrastructure projects, our debt skyrockets because that is what the Government has to do to pay it back. That is why S&P was so offended. Even more amusing was bearing witness to the Minister's extraordinary dance when we confronted him with the fact that the other major S&P concern is the Government's policy on the NSW Generations Fund. The fact is he had not read S&P's brief from earlier this year in which it pointed out that this exotic fund for which the New South Wales Government is borrowing \$20 billion whilst running a debt is the key risk facing the balance sheet. The fact is that the Minister is prepared to play roulette with the public's money on the NSW Generations Fund, and S&P is on to him.

He then tried to defend it by saying that that was COVID spending and that was the money that the Government was supplying to New South Wales businesses. The truth is that the Government has lent more money from the NSW Generations Fund to the Cayman Islands than it has spent in Cabramatta. We are buying more of Vladimir Putin's debt through this \$20 billion debt binge than we are using it to build schools in Parramatta. That is the truth of the policy that the Minister so defends. He may be all Malthusian about the New South Wales budget, but let me assure the House that S&P thinks the Malthusian theory he seems to have about what is going to come to the rescue is a joke. It thinks that this Government's fiscal management is a joke. That is why it downgraded the rating. The Government is not the team to bring it back.

PRINTED VEGAN MEAT

WATER SAFETY FOR CHILDREN

The Hon. John Graham: Tell us about Malthus.

The Hon. BEN FRANKLIN (13:13): I could spend more than three minutes on Malthus. Has the honourable member seen *Urinetown*? It is excellent. Much as I am tempted to discuss the Hon. Mark Pearson's question and the excellent answer provided by the Hon. Bronnie Taylor about the importance of meat to all our diets, I will not do that. I will talk about the question that the Hon. Natalie Ward answered today about the First Lap program, which teaches children aged between three and six swimming and water safety skills. It is very important and, I hope, something that everybody across the Chamber can agree to.

In the 2021-22 budget the Government announced \$22 million per annum until 2023 to introduce that \$100 preschool learn-to-swim voucher program. It will allow those three- to six-year-olds to participate in structured programs that increase their swimming and water safety skills. It originally targeted children of that age not enrolled in school but, in recognition of the impact that COVID has had on the participation of young children in learn-to-swim classes over the past 18 months, the program has been expanded now to include children who are in kindergarten in 2021 and 2022, which is an appropriate broadening of the criteria. Eligible activities will be both intensive programs offered daily over one or two weeks and weekly learn-to-swim programs, both delivered over a minimum of five sessions.

The First Lap program complements the existing Active Kids voucher program, which can be used for swimming lessons and water safety activities for school-aged children. As a quick digression, I also acknowledge the excellent Creative Kids program championed by the arts Minister and others in the Government. Both programs allow children to pursue their passions, whether it be in the active space or the creative space. In addition to eligibility requirements consistent with the Active Kids program, providers are required to prove that all swimming teachers involved in the program hold a licence from one of AUSTSWIM, the Australian Swimming Coaches and Teachers Association, or the Royal Life Saving Society Australia. We have consulted extensively with the aquatic industry and other key stakeholders as part of the development of the program to ensure its successful rollout. It is anticipated that the First Lap voucher program will be available from 1 December 2021, which is, as the Minister pointed out, the first day of summer. That is important. I live on the North Coast. I know that there are people in the Chamber who love the beaches, lakes and rivers of the North Coast. This program is important for kids across the State. I commend it to the House.

TEACHERS SUPPLY STRATEGY

The Hon. ANTHONY D'ADAM (13:16): I take note of answers provided by the Minister for Education and Early Childhood Learning. The Minister spoke about the NSW Teacher Supply Strategy, but let us look at what awaits those who want to enter the teaching workforce: years and years of insecure employment. We have seen from data provided to a question on notice that almost 40 per cent of the teaching workforce in New South Wales is in insecure employment. Members might think that in a large system we need some temporary employment. That is true. But when you get to those kinds of numbers, you know that there is a systemic problem. The Government has known this problem has existed for a very long time and it has either deliberately maintained the system or ignored it. Let us think about what this time of year is like for those temporary employees. We are approaching the end of term. Forty per cent of the workforce do not know if they have a job next year. The Government is deliberately keeping so many people in the lurch about their employment future. It is irresponsible and unreasonable.

If the Government has an argument around wanting to value teachers and to improve the teaching supply, then it has to do the basics and give people some certainty and security. If the Minister was genuine, she would try to fix this problem. What could she do? We know that in the system many people are on successive temporary contracts. We are not talking just a couple of years but five or 10 years on a temporary contract. If the Minister was fair dinkum, she would say to the department, "Let's fix this problem. Let's do some analysis and find out how many people have been on temporary contracts in excess of five years. Let's make all those people permanent." We know there is a mechanism for the department to confer permanency. Clearly, that is not being used. It is not being applied. The Minister needs to ask the question, "Why isn't that mechanism being utilised? Why aren't we fixing this problem of insecure employment?" It is time the Minister fixed the problem.

TEACHERS SUPPLY STRATEGY

The Hon. WES FANG (13:18): We have a bit of a theme. I take note of the answer from the Minister for Education and Early Childhood Learning about the NSW Teacher Supply Strategy. In answer to the question I asked of the Minister she spoke about the New South Wales Government's \$125 million Teacher Supply Strategy, which will ensure we have a diverse, solution-focused approach to how we hire, retain and grow the teacher workforce in New South Wales. We expect the strategy will add almost 4,000 teachers to our existing pipeline over 10 years, which is significant. The Teacher Supply Strategy is built around three strategic priorities: grow the overall supply of teachers by recruiting teachers beyond New South Wales, both interstate and internationally; encourage more teachers to train in high need, specialised subject areas; and provide targeted teaching support for students in the places it is needed the most.

I also note the contribution of the previous member to this debate. While I have some sympathy, I note that teachers may be in temporary or casual employment because of choice. For those people the flexibility provided by that type of employment is attractive to them. They may have a family or want to travel and that flexibility is beneficial both to the schools and to the members. We have heard time and again over the past couple of weeks from members opposite that there will be a shortage of teachers in this State and that we are not doing enough to fill that shortage. Today the Minister outlined not only the strategy of how we will recruit more teachers but also that if there is a shortage of teachers there will be no issues with teachers getting jobs.

Members opposite need to work out their strategies for attacking us. On the one hand, there are not enough teachers but, on the other hand, we will have problems because some teachers are casuals. Casual employment suits both the schools and the members. That is what this Government is about: choice. On this side of the Chamber we support teachers who want to work in a casual capacity, and we support schools accessing that labour when needed. We will always stand by schools and education because on this side of the House we build schools, we educate people and we do it in a wonderful way. I congratulate the Minister on her fantastic work.

TEACHER SUPPLY STRATEGY

The Hon. COURTNEY HOUSSOS (13:22): I take note of answers provided by the Minister for Education and Early Childhood Learning in relation to the large number of temporary and casual teachers in our public schools, which featured on the front page of *The Sydney Morning Herald* today. More than 100 Sydney public schools have more temporary or casual teachers than permanent ones. In fact, only 15 schools have less than 20 per cent of their staff who are temporary or casual. The Minister in her response spoke about the scale of the New South Wales education system. Out of 2,200 schools only 15 have fewer than one in five teachers who is temporary or casual.

We have seen a remarkable shift in the teaching profession. It used to be a profession that allowed someone to plan their life, start a family, buy a house and build their life based on a secure job. We have seen a rapid departure from that model to more temporary and casual work. For years we heard that anecdotally from teachers, the Teachers Federation and when we spoke to school communities. But documents produced to this House under Standing Order 52 reveal the real figures behind what we were hearing. They show us that, for example, at Rydalmere 31.2 per cent of the teachers—fewer than one in three—are permanent. At Marie Bashir Public School in Strathfield and Malabar Public School almost 60 per cent of teachers are casual or temporary. In response to those damning figures of what is happening across our teaching workforce, the Minister said that looking at numbers on a page is not helpful.

I disagree. We must confront those numbers and what they mean for our teachers and for our teaching communities because in the next five years we are running out of teachers; we will not have enough teachers to teach our children. The vacancies that started in rural and regional New South Wales are now spreading to Sydney. They are now visible not just in those STEM specialties but across the board. We know that we are competing with the independent sector for teachers, but without a permanent job that teachers can rely on to build a life, afford a house and start a family, they will continue to leave. To improve standards in our schools we must have well-qualified, permanent teachers at the head of classrooms teaching our children. That is what they deserve.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. SCOTT FARLOW (13:25): Last week the Hon. John Graham invited me to start a rating system for question time to rate the Opposition's question time strategy. Today I would give it a CA rating, which Moody's defines as "highly speculative and near default". But there is good news and a positive outlook for the Opposition. It is amazing that today of all days, when Moody's reaffirmed New South Wales' triple-A credit rating, the Opposition started question time with questions about our rating and ratings agencies. New South Wales is the only State in the country to have a triple-A credit rating from Moody's. Of course, that has also been reaffirmed by Fitch.

When we look at how rare triple-A ratings are globally, we see that under Moody's New South Wales is one of five State jurisdictions around the world with that rating, along with British Columbia in Canada, and Baden-Württemberg, Bavaria and Brandenburg in Germany. They are the only State jurisdictions in the world to have a triple-A credit rating according to Moody's. The Minister for Finance and Small Business was dead right when he said that the Opposition does not want to hear good news; it wants to talk down New South Wales at every opportunity. The Opposition raised S&P, but when it rated and assessed New South Wales even it said that New South Wales still maintained a "wealthy and diversified economy ... excellent financial management; and exceptional liquidity". That is what New South Wales has when it comes to the financial management of our State. It is leading the nation and, when we look at those five jurisdictions, it is leading the world. For the Opposition to think its question time strategy today was a killer blow defies belief.

Of course, today we heard from Ministers about a Government that is getting on with recovery. The Minister for mental health talked about the web of support and the COVID recovery package for mental health. We heard about the First Lap program of \$100 vouchers for three- to six-year-olds to learn to swim from the Hon. Natalie Ward and we heard from the finance Minister about Feel New—whether it be Captain Sponge, the Corowa Whisky and Chocolate factory or *Jagged Little Pill*. That leads me to one of my favourite Alanis Morissette songs, *Hand in My Pocket*, which sums up the Opposition's question time strategy today:

And what it all comes down to
Is that I haven't got it all figured out just yet

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

Motion agreed to.

*Written Answers to Supplementary Questions***COVID-19 AND SCHOOL CLOSURES**

In reply to **the Hon. WALT SECORD** (16 November 2021).

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

The health, safety and wellbeing of students and staff in our schools is paramount.

The Department of Education has clear response and communication protocols in place in the event of a COVID-19 exposure on a school site. These protocols, which may include closing a school temporarily for contact tracing and cleaning, are enacted as soon as the department is made aware of a confirmed case in the school community by NSW Health.

*Documents***TABLING OF PAPERS**

The Hon. DON HARWIN: I table the following papers:

- (1) Annual Reports (Statutory Bodies) Act 1984 and Annual Reports (Statutory Bodies) Regulation 2015—Report of the NSW Environment Protection Authority for year ended 30 June 2021.

I move:

That the report be printed.

Motion agreed to.

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

*Bills***PUBLIC SPACES (UNATTENDED PROPERTY) 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: According to sessional order, I declare the bill to be an urgent bill.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The question is that the bill be considered an urgent bill.

Declaration of urgency agreed to.

The Hon. DAMIEN TUDEHOPE: I move:

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

Motion agreed to.

*Documents***TABLING OF PAPERS**

The Hon. TAYLOR MARTIN: I table the following paper:

- (1) State Owned Corporations Act 1989—Ministerial direction from the Treasurer and Minister for the Forestry Corporation of NSW, with the approval of the Treasurer, under section 20P of the State Owned Corporations Act 1989, concerning softwood log exports to domestic markets, dated 20 August 2021.

I move:

That the report be printed.

Motion agreed to.

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

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (15:02): By leave: I wish to make a personal explanation. Earlier today in question time I was asked a series of questions in relation to the Transport Asset Holding Entity [TAHE] and its asset base, specifically the accounting treatment of its assets and revaluation based on an income approach. In particular, I clarify my answer to a supplementary question asked

by the Hon. John Graham that related to my becoming aware of the TAHE asset base writedown. Further to my answer that I became aware of that during the evidence of the chair of TAHE to the Public Accountability Committee recently, I clarify to the House that I was advised of the matter by NSW Treasury in a written brief to my office on 31 May 2021. That brief related to the implementation of TAHE as a State-owned corporation and was provided to my office in advance of a meeting held between me and the chair of TAHE, Mr Bruce Morgan. I thank the House for its indulgence.

Private Members' Statements

WESTERN SYDNEY INFRASTRUCTURE

The Hon. PETER PRIMROSE (15:03): The Minister for Jobs, Investment, Tourism and Western Sydney is prepared to be photographed holding a shovel, but this year's budget estimates confirm he is not properly briefed about the transport issues associated with the Western Sydney Airport. Minister Ayres instead likes to confirm a picfac, don a hard hat and a high-vis vest, be pictured turning sods and then issue a media release with poorly calculated and usually over-inflated future jobs numbers. Yet one key issue that the Minister appears to have no idea about is the issue of rail freight in western Sydney, specifically to do with the Western Sydney Airport. When the airport is scheduled to commence operation, it is predicted to move over 200,000 tonnes of cargo, but it will all have to be moved on congested western Sydney roads. In 2018 a combined Australian and New South Wales governments Western Sydney Rail Needs Scoping Study produced an outcomes report. A tiny footnote on page 15 states:

The focus of this study was passenger rail requirements for Western Sydney. Freight requirements for Western Sydney are being considered separately by the NSW Government—

But obviously not by Minister Ayres. Nevertheless, the report goes on to state—

However, there is likely to be weak demand for rail to Western Sydney Airport in its early years of operation ...

Infrastructure Australia states:

Currently there is no freight rail serving the Western Sydney Employment Area ... Continued reliance on road transport is likely to result in higher transport costs, further congestion impacts on the Sydney road network and restricted access to international markets ...

In October 2021 the Auditor-General released a damning report about the New South Wales Liberal-Nationals Government's inability to improve freight capacity in Greater Sydney or to meet current and future demand. The western Sydney Minister said in estimates he was not even aware of the report. The movement of freight contributes \$66 billion a year to the New South Wales economy. The Auditor-General found, amongst other issues, work has been done on four specific freight strategies, including a review of the existing plan and a freight rail strategy. The Auditor-General went on to state that Transport for NSW "has not yet determined the time frames or intended outcomes of these strategies." The key question is: Why is the metro being built before freight rail infrastructure and not simultaneously with that infrastructure? There is no start date, let alone an opening date.

DRAFT MARINE PARK MANAGEMENT PLAN

The Hon. MARK BANASIAK (15:06): The draft marine park management plan has made its way back around. In true Shooters, Fishers and Farmers Party form, I have plenty of questions I need answered on behalf of constituents. On 7 September this year I submitted 10 questions relating to the draft management plan to the agriculture Minister, and I am yet to receive a single decent answer. The questions I asked included: Has the Minister endorsed and approved the plan? Have the marine park advisory committees been updated on the plan? Will the plan contain lines on maps when it comes to sanctuary zones? Will the Minister explain the role of a sanctuary zone? I will not bore members with all 10 questions; they can be accessed in *Hansard*. The point I make is that the Minister, even when given a written question, is incapable of understanding marine parks.

I eventually cornered the Minister in budget estimates and forced out of him some of the information I required. It was a build-up but an absolute disappointment. It turns out the marine park advisory committees were shut out from seeing the draft plan. Instead, carefully selected groups that could furnish more agreeable outcomes were consulted. The marine park advisory committees saw the draft plan at the same time the public did. The Minister admitted to me that some decisions would be based not on scientific evidence but instead on user conflict. Those of us who have been on this merry-go-round before know that "user conflict" means lines on a map and a lockout.

For four years the Marine Estate Management Authority, which is responsible for marine parks, has sat on its hands while knowing about the cockle issue in the Illawarra. It deliberately allowed a conflict to occur and fester so it could impose further restrictions. The Marine Estate Management Authority should be immediately disbanded over this, and anyone involved should be sacked. We should be provided with the research to justify marine parks, but that research does not exist. Marine parks are political herpes for the Liberal-Nationals

Government—they just keep coming back. The same thing happened in 2018, and over 5,000 protestors stormed Parliament House. Their voices still echo in the corridors, such was their passion and volume. Fishers will fight for their culture, and no lines on a map will stop them.

GRIFFITH STRONGER COUNTRY COMMUNITIES FUND PROJECTS

The Hon. WES FANG (15:08): Over the weekend I was delighted to accompany Griffith Mayor John Dal Broi, Deputy Mayor Christine Stead, Councillor Rina Mercuri and other community leaders to open a raft of projects funded as part of the Stronger Country Communities Fund. Incredibly, in 1817 the famed explorer John Oxley dismissed the Griffith region as uninhabitable. If only he could see the thriving regional centre and the food bowl of Australia now. The Stronger Country Communities Fund is all about enhancing our communities and investing in projects that make them great places to live. We are ensuring that regional New South Wales is getting its fair share. For instance, local sporting teams competing at Jubilee Oval will now be able to enjoy new changing rooms, toilets, a canteen and cricket pitch, while the reconfigured rugby fields will allow for additional fields and larger playing spaces. Previously, when a big club from Wagga Wagga or Temora would visit, the dressing rooms were not big enough to accommodate the visitors. With the upgraded amenities block, Jubilee Oval has become a sporting hub for local teams, friends, families and the entire region.

Last week I spoke about the importance of art and culture to a community and its ability to connect people through events and exhibitions to create a sense of place and belonging. That is why it was so pleasing to officially open the Griffith Community Stage in the Burley Griffin Community Gardens. This space will enable a range of outdoor live acts, set against the backdrop of the canal and spectacular gardens. I pay special tribute to the late Stuart McWilliam, who bequeathed \$100,000 to council to see this project come to fruition. The upgraded community centre, located in a modern and new building, will also continue to be a hub for creativity and community-minded activities. No matter how elections go, we are delivering on our election promises. We have done so without fear or favour, and these three projects, totalling over \$5 million in funding from the New South Wales Government, were all delivered because we honour our commitments. I thank Mayor John Dal Broi, who has been a champion of the Griffith community for more than four decades. I wish him well as he retires from council this year. I also note that the local member was not in attendance, even though she was invited.

LOCAL GOVERNMENT ELECTIONS

The Hon. SHAOQUETT MOSELMANE (15:11): Between the forced amalgamations in 2016, the pandemic in 2019 and the hard lockdowns in June 2021, New South Wales local councils have never had it so tough. Forced amalgamations took so many resources from local governments that were fighting off a government that did not care to consult. The idea that amalgamation would benefit ratepayers, frontline services, child care, parks and sporting facilities has proven to be no more than a furphy. The decision to withdraw six regional council mergers, to leave Hunters Hill as a standalone council with a mere 14,000 residents and to push ahead with specific Sydney metropolitan mergers highlighted the political nature of the Government's forced merger policy. It was truly a dog's breakfast; just ask the people of Bayside Council. Recently, councillors from the former Botany council area moved a motion to de-amalgamate. It lost because some councillors wanted to consult their residents first.

On top of the heartache of forced amalgamation came the dreaded 2019 pandemic, which was also tough. Local government residents in western Sydney had to deal with the insults from the health Minister, Brad Hazzard, blaming those from "other backgrounds" for the extended lockdown. Adding insult to injury, the New South Wales Government then refused to meet with the 12 mayors from western Sydney and south-western Sydney councils who merely wanted to discuss the impacts of the lockdown on their communities. After much delay, the local government elections for 124 councils are now on, and, this time, they are definitely happening on 4 December, though not without confusion.

Many candidates are still unsure of the New South Wales Electoral Commissioner's 100-metre rule and when and how candidates can hand out their "how to vote" documents, amongst other questions. I suggest that the New South Wales Electoral Commission instructs each of its returning officers to prepare the rules of engagement at each of its booths and to hand them out to candidates prior to pre-poll to avoid ongoing confusion. As the co-chair of the Parliamentary Friends of Local Government, with the Hon. Lou Amato, I wish the 3.8 million voters and all candidates in the 124 councils across the State every success.

COUNCILLOR SAM ROMANO

The Hon. ROBERT BORSAK (15:13): I dedicate my private member's statement to an integral part of the Shooters, Fishers and Farmers Party, Mr Sam Romano of Orange. In 2017 Councillor Romano became the first Shooters, Fishers and Farmers Party member to be elected to a local government. In fact, he cleaned up in 2017, with 13.8 per cent of the vote going his way. This was a remarkable result considering there was a

record-breaking 88 candidates. Councillor Romano and running mate, the late Mario Previtera, performed the strongest of all 13 groups in the local elections. The Shooters, Fishers and Farmers Party ticket was the only one to have two candidates elected. I dedicate this private member's statement to Councillor Romano, who recently announced that he will not be running in the local government elections. He will be relocating with his wife to Western Australia.

Councillor Romano served two of his four-year tenure as Deputy Mayor of Orange City Council and still remains the chairperson of the Orange Airport Community Committee. Councillor Romano's dedication to his community has been exemplary. In 2019 he put his hand up to run in the Federal election for the electorate of Calare for the Shooters, Fishers and Farmers Party. Having lived in the Calare electorate for more than 20 years, and having worked as an electrician as well as a sheep and cattle farmer, Councillor Romano was an obvious choice to be the Shooters, Fishers and Farmers Party candidate. During his time in council, he worked closely with the member for Orange, Mr Phil Donato, and together they have managed to achieve fantastic outcomes for the electorate.

Some of Councillor Romano's finest achievements and successful motions include stocking native fish in all stormwater ponds, automatic electromagnet lock-off for shopping trolleys, bulk domestic rubbish pick-up, fishing at Ploughmans wetlands, a toilet block and canteen at Naylor Pavilion at the Orange Showground, a mobility map for tourists and residents, free entry on Australia Day weekend at Orange Aquatic Centre, an awning for the air ambulance at Orange Regional Airport, a chairlift for Mount Canobolas, indoor archery at the Orange Showground pavilion, a memorabilia cabinet at Orange Regional Airport, a stop and rest area on Bathurst Road, camping at Gosling Creek Reserve and more activities for the youth of Orange.

Councillor Romano, along with the local member, Phil Donato, fought hard to secure the controversial \$25 million for a sporting precinct promised by then Premier Gladys Berejiklian, but only if the National Party member won the seat. They did not win the seat, but Councillor Romano and local Shooters, Fishers and Farmers Party member Phil Donato still delivered on that promise. It has been a privilege to work alongside Councillor Romano in elections and when fighting for the electorate of Orange. On behalf of myself and my Shooters, Fishers and Farmers colleagues, we wish Sam and his family all the best for the future.

UNPARLIAMENTARY LANGUAGE

The Hon. LOU AMATO (15:16): This is a true story. A man was elected as the leader of a country. Upon election, he passed the strictest animal welfare laws ever seen. Laws were passed that made it illegal to slaughter animals that had not been administered anaesthetic, and vivisection and experimentation on animals was completely banned. The banning of vivisection was publicly announced by a senior Minister of his government, which went as follows:

An absolute and permanent ban on vivisection is not only a necessary law to protect animals and to show sympathy with their pain, but it is also a law for humanity itself ...

Hunting was highly regulated and animal trapping was outlawed. The laws went as far as outlawing the use of animals for filmmaking and other public events that caused them pain or damage to their health. The man who made these laws was Adolf Hitler. He was the embodiment of evil. His actions saw the death of six million Jews in the gas chambers of Nazi concentration camps. He laid waste to an entire continent, causing the death of millions of innocent people. Adolf Hitler was without doubt a psychopath, complete with all the narcissistic traits of a person steeped in psychopathy. He may have banned experiments and cruelty against animals, but he allowed the vilest experimentation on his fellow humans, especially innocent Jews. Hitler was a monster, and he usually takes the number one spot in any list of the top 10 most evil people of all time. On 11 November 2021 the Hon. Mark Pearson made a private member's statement in this House, saying:

The uncomfortable truth is that, stripped of all the confected reasons for hunting, we are left with what is called the "dark triad", a trio of negative personality traits—narcissism, Machiavellianism and psychopathy—that are linked to the harming of others, including animals. Trophy hunting is a classic example of narcissistic behaviour in those with an inflated view of themselves and an obsession for self-promotion. Machiavellianism is a tendency to engage in manipulative, exploitative behaviour. Psychopathy concerns the inability to experience empathy or remorse ... I foresee a time when my crossbench colleagues will quietly drop the word "shooter" from their party name.

The Hon. Mark Pearson's speech was an attack upon certain members of this House. Regardless of their differences in political ideology, such attacks are unparliamentary and unacceptable to utter in this House of high esteem. The labelling of any member of this House as a psychopath is unacceptable.

COVID-19 AND WORKERS COMPENSATION

The Hon. COURTNEY HOUSSOS (15:18): I remember vividly the early days of the pandemic in March last year. I remember the fear and the uncertainty. I remember the scenes from overseas as COVID swept through nations, overwhelming their health systems. I remember a Facebook post from a friend in New York, who spoke

of the constant ambulance sirens and the fear that one would not come if you needed one. I remember the ominous waiting here at home as the pandemic seemed to get closer and closer. I remember lining up in our local supermarket for toilet paper and being handed only one packet while supermarket workers guarded the pallet that had just been unloaded. I remember the conversation I had on another visit with a woman who works there. She told me how worried her adult children were about her coming to work.

During those fearful, uncertain days at the beginning of the pandemic, this Parliament made some deeply significant and sweeping changes, including an amendment to section 19B of the Workers Compensation Act 1987 to provide an important protection for our essential workers. Members on all sides of this Chamber and in the other place voted to protect those workers who continued to go out to work while we stayed safe at home. Well before vaccines existed and before we knew how to protect ourselves properly from the new virus, we voted to give important workers compensation protections to essential workers in our hospitals and supermarkets, across our transport and distribution systems, in construction, in aged, disability and child care—our paramedics, police, cleaners and correctional officers. We said to them, "If you contract COVID, you will be eligible for workers compensation." We decided that if they could not stay safe at home, we would protect them in solidarity through our collective safety net.

Today, 18 months on, we know much more about the virus that has caused this once-in-100-year pandemic. We know that if we wash our hands regularly, socially distance, wear a mask and, most importantly, are vaccinated against it, we can protect ourselves and our loved ones, but our essential workers remain at a higher risk of catching COVID at work. Only days ago the Liberal-Nationals Government announced it will strip away those vital protections, shifting the financial risk onto the individual workers. No allegations of false claims have been made, so the only way money will be saved is by making it too hard for essential workers to access legitimate support—workers the Government rightly labelled as heroes only months ago.

Under the changes, a 16-year-old retail worker must use genomic sequencing and contact tracing to prove where they contracted COVID. The same applies to nurses, bus drivers, hospital cleaners and all of those other workers who put food on our tables, kept our society going and made it a safe place to be for the past 18 months. I stand with those workers and their unions. I commend Unions NSW; the Shop, Distributive and Allied Employees' Association; the Health Services Union; the Police Association of New South Wales; the NSW Nurses and Midwives' Association; the Rail, Tram and Bus Union; the Transport Workers' Union; the United Workers Union; the Public Service Association; and others. We must give them the support and the financial protections they deserve.

MOUNT CANOBOLAS STATE CONSERVATION AREA

Ms CATE FAEHRMANN (15:22): To the south-west of Orange lies the Mount Canobolas State Conservation Area [SCA], 1,672 hectares of unique subalpine ecosystem that contains a treasure trove of endemic and threatened species. The weekend before last I visited Mount Canobolas to learn more about its rich biodiversity and cultural heritage value and to hear from members of the local community about why they want environment Minister Matt Kean to help protect this beautiful piece of land. Orange City Council has plans to build a massive network of mountain bike trails all over the mountain.

Many millions of years ago Mount Canobolas was an active volcano. The rich surrounding volcanic soils and the subalpine environment have allowed a unique ecosystem to develop. Some species found there exist nowhere else on earth, including in other similar subalpine habitats in New South Wales. They include certain species of flora, vascular plants, lichens, insects, a velvet worm and a planarian. The richness of the SCA's flora is over 12-fold that of Kosciuszko National Park. It has almost 260 species per 1,000 hectares compared with 20.6 species per 1,000 hectares in Kosciuszko.

Mount Canobolas is also a significant Wiradjuri place and was an important occupation site used for the sourcing and sharing of food, medicines and tools, and for corroborees and ceremonies relating to men's business in particular. At the invitation of the local Wiradjuri people, the weekend before last around 100 people gathered for a corroboree at Mount Canobolas in opposition to the proposal. In 2018 the Canobolas Conservation Alliance submitted a detailed proposal to the Government to declare the mountain an area of outstanding biodiversity value under the New South Wales Biodiversity Conservation Act 2016. Since then it has languished on the desk of environment Minister Matt Kean.

The Canobolas Conservation Alliance has requested to meet with Minister Kean on numerous occasions, only to have those meetings cancelled or passed on, despite Minister Kean committing to meet with the group at my request during budget estimates last year. Make no mistake, 100 kilometres of trails, 70 kilometres of which are directly within the State conservation area, will have a devastating impact on many of the unique species that call Mount Canobolas home. The mountain biking community has alternatives, including nearby State forests. Mount Canobolas' fragile and irreplaceable ecosystem and the threatened species that call it home do not. I call

on environment Minister Matt Kean to prioritise the issue while he still has the portfolio. I call on him to protect this incredible natural area, which is under serious threat from an activity that has no place there, by declaring Mount Canobolas an area of outstanding biodiversity value.

COVID-19 STATE BORDER RESTRICTIONS AND SPORT

The Hon. CATHERINE CUSACK (15:25): I share with the House a letter that is being sent by the mayor of Tweed, Chris Cherry, to the Queensland Government. It reads:

Dear Premier Palaszczuk,

Urgent action required to allow participation in Community Sport

The bipartisan Cross Border Taskforce are asking that you urgently amend the QLD Border Direction to allow our communities on the Tweed and southern Gold Coast to interact for participation in Community Sport. Daily we are being approached by parents and trainers of athletes that are locked out of their local, Regional and State competitions, unable to compete and train with their squads or teams. Living here on the border many of our residents compete and train in these competitions. Since the border restrictions have not allowed crossing for community sport, the impact on the mental health and well-being of our community has been serious ...

This last weekend around 200 athletes from Tweed Little Athletics were unable to cross the border to compete in their Regional Championships. The club held a simultaneous time trial event to at least allow these athletes to register their times for the upcoming State championships in early December. Many of these young people have been competing for years to attain elite athlete status but are now unable to participate in their competitions. We need them to be able to cross the border.

We ask that you consider our regions double vaccination rate of over 80% with zero community transmission of COVID ...

To allow our residents to again participate in community sport in Queensland would be possible if you re-established the border bubble for daily life provision crossings or alternatively allowed participation in community sport to be a permitted purpose.

This would go a long way towards improving the mental health of our region and allow some of these athletes, that are in Paris Potential teams, to train with their squads. These are our future competitors for 2032. Please let them train.

The Members from both the NSW and Queensland Parliaments, including Tweed MP Geoff Provest ... Lismore MP Janelle Saffin ... Ballina MLC Catherine Cusack ... Member for Currumbin Laura Gerber and Member for Burleigh Michael Hart ... Ballina MP Tamara Smith ... and myself, Mayor of Tweed are unanimous in this request.

Let us be clear. Tweed Shire has a higher vaccination rate than the Gold Coast and zero community COVID. The risk is virtually zero, and the ongoing impositions on our children are outrageous and unnecessary. I am planning to raise the issue with the Federal Minister for Sport, as the Commonwealth agreed last April to contribute 50 per cent of the costs for Queensland to host the Olympic Games. Of course, a substantial portion of that will be New South Wales taxpayer money. If Queensland closes its border to our children, the Commonwealth Government should likewise close the border to the torrent of New South Wales tax dollars that are pouring into Queensland. The shamelessness of the Queensland Government, which shoved all the risk of hotel quarantine onto New South Wales and still will not pay its bills, deserves a fiscal response. [*Time expired.*]

AUSTRALIAN WORKERS UNION

The Hon. MARK BUTTIGIEG (15:28): I congratulate the Australian Worker's Union [AWU], led by its secretary, Daniel Walton—I note the laughter of those opposite—on bringing about a monumental achievement for over 100,000 workers in our horticultural industry. On 3 November the Fair Work Commission ruled in favour of the AWU, ensuring that farm workers will be entitled to the minimum casual rate of pay of \$25.41 per hour, regardless of piece rates, once the ruling comes into effect. The Fair Work Commission found that the existing piece rate system was not fit for purpose. It noted the following:

The totality of the evidence presents a picture of significant underpayment of pieceworkers in the horticulture industry when compared to the minimum award hourly rate.

For far too long there has been rampant wage theft and exploitation in this industry, making the AWU's victory one of the most important industrial wins achieved in modern times by a union for workers. Farm workers have been some of the worst-paid people, being paid as low as \$3.00 per hour, as evidenced in a report by the McKell Institute. AWU members stood up and told the commission about workers receiving well below award rates and how workers had not been paid at all for picking damaged fruit and undertaking farm maintenance. The ruling noted that there will now be a cost incentive for employers to manage their workforce better and be more active in recruitment, which would increase their productivity. The new wage could help attract more Australian workers to the industry. The AWU has rightfully pointed out that this is a great result for young Australians and that for areas with high unemployment rates this will be beneficial.

The new law will also prove to be clearer for workers from a non-English speaking background who experience language difficulties and can often be underpaid in this industry. The complexity of the exploitative piece rate system allowed employers committing wage theft to hide. All workers will now be able to check their pay slips for a clear minimum rate of pay, making it easier for everyone to comprehend and to know when they are getting exploited. This will help lift workers out of poverty and make for a safer industry. Every worker should

be paid fairly for a day's work. We cannot have people being exploited. Congratulations again to Daniel Walton and to the AWU members on their historic victory. Their relentless campaign and efforts will drastically improve the lives of so many people.

ANTI-SEMITISM

The Hon. WALT SECORD (15:31): As Deputy Chair of the NSW Parliamentary Friends of Israel group and patron of the New South Wales Labor Israel Action Committee, I inform the House that last night the NSW Jewish Board of Deputies unanimously endorsed the International Holocaust Remembrance Alliance's definition of antisemitism. I praise President Lesli Berger and CEO Darren Bark for their tireless efforts in this area. I note that Federal Labor leader Anthony Albanese was the first major political leader in Australia to commit to the definition. He did so on 13 July 2021 during a Zoom meeting with the Jewish community, where he also condemned antisemitism, boycotts of Israel, the apartheid slur, and reiterated support for a two-state solution.

As I am being bipartisan, I will also mention that on 14 October 2021 Prime Minister Scott Morrison said Australia would adopt the definition. This coincided with Australia's participation in the Malmö International Forum on Holocaust Remembrance and Combating Anti-Semitism, held in Sweden. At the local level, at Waverley Council, The Greens, Labor and the Liberals endorsed the definition of antisemitism. Unfortunately, we are seeing a resurgence of antisemitism around the world. We are having to respond to people flying Nazi flags in New South Wales and swastikas appearing in public places. The NSW Jewish Board of Deputies reported that in 2020 there were 331 antisemitic incidents in New South Wales. This is clearly an understatement, as the vast majority of antisemitic incidents go unreported. I thank the House for its consideration.

Bills

LOCAL GOVERNMENT AMENDMENT (DISQUALIFICATION FROM CIVIC OFFICE) BILL 2020

Second Reading Debate

Debate resumed from an earlier hour.

The Hon. MARK BUTTIGIEG (15:34): I speak in strong support of the Local Government Amendment (Disqualification from Civic Office) Bill 2020, which is another great initiative from Labor. I congratulate the shadow Minister for Local Government, Mr Greg Warren, in the other place, and my colleague the Hon. Walt Secord, who is the current shadow Minister for arts, police, counterterrorism and the North Coast, of course, but was formerly the shadow Special Minister of State, who together drafted this bill. For the benefit of the House, I will go over some of the history of the bill. It has been around for a long time, both in concept and manifestation. Members may recall that back in 2019 then Premier Rees announced at a Labor Party conference that Labor would not take a single cent of money from property developers anymore, and then subsequently introduced law to give effect to that policy in January 2010. In October 2015 the High Court upheld an appeal against the policy from developers regarding that ban. In 2016 the Labor State Conference prohibited candidates from nominating for public office if they were a property developer or a real estate agent.

So this has been part of Labor Party policy for quite some time. Labor is now seeking to put it into practice and put it into law, given the litany of corruption that we have seen associated with local government and the current legislative framework simply not catering for this conflict of interest. In 2017 Labor again introduced a bill to reflect that position of banning developers and real estate agents from nominating as candidates for local government elections. That was voted down by the Government at the time. In February 2020 my colleague the Hon. Walt Secord introduced the bill we have before us today, which the Government indicated it would not support. Before the break, we heard in no uncertain terms that that is still the Government's position after all we have seen over the past two or so years.

As if we did not need any more examples as to why this bill needs to come in, earlier this year, on top of the 2017 bill being voted down and on top of my colleague's bill not being supported in 2020, we had the spectacle of the Government opportunistically splitting off an amendment to the Local Government Act. Members may recall that the bill was introduced into this House largely to cater for COVID-safe provisions, but also to address the Strathfield issue whereby Mayor Doueihi was found to have incorrectly filled out his declaration. What was the Government's answer to that? This goes to the essence of why the current legislative framework is so lacking. The Government Whip, earlier on in the debate, tried to make the argument that it is okay because people have to declare their conflicts and they have to fill out forms, as if we are living in some sort of perfect world of transparency where the public knows what all these conflicts are and that the forms are correctly filled out and no-one is playing silly buggers.

What happened was this fellow incorrectly filled out his form and no-one knew about it until it was reported, and then there was a 2½-year investigation. So the Government puts up this bill and its answer was,

"We'll just get the party office to fill out the forms on their behalf, because our candidates are too thick to do it properly." That was how the Government treated that action at Strathfield. Instead of addressing the problem at its source—by removing the conflict by not letting developers and real estate agents run in the first place—the Government's answer was, "We'll fill out your form and pat you on the head. You can still run for council."

Members may recall that the Government split the bill off into two because my honourable colleague Mr David Shoebridge moved amendments which would have achieved a similar thing to what we are trying to do here today, which is banning developers from running for council. The Government split off the bill and got the bit about head office filling out the forms through. Then the bit that contained the Shoebridge amendments, which would have given effect to what this bill is trying to do, was mothballed in the lower House. This is the Opposition's third go at legislating this issue. The 2017 was bill knocked over. There were the Shoebridge amendments to the local government bill earlier in the year. Now the Opposition has introduced this bill and the shutters have gone up. There is still resistance.

What grounds does the Government have to knock back such a simple reform that would make transparency the order of the day so that when the average person in New South Wales goes to the polling booth they can feel confident that they are electing people who have their best interests at heart, not their own monetary interests? It is very straightforward and quite simple. You have to ask yourself why the Government is hanging onto this for dear life. What is the motive? Does it have anything to do with the fact that it is running independents—people who are not endorsed Liberals—all around the State? What is all that about? Let us go back to what happened during that time. During the gestation of that first bill, the Second bill that was introduced about 12 months ago now—

The Hon. Walt Secord: Almost two years.

The Hon. MARK BUTTIGIEG: Almost two years. As if the Government did not have enough examples as to why it should do this, there was the spectre of Mayor Doueihi at Strathfield, who incorrectly or falsely filled out his declaration. As every member in this Chamber knows, that declaration is meant to provide residents with some sort of guide to the people they are electing. If I go onto the website, I can see Mr Doueihi's declaration. I can say, "He is a company director in A, B, C, D and E. What is that all about? Oh, he is involved in developing. Maybe I shouldn't vote for this bloke because he may have an ulterior motive or a conflict of interest." That is the theory. It was reported to the Office of Local Government that Mr Doueihi had those conflicts. This is the same bloke who was fined for an illegal development way back in 2013, so it is not like we did not know he was a developer.

He incorrectly filled out his form and did not declare that he was a director in a company that had development interests. A complaint was made to the Office of Local Government; it took seven months just to launch the investigation. The Opposition pursued this issue during budget estimates. By the time the Office of Local Government found out that there was a case to answer—I think 12 or 18 months went by—it was referred to the NSW Civil and Administrative Tribunal, which investigated and eventually found that this fellow was in breach and did not declare his interests. There is still no punitive action being handed down. He has been found guilty but no punishment has been meted out. Meanwhile, he was sitting on Strathfield Council up until September this year, making planning decisions that had an influence on density and zoning in the local government area [LGA] where his company stood to gain.

Those opposite want to defend that sort of thing, as if to say that it is one rotten apple in the whole basket. The answer I got from Minister Hancock when I pursued this during budget estimates last month was, "I am unaware of these investigations. I do not get involved in individual investigations." As if the Minister wouldn't have known! When the Opposition questioned her on her position about banning developers, she maintained that it does not necessarily follow that because there is this systemic flaw we should ban developers and real estate agents. Colleagues, that is the position of this Government. It is actively defending the right of developers and real estate agents to sit on council and to not only have a conflict of interest but also manifest that conflict of interest and materially gain. This bill would solve that problem.

Council elections are coming up in three weeks. I think the people of New South Wales would like to go to those elections on the basis that the candidates up for election are free from any such conflicts. If you ask the average person in New South Wales whether they realise that it is legal for people who have such conflicts to sit on council, they are incredulous. They cannot believe it is a legal practice; people just assume that sort of thing has been fixed up. It is 2021 and we still have not plugged those holes. The investigation by the Office of Local Government took some 2½ years, and then it was revealed in budget estimates that Mr Doueihi's companies had been buying up options in a suburb of that LGA, Belfield, while he was sitting on council and involving himself in decisions that could potentially up-zone.

The Hon. Walt Secord: It's sick.

The Hon. MARK BUTTIGIEG: As my colleague says, it sickens people to understand that people would go into that for those sorts of reasons. I do not think for one minute that any of us in this Chamber have come into this game for self-interest. I know all members on some level; there is a good deal of goodwill here. People come in for the right reasons, by and large. We cannot tar everyone with the same brush. But let's look at the economics; there is a situation where the average councillor probably gets \$20,000 a year in allowances. Unless they are there for the right reasons or they have an alternative income source, there is a huge incentive to go in there for financial gain. If I am getting only \$20,000 a year on council and I am a shonky character and I want to use that information that I am privy to—none of the community has access to such information about planning decisions that could result in a significant uplift in values as a result of rezoning—obviously there is an incentive for an unethical person to take advantage of that. Blind Freddy can see that.

We have seen that getting someone to fill out a declaration form is not worth the paper it is printed on, because the Office of Local Government cannot even enforce it. Why would the Government set up a situation that allows people to use their conflict for their personal gain? This is such a straightforward reform. People would expect us as a Parliament to do the right thing and back it in. Yet, from the preceding debate, it appears as though the Government is still resisting, after all this time. This is the third attempt legislatively. There has been the example of Mayor Doueihi. My colleague Mr David Shoebridge gave a couple of other examples that are going on around the traps. It is not enough to have those examples manifest themselves. It is not enough to have the Doueihi case. The Government still wants to defend the ability of people to sit. One of its arguments is that people have a right to run for public office and that there is some sort of constitutional impairment on their ability to do that, because people should be allowed to run for office and people should choose on the basis of freedom of choice. My colleague the Hon. Adam Searle knocked that on the head. It is a fallacy; it is a fiction. That is not the issue with this bill.

I am interested to hear from the Government as to why it is persisting with opposing this bill. Why don't we just get this done and get it through? We are three weeks out from the local government elections. We should give the people of New South Wales some faith that their elected representatives actually care about the integrity of local government and the voting system so that when they go to the ballot box, they can have confidence that those people do not have any conflict of interest and that they want to run for public office because they care about the amenity of their area and want to represent the people who voted for them, not so that they can use privileged information from council meetings to subsequently profit from up-zoning. That is not the system of local government we want to engender. For every minute a bill like this is not passed, the Government is legally permitting that thing to happen. Government members should think long and hard about that. If they do, a debate in the Chamber may for once change their minds and they may do the right thing on behalf of the people of New South Wales and back the bill. I commend the bill to the House.

The Hon. SCOTT FARLOW (15:50): It is always good to hear the Hon. Mark Buttigieg's commentary on Strathfield Council. Having been a former member and mayor of Strathfield Council, I also have some memories of it. I do not need to tell members; they can read Kate McClymont's book *He Who Must Be Obeid*, chapter 13, "The Philanthropist", about the escapades of Labor on Strathfield Council and the Abi-Saabies, as the Leader of the Government quite rightly calls them. They can read about the shenanigans that went on with the council at that point and the upscaling—

The Hon. Mark Buttigieg: That is why we should do it.

The Hon. SCOTT FARLOW: The Hon. Mark Buttigieg interjects, saying that that is why we should do it. Look at the main characters in that story. The very dishonourable John Abi-Saab was never declared as a property developer and never would have been. He purported to be retired at that stage. Alfred Tsang, who was entrapped in that case, was the proprietor of a sushi company. Many nefarious things happened, which I was introduced to on joining council. One of the first things I did in council and my first media point was opposing the rezoning of what was then the AMF Bowling site on Liverpool Road at South Strathfield. For that I got a photograph of myself on about page 7 of the *Inner West Courier* looking very stern outside the bowling centre, saying that it should not be rezoned to 12 storeys. I then had conveyed to me certain messages that I should stop talking about the issue because people cared for my safety and to stop raising it would be a good thing. I did not stop. Mayor Tsang then issued a mayoral minute repealing the rezonings, which surprised me, but I was quite pleased to support it because I was against all of the developments and rezonings. The minute set in train the plot on Strathfield Council, to learn about which I implore honourable members to read the chapter.

This is relevant because none of those people would have been captured by the bill put forward by the Hon. Walt Secord. They were up to nefarious things in council but were not disclosed as property developers or real estate agents. Prior to my time on council there has been some very high-profile developers and agents, such as Robert Kell of the Kell and Rigby family, who were a very prominent family of builders, and John Elvy. There was never any suggestion of any of those people doing anything untoward on council, but they did have intimate

knowledge of how things worked. Most of their developments were in areas outside of the council area. I suspect that they all were, but some were before my time. Because they were developers, people knew their activities and would have questioned anything untoward. Real estate agents are some of the most well-known people in council areas. Any decision made by an agent on a council would be questioned.

I do not understand how, if somebody has property interests outside of a certain local government area, serving on a council in another local government area is a conflict. It is something that is quite well known. We have seen through the history of councils that some very improper, corrupt activities can be undertaken in a council area by people who are not real estate agents or property developers. Then there can be some agents and developers who serve on councils and bring benefits to those councils, and their activities may be well outside of those council areas. I note that there is a certain amnesia in the Labor Party when it comes to Eddie Obeid. In *He Who Must Be Obeid* Sam Dastyari is quoted as having said, "It is a bit fraudulent. Everyone pretends they never knew him. I think, in fairness, he pulled the wool over all our eyes. But everyone was close to Eddie. Everyone is now saying, 'I barely knew him. I only met him once, at a pub.'" He said that he had a really good relationship with Eddie. At least he was honest about that.

I must say that members on all sides would agree that a certain former member of this place was certainly not suitable to serve in this House or to serve the people of New South Wales, but that person would not have been precluded necessarily from serving in this place. Real estate agents and property developers can stand and can serve in this place. There is no prohibition on somebody in this place having a second job. We have rules for our disclosures of those interests, so I do not see that local government should necessarily be any different to that. The reasons for the Government's opposition to the bill have been outlined by the Parliamentary Secretary earlier. It is important for us all to reflect on the history of the Labor Party in this area, whether it be with developers or agents but certainly in what was corrupt conduct in certain local government institutions throughout New South Wales.

The Hon. WALT SECORD (15:56): In reply: I thank all honourable members for their contributions. The members include the Hon. Shayne Mallard, Mr David Shoebridge, the Hon. Adam Searle, the Hon. Mark Latham, the Hon. Mark Buttigieg and the Hon. Scott Farlow. I gave my second reading speech on this bill on 27 February 2020. This matter has exercised members on many occasions. In fact, this is the fourth time this House has sought to ban property developers and real estate agents from crawling all over local government. This is my second attempt to ban agents. Each time, the Liberals and The Nationals have blocked this integrity measure. Firstly, I acknowledge my colleagues the shadow Special Minister of State, the Hon. John Graham, and the shadow Minister for Local Government, Greg Warren, the member for Campbelltown, who are pursuing this matter. Previously I had carriage of this matter as the shadow Special Minister of State. This legislation is very timely, the local government elections being less than three weeks away, in December.

As I said in my original contribution, this is a straightforward bill. This is a bill for an Act to amend the Local Government Act 1993. The purpose of the bill is to disqualify real estate agents and property developers from holding certain civic offices, which are the office of councillor or mayor of a council or, in the case of a county council, the office of chairperson or member. For years Labor's policy has been to ban property developers and real estate agents from local councils in New South Wales. Members may recall that the Liberals and The Nationals joined together in 2017 to defeat a similar bill we had introduced.

Members will also recall that on 1 June 2016 the member for Granville, Julia Finn, asked Premier Mike Baird to legislate against developers and agents on local councils. The saintly Mike Baird disagreed. We also know that his successor felt the same. She had her own reasons for not supporting this legislation. Those reasons became abundantly clear. If members disagree, I will table the evidence from the ICAC. Both Liberal Premiers decided to stand with lurk merchants, spivs and property developers rather than to improve the standards of integrity of local government. Members opposite love to talk about and occasionally engage in corruption, but they are loath to take action on it.

For a brief period, I thought that there would be bipartisan support for this legislation. It was reported that Minister Matt Kean is strongly in favour of banning developers. He said, "We want to clean up the party. The public expects the Liberal Party to run candidates who will fight for community interests, not their own interests." Another Minister said, "We should be pure as snow. We don't want the party to be seen as the pro-development party." Yet another Minister said:

Putting a developer on council is like putting Dracula in charge of the blood bank.

Sadly, the white shoe brigade within the Liberal-Nationals has prevailed. We know that Ministers were blocked by their own party and the property developers are pulling their strings. As for individual contributions made to the debate, I single out the speech by the Hon. Shayne Mallard. It captured the view of the Liberal Party and its relationship to property developers and real estate agents. The member said he did not want to see property

developers or real estate agents disqualified from local government. In fact, he said he wants more. He wants them on every council in the State. He also said the so-called single sheet A4 "candidate information sheets" lodged with local councils were sufficient for protecting the integrity of decisions on council. The Hon. Shayne Mallard also cited what he believed would be unconstitutional in the legislation. But my colleague the Hon. Adam Searle demolished that argument. One could probably guess where the Hon. Shayne Mallard received his advice. He probably got it from the Attorney General. This is the man behind the State's bail system. This is the guy who lets international drug traffickers escape.

The Hon. Don Harwin: Point of order—

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): The member will resume his seat.

The Hon. Don Harwin: I have not intervened when there have been other reflections taken about other honourable members, but the current reference to the Attorney General is taking things too far. The honourable member knows full well that if he wishes to make allegations such as that he needs to do so by way of substantive motion.

The Hon. WALT SECORD: To the point of order: I was not making a reflection on the Attorney General. I was stating a public fact: that he is the man behind the State's current bail laws and within the current State bail laws an international drug trafficker was allowed to escape. It was a statement of fact. I was not reflecting on the Attorney General.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): Reflection on members is disorderly at all times. I ask the member to proceed.

The Hon. WALT SECORD: I shall go back to the advice provided to the Hon. Shayne Mallard by the Attorney General. If there is an issue in the public arena, rest assured that the Attorney General will be on the wrong side of the community and the community's views.

The Hon. Don Harwin: Point of order—

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): The Hon. Walt Secord will resume his seat while the Minister is speaking. I will ask the Minister to pay the member the same courtesy.

The Hon. Don Harwin: The honourable member has again ended his remarks with a statement about the Attorney General inevitably being on the wrong side—

The Hon. WALT SECORD: Of the community—quote me correctly.

The Hon. Don Harwin: —of the community. Again, the member made a reflection that is disorderly. He should be called to order.

The Hon. WALT SECORD: To the point of order: In the context of the legislation that we were discussing earlier, I was making a comment on the legal advice and the Attorney General. I think it was a fair comment and within the bounds of lively debate.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): If the Hon. Walt Secord wishes to make reflections on other members he should do so by way of a substantive motion.

The Hon. WALT SECORD: On that note, I once again thank members for their contributions. I urge members of the Liberal Party and The Nationals to reconsider their opposition to this important bill. I commend the bill to the House.

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

The House divided

Ayes22
Noes17
Majority.....5

AYES

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

Graham
Houssos
Hurst
Jackson
Mookhey
Moriarty

Nile
Pearson
Primrose
Secord
Sharpe
Shoebridge

AYES

Faehrmann
Field

Moselmane

Veitch

NOES

Amato
Cusack
Fang
Farlow
Farraway (teller)
FranklinHarwin
Khan
Latham
Maclaren-Jones
Mallard (teller)
MartinMitchell
Poulos
Roberts
Taylor
Tudehope

PAIRS

Searle

Ward

Motion agreed to.**Third Reading****The Hon. WALT SECORD:** I move:

That this bill be now read a third time.

Motion agreed to.*Motions***FOSSIL FUELS****Mr DAVID SHOEBRIDGE:** I move:

That private members' business item No. 1494 outside the order of precedence be considered in a short form format.

Motion agreed to.**Mr DAVID SHOEBRIDGE (16:15):** I move:

- (1) That this House notes that:
 - (a) during COP26 millions of people stood together globally to demand leaders act decisively to prevent catastrophic global warming;
 - (b) every tonne of coal, oil and gas we burn will increase the intensity and speed of changes to our climate;
 - (c) coal is the most polluting of all fossil fuels, the single biggest contributor to anthropogenic climate change, and it must be phased out urgently to avert climate catastrophe; and
 - (d) the Glasgow Climate Pact that has just been struck at COP26 is the first ever climate deal to explicitly plan to reduce coal.
- (2) That this House recognises that:
 - (a) the Federal Government's response to the climate crisis fails future generations and fails the planet and delivers instead for the fossil fuel donors that bankroll its election campaigns; and
 - (b) the NSW Police Commissioner has today warned that coal activists disrupting train movements in the New South Wales Hunter Valley could face 25 years behind bars.
- (3) That this House supports:
 - (a) the young people who are saying "No" to climate disaster and ecosystem collapse and standing up for our climate and our future; and
 - (b) the activists from Blockade Australia who have staged protests to expose the role that the Newcastle Coal port and Australia has in driving the climate crisis.

This motion could not be more timely. Just after the 2021 United Nations Climate Change Conference, known as COP26, has failed to deliver the global consensus needed from global leaders and corporations, and just after it has failed to deliver the steps needed to save us from catastrophic climate change, we have seen brave activists in our country step up and do what political leaders will not—that is, to finally do all they can to end the damage of the global coal industry. We know it is driving anthropogenic climate change and putting in peril not just our future but also future generations and, indeed, society and life as we know it on the planet.

What does the motion say? It says that this House should note that during COP26 millions of people stood together globally to demand leaders act decisively to prevent catastrophic global warming. What we saw in Glasgow was just the pointy end of a global movement of citizens, activists and groups coming together, urging the world to take the action needed based on the science to stop catastrophic global warming. The motion also says—and it is true—that every tonne of coal, oil and gas we burn will increase the intensity and speed of changes to our climate, and coal is the most polluting of all fossil fuels. It is the single biggest contributor to anthropogenic climate change and it must be phased out urgently to avert climate change catastrophe.

It is notable that the Glasgow Climate Pact that has been struck at COP26, whilst failing to deliver a clear commitment to end coal, which is what we need, was nevertheless the first time ever that we had a climate deal explicitly say that we must be getting out of coal. This House recognises that the Federal Government's response to the climate crisis has utterly failed future generations. It fails the planet and delivers instead for the fossil fuel donors that bankroll the Coalition's election campaigns. Could there be a more dramatic example of a failure of leadership by an Australian Prime Minister than heading into Glasgow and getting support from Saudi Arabia and Russia to destroy global consensus on climate? Shame on the Prime Minister for that utter lack of leadership. But it is consistent with his behaviour. He is the bloke who brought a lump of coal into Parliament House, gave it a big bear hug and said that he loved coal more than he loved nature or the future—remember that.

The House also recognises that the New South Wales Commissioner of Police this week has threatened coal activists who have been disrupting train movements of coal in the Hunter Valley with 25 years behind bars. It is grossly inappropriate behaviour from the Commissioner of Police to try to prejudice the trial of activists and it is also a gross misreading of the law. Indeed, the police commissioner has been making appalling allegations against climate activists—peaceful, nonviolent demonstrators—who are trying to stop coal being loaded to then be burnt to destroy our climate. Where political leaders have failed to stop coal, the community and activists are stepping up. There has been no violence in those protests and no threat to derail a train—none of the elements that would satisfy the 25-year criminal penalty put forward by the commissioner. Either the police commissioner is deeply ignorant of the law—I do not discount that as a possibility—or he does not care about the law, is using this as an opportunity to threaten activists with grossly inappropriate legal penalties of 25 years in jail when he knows full well there is no legal basis for it, and is trying to send a chilling effect to other activists to stop them stepping up to save the planet. Shame on him! We should make that clear.

The motion states finally that this House should back in and support the young people who are saying no to climate disaster and ecosystem collapse and standing up for our climate and our future and the activists from Blockade Australia who have staged protests to expose the role of the Newcastle Coal port as the single largest export facility for coal on the planet. This is a climate crisis. The failure of political leadership means that citizens across the world are stepping up and doing what politicians will not do. We will see more of them across the planet unless we finally get the political leadership in this place and other parliaments around the world to stop catastrophic climate change. I commend the motion to the House.

The Hon. SAM FARRAWAY (16:20): We see some strange motions sometimes from The Greens. I think Senator Captain Planet perhaps does not realise that he is not in Canberra yet. I think the motion is a bit of an embarrassment, to be honest. It is clearly not supported by the Government. Members on this side of the House will continue to support people's right to protest peacefully. Of course we will. The Greens may forget that the Government has already revised targets in New South Wales to reduce carbon emissions by 50 per cent by 2030. It is already happening. I do not know whether they accept that or not. But, as we know, for The Greens no target will ever be enough, and they would happily destroy regional jobs in the meantime. They would not care about the consequences of destroying those jobs.

Thankfully, the Liberal-Nationals Coalition is in office and we are taking a balanced approach to the diversification of coal communities that acknowledges that whilst ever there is an export demand for our coal then we will sell and supply it. Coal also remains critical to driving base-load energy in our electricity grid, even as we move towards a greater reliance on renewables. But surely no-one other than Senator Shoe could support this motion, especially not members of the Labor Party. I direct them to the op-ed piece in today's Telegraph, written by born-again Labor crusader Joel Fitzgibbon. It is an interesting read.

The Hon. Penny Sharpe: You are not allowed to have props.

The Hon. SAM FARRAWAY: I did not touch the paper. He certainly changed his tune fairly well. He clearly highlights the importance of the Hunter Valley's multimillion-dollar coal supply chain. Captain Planet—or Senator Shoe—seeks to give comfort to criminals who run the risk of derailing passenger trains in their desperation to make yet another statement on coal. If you appeal to Mr David Shoebridge's ideology, you can dress up any law-breaking or criminal activity that you like in a cloak of moral superiority. I cannot believe that he thinks that Blockade Australia is doing the right thing and basically trying to save the rest of us from ourselves.

by trying to stop and derail trains. We condemn the motion in the strongest of terms, and I call on all sensible members in this House to do the same.

The Hon. PENNY SHARPE (16:23): It is getting towards the end of the year. We are seeing these kinds of motions come forward. They follow a fairly standard pattern these days: The Greens will move a motion that Labor supports parts of but not all, we will move an amendment, the Government will vote it down and then the motion will be voted down by the House. I think that will happen to this motion. Instead of all of the hyperbole, can we agree on one thing, which is that climate change is real and that we need to take action on it? Every major party in Australia finally supports net zero emissions by 2050. We all disagree about how we are going to get there. In the public arena we are all debating the pathways. We all get that. But can we stop moving these motions that essentially make it difficult to come to any consistency on this issue?

The Hon. Don Harwin: We are happy to do Government business if you like.

The Hon. PENNY SHARPE: Members are allowed to move whatever motion they like. But I try to build consensus rather than constantly being completely partisan about everything all the time. I indicate that Labor of course thinks it is important that we take action decisively to prevent catastrophic global warming. That has just been adopted at COP26 and was an important step forward, although many people would like it to have gone further. But we should be willing to accept and be pleased about at least some progress. We accept that the "coal, oil and gas we burn will increase the intensity and speed of changes to our climate". We also completely support the young people who are fighting for the future and for whom this is extremely important.

Therefore, we want to keep paragraphs (1) (a) and (b) and paragraph (3) (a) of the motion. I will move an amendment to omit paragraphs (1) (c) and (d), paragraph 2 (b) and paragraph 3 (b). This is an opportunity for us to acknowledge COP26, acknowledge the role of fossil fuels and their impact on the climate, and support the young people who are fighting for their futures. They all are quite disappointed in where we have come to and how long it has taken us to take action. The Labor amendment basically recognises that, without all the other guff in the motion. Accordingly, I move:

That the motion be amended as follows:

- (1) Omit paragraphs (1) (c) and (d).
- (2) Omit paragraph (2) (b).
- (3) Omit paragraph (3) (b).

Ms ABIGAIL BOYD (16:26): There is a global consensus across civil, scientific and political communities that the Earth is heating and it is due to human-induced greenhouse gas emissions. We are barrelling towards a critical tipping point of 1.5 degrees Celsius, and every measure must be taken to prevent that catastrophe. Every tonne of coal, oil and gas that we burn drives us further down the path of catastrophic heating. Every increment of heating will be suffered by billions of people around the world for generations to come. Again and again, this point has been made. Just this year we have had the latest Intergovernmental Panel on Climate Change report, a landmark international energy agency report, and most recently the United Nations COP26 conference, which saw global leaders come together with the sole purpose of affirming their commitments to prevent the most catastrophic of global heating effects. The research has been done, proven, checked, double-checked, presented and agreed upon. The time for action is now.

Despite this, emissions continue to rise and the fossil fuel industry maintains its suffocating grip on our politics and major political parties. When action from the government of the day fails to materialise, it is understandable that there will be engaged and responsible citizens who stand up and demand it. I and The Greens applaud the actions of the brave people who have spent more than a week now taking direct action to prevent the environmental vandalism being perpetrated every day due to Australia's fixation with fossil fuels. Nonviolent direct action does not sit separately from politics. Protest movements are a vital pillar and force in a democracy. The Government does not get to tell people when and where they can exercise that democratic right. As a member in this House, I have the privilege of amplifying their voices and joining my voice to theirs. We are calling on the Government to care about people and the planet, not profits.

Yesterday representatives from both major parties rolled out into the media to condemn these brave activists, announcing a special police task force and threatening them with 25-year prison sentences. The irony is that, on our current trajectory, in 25 years we will have trampled all over a 1.5 degree target, setting off a cascading series of negative feedback loops and tipping point events but this Government would still have us burning fossil fuels. I have nothing but the highest respect for the brave activists doing their part on the ground to protect our planet. When governments fail in their jobs and fail to see climate common sense, people should and will engage in peaceful action to get their attention and demand they do better. These people deserve our thanks. We all deserve better than a political system beholden to the fossil fuel industry.

The Hon. MARK LATHAM (16:28): One Nation opposes the motion. Part of it comes out of the data from COP26 in Glasgow, where there was a stunning statistic that showed the world's wealthiest 1 per cent of people are providing 16 per cent of the world's carbon emissions. Of course, those who gathered in Glasgow were all part of that 1 per cent in their private jets flying in and out of COP26. But it leads to a reflection on the mover of the motion, the Leader of The Greens, Mr David Shoebridge. He would be in that top 1 per cent and would have a decent share of emissions because some of the great offenders are landlords. Mr David Shoebridge is one of the wealthiest people in the Parliament. He has a carbon footprint, one would imagine, about the size of Smithfield, so he does not come to the debate with clean hands or a decent standard of personal ethics.

Ms Cate Faehrmann: Point of order—

The Hon. MARK LATHAM: He is an emitter. He is a landlord.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): Order! The member will resume his seat.

Ms Cate Faehrmann: My point of order is that the member is making accusations and using not very nice words about another member—

The Hon. MARK LATHAM: Landlord.

Ms Cate Faehrmann: No, he said more than that. I ask that he be directed to stop making those remarks.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): The Hon. Mark Latham will not cast aspersions on other members.

The Hon. MARK LATHAM: I am not doing that. I am presenting facts about the standards of the mover of the motion. We should feel sorry for the planet. If it needs to be saved by the three Greens members, then obviously public policy has gone awry. The previous Chief Scientist of Australia, Alan Finkel, has said that whatever Australia does about its emissions will have virtually no impact on climate and global temperatures. So why would we destroy jobs and livelihoods? The Greens policy is to destroy every coal-related job—all 75,000 of them in the Hunter Valley—yesterday. That is a barbaric suggestion and a barbaric policy. Even worse, it comes from those whose personal carbon footprints are among the big emitters.

The Greens want to push young kids forward as ecoterrorists to disrupt legitimate trade in the Hunter Valley by getting in the way of coal trains. They are pushing them forward to take the big criminal penalties for them. Those who masterminded the vandalism of the Captain Cook statue are masterminding these criminal activities, while they are among the big emitters with their lavish personal wealth and consumption habits. It is disgraceful for The Greens to push those kids forward to take the rap and criminal penalties while The Greens continue to live the high life, especially when Australia has virtually no impact on global temperatures and climate.

The Hon. TAYLOR MARTIN (16:31): I speak in support of our mining workers, train drivers, rail workers, police and everyone else who has had their safety and livelihood threatened by the idiots from the ragtag, so-called Blockade Australia. It will shock no-one that the Government does not support the motion, which seeks to condone criminal activities. It seems that in the world of The Greens the minute any activity is dressed up in the name of climate activism, it is fair game and all okay. They are anti-coal, anti-regional jobs, anti-industry, anti-police and pro-criminal. I support the police in seeking the maximum possible sentence for anybody involved in those idiotic acts. Mr David Shoebridge bemoans the realisation that those criminal acts carry a 25-year jail term. If someone is killed because of those types of reckless acts either now or in the future, the perpetrators should get life. We make laws in this place, the oldest parliamentary Chamber in the country. How on earth can any member support a motion that shows flagrant disregard for those laws?

Those people are putting not only their own lives in danger but also the lives of the police and rail workers who have to remove them from danger. So far the activists have disrupted \$60 million in exports from the Port of Newcastle, an industry that keeps women and men in the Hunter and other regional areas employed. It also provides a significant amount in royalties revenue for our country—around \$100,000 per train. Labor's amendment omits the reference to "these young people", but how can we agree with and support Blockade Australia and its crimes in the Hunter over the past week? Coal is our State's largest export; it was worth around \$23.1 billion in 2018-19. In that year it was greater than the value of our tourism and education exports combined. The difference is even starker after COVID.

In 2018-19 coalmining contributed approximately \$2 billion in royalties to Revenue NSW. That money pays for the schools our students learn in and for our hospitals and health system, which have become especially important in the past two years. It is also used to build our roads and fund our public transport network. I could go on. That is where our revenue comes from. I ask, what do they hope to achieve? Do they think that if they get run over by a coal train carrying \$1 million worth of coal that suddenly everything will be better and they will become a martyr of eco-fascism? If so, they are completely naive. Our coal accounts for only 3 per cent of global

consumption. Worldwide demand would be unaffected but other countries would rapidly feel the supply void. Instead of using Australian coal, the coal would come from elsewhere, with far fewer environmental regulations than we have. The actions of those activists were incredibly distressing to the local community. The majority of the activists came from out of town, some not even from New South Wales. They are a pack of idiots who were bussed in from out of town to create trouble.

Reverend the Hon. FRED NILE (16:34): I particularly support the previous speaker, the Hon. Taylor Martin, and credit his remarks. I was shocked at the blockade, with people driving cars onto railway lines and leaving them at intersections, where a train could have hit them if somebody had not been alert. That was probably their intention. For that reason, I oppose the motion moved by Mr David Shoebridge.

Ms CATE FAEHRMANN (16:35): I speak in support of the motion. The other night I gave a speech in this place in support of the protestors. Imagine how 20-year-olds concerned about climate change are feeling today after watching how Australian delegates and the Prime Minister acted at COP26 while the rest of the world—

The Hon. Mark Latham: China, Russia—

Ms CATE FAEHRMANN: I acknowledge the interjection. Countries other than Russia and China as well as the United Nations and many international organisations, like the International Energy Agency, said that we need to move away from coal and fossil fuels. Instead, our Government has firmed down and said that coal has an incredible future and we will be digging it up and shipping it out well into 2040 and 2050. We know that climate scientists have been sounding the alarm for 30 years about what will happen and is happening to the planet. We are in a critical decade for climate change. We have already warmed the Earth by 1 degree Celsius to 1.2 degrees Celsius, and it will probably go over 1.5 degrees Celsius. We are on track for 2.4 degrees Celsius, with our current targets.

For a 20-year-old, 2.4 degrees Celsius means they have no future. Are Government members aware of that? People are tying themselves to tracks and suspending themselves above railway tracks to try to stop coal because The Nationals and the Liberal Party refuse to listen to them when they demand a safe future. As to Labor's amendment, yes, it would be good for us to agree on motions about targets for 2030 and 2050, and I welcome the Labor Party moving such motions. But this motion is about recognising the absolute desperation of a generation, who wants us to phase out coal and gas by 2030 and who knows we have to keep coal and gas in the ground for them to have any future. The politics in this country, including that of the Labor Party, is so tied to coal that we cannot reach an agreement to phase out fossil fuels. Australia's position is absolutely part of why those kids feel so desperate. They do not have a future under this Government or people like the Hon. Mark Latham and the Labor Party unless we agree to phase out fossil fuels. I commend the motion to the House.

Mr DAVID SHOEBRIDGE (16:38): In reply: I thank all members for their contributions to debate on the motion. It was enlightening, perhaps. We know that Government members will always put coal in front of the planet and they will continue to denigrate young people who are standing up and simply asking for a safer planet. Whether it is from the Hon. Sam Faraway or the Hon. Mark Latham, we can see clearly the mindset that coal is more valuable than a safe climate or the future of their kids and grandkids. It is incredible that political leaders are willing to sell out the planet for an outmoded twentieth century form of energy. That is an extraordinary proposition.

I note the Opposition's contribution. I acknowledge that the Opposition at least understands that climate change is an impending catastrophe that we need to deal with and that we need net zero emissions by 2050. The problem with talking about 2050 is that nobody in this Chamber is accountable for 2050, but we are accountable for what happens today, tomorrow and in the next few years. I look forward to the Opposition coming forward with a pathway to accountability for 2030—

The Hon. Penny Sharpe: Tomorrow.

Mr DAVID SHOEBRIDGE: —and with a 75 per cent net reduction by 2030. We will back you in if you do that, Penny. We cannot be accountable for 2050, but we are accountable for the next coalmine that opens up or expands. We are accountable for people in positions of authority, like police commissioners, who falsely denigrate activists and who lay inflated charges against them that they know will not stick, simply to try to cow young people from standing up for their future.

The Hon. Mark Latham: Lock them up.

Mr DAVID SHOEBRIDGE: We are responsible for that. We have seen the attitude of those opposite against those brave young people who know their future is at risk. We even hear it in the interjections as I am making this contribution—"lock them up". The attitude of wanting to criminalise good people for engaging in peaceful, nonviolent protest to save the planet sums up the dysfunction of their politics. I commend the motion,

and The Greens oppose the Opposition's gutting of the motion. In 10 years, as the catastrophe starts unwinding, if we cannot get global action then the members opposite, not the activists, will be prosecuted as climate criminals.

The PRESIDENT: Mr David Shoebridge has moved a motion, to which the Hon. Penny Sharpe has moved an amendment. The question is that the amendment be agreed to.

Amendment negatived.

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

The House divided.

Ayes6
Noes33
Majority.....27

AYES

Boyd (teller)
Faehrmann

Field
Hurst

Pearson
Shoebridge (teller)

NOES

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

Harwin
Houssos
Jackson
Khan
Latham
Maclaren-Jones
Mallard (teller)
Martin
Mitchell
Mookhey
Moriarty

Moselmane
Nile
Poulos
Primrose
Roberts
Secord
Sharpe
Taylor
Tudehope
Veitch
Ward

Motion negatived.

Bills

ICAC AND OTHER INDEPENDENT COMMISSIONS LEGISLATION AMENDMENT (INDEPENDENT FUNDING) BILL 2021 (NO. 2)

Second Reading Debate

Debate resumed from 11 November 2021.

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (16:53): The ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2021 (No. 2) was introduced by the Hon. Robert Borsak on 11 November 2021. The bill is in relevantly similar terms to the ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2020 that was passed by this House in November 2020. That bill was subsequently negatived in the other place. The Government's position on this bill has not changed from the previous bill. The Government continues to work with the integrity bodies on the funding model for those bodies and looks forward to finalising that work. With those opening remarks, I will now turn to the detail of the bill.

The bill seeks to amend a number of Acts to confer on the Public Accounts Committee a role in reviewing the information used in the preparation of the New South Wales budget as it relates to the Audit Office of New South Wales; statutorily establish the Public Accountability Committee [PAC] of the Legislative Council and confer on that committee a role in reviewing the information used in the preparation of the New South Wales budget as it relates to the Department of the Legislative Council; and statutorily establish the Joint Committee on Parliamentary Services and confer on that committee a role in reviewing the information used in the preparation of the New South Wales budget as it relates to the Department of Parliamentary Services.

The bill also seeks to confer on the Joint Standing Committee on Electoral Matters a role in reviewing the information prepared by the Electoral Commissioner; confer on the Committee on the Independent Commission Against Corruption a role in reviewing the information used in the preparation of the New South Wales budget

prepared by the ICAC; and, finally, confer on the Committee on the Ombudsman, the Law Enforcement Conduct Commission and the New South Wales Crime Commission a role in reviewing the information used in the preparation of the New South Wales budget prepared by the Ombudsman's office and the Law Enforcement Conduct Commission.

Most significantly, the bill would provide for the relevant parliamentary committees to which I have just referred to "determine" the annual appropriation for the relevant bodies. As members are aware, in November 2019 the Government requested that the Auditor-General undertake an independent review of the effectiveness of the financial arrangements and management practices of all integrity agencies, including the ICAC. The Auditor-General tabled her report on 20 October 2020. I thank her for that important work. I also note that the Public Accountability Committee has conducted an inquiry into the budget process for independent oversight bodies and the Parliament of New South Wales and tabled both its first and final report, with the latter being tabled on 5 February 2021. The ICAC also made special reports in May and November 2020 regarding funding arrangements.

Following all of this important work, and before the Government could respond to the PAC's final report, on 15 July 2021 the chair of the Electoral Commission, the Hon. Keith Mason, AC, QC; the ICAC Chief Commissioner, the Hon. Peter Hall, QC; and the Auditor-General for New South Wales, Ms Margaret Crawford, wrote to the former Premier, jointly requesting that the Government delay responding to the Auditor-General's report to allow for further consultation on the response. The Government's view is that, because the weighty issues considered by the Auditor-General and the PAC are related, they should be responded to at the same time.

Whilst the Government provided a response to the PAC's final report on 5 August 2021, as required under the standing orders of this place, that response noted that it is appropriate that the Government respond to both reports at the same time. The Government is committed to ensuring that the funding of the State's integrity agencies continues to be based on principles of transparency, accountability and independence. It is carefully considering the substantial work that has been done to date. The Government will provide its response in due course. Until then, it would be inappropriate to fail to give these matters the due consideration that they deserve. For those reasons, the Government opposes the bill.

The Hon. JOHN GRAHAM (16:57): On behalf of the Opposition I speak in debate on the ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2021 (No. 2). I thank the member for bringing it forward. He does so as someone who has taken a long interest in this set of issues, certainly through the three bills that he has been forced to introduce and also as the Deputy Chair of the Public Accountability Committee, along with a number of other members who have taken a close interest in this matter. The committee has made a really helpful contribution to crystallise where this discussion is going, and it is a direction overall that the Opposition is very supportive of.

The Leader of the Government gave a Cook's tour of this issue over time. It has been a pretty tortuous journey. I take seriously the contribution that the Leader of the Government has just made, and the Opposition would like the Government to have the room to land in the right position on this issue. That would be helpful. The Government has made it clear a number of times that it will leave consideration open on these issues. I hope that is the case, and I hope that is the view of the Cabinet when it considers this. That would be helpful.

The Opposition is not prepared to wait for the Government to act. It will be supporting this bill and supporting the overall discussion, which has been led by the Public Accountability Committee. These bills have provided a flashpoint to discuss them. The Leader of the Government skipped the fact that the Government recently struck out the last version of the bill in this House, arguing it was a money bill. The Opposition did not take that view. We felt that putting a structure around the way an appropriation is made is different to determining the appropriation itself, which is rightly a matter for the other place and for Executive Government. That is not what the Hon. Robert Borsak was trying to do. We viewed the Government's action as an attempt to frustrate progress on the issue—one more hurdle that has to be cleared before the Government will allow it. We hope for an encouraging answer, but to date the signs have not been fantastic. Nevertheless, hope springs eternal because this is such an important set of issues.

First, I commend the Public Accountability Committee process, including the work of the chair, who has been very active in driving this agenda through the committee. The Opposition supports the idea that the integrity agencies of government should be regarded not as another part of the Executive but as a pillar all of their own, which, along with the Parliament, is responsible for holding the Executive to some sort of account. It is a helpful distinction to consider them in a pillar of their own with a different relationship to the Executive than many of the other structures of government. We support that approach. We acknowledge the significant pressures that have come about by having many of those agencies bundled in with the Premier's cluster.

Anyone who sat through the evidence of the leaders of those serious institutions about their engagement with what they described as the "black box" of Treasury's budget process would have found it compelling. Anyone who heard those senior leaders talk about what they were told and how much they knew about what was going on with one of the most important matters for their institutions—their funding, their ability to say to their staff, "We have certainty over funding and certainty to be able to plan"—would have found it compelling. I certainly did. I found it compelling that the current cluster arrangements and lack of independence are contributing to those institutions not being able to work as well as they could and not being able to focus on their primary job, which is the scrutiny of the actions of government.

The most sharp of those conflicts was with the ICAC. The ICAC Chief Commissioner gave compelling evidence about the conflict of interest between the Executive and the ICAC, which at times has moved into examining the activities of the Executive. At the time that evidence was being given, it was a far more theoretical discussion. It is a lot less theoretical now. The discussion has been sharpened not by the events of this year but by the question as to what institutional arrangements will mean the Executive and the ICAC will not trip over each other as they both seek to do their jobs. Both of them have crucial jobs to do, but clear lines must be drawn about how they work together.

It is remarkable that the ICAC felt compelled to use its special powers to put two special reports before this Parliament in May and November of 2020, as the Minister said, to plead the case for funding. That is what those special reports of the ICAC were used for—to plead the case that the arrangements for and the quantum of funding were insufficient. That is a remarkable situation. The Opposition has taken serious account of those reports. Again I place on record that Opposition members were very upset about the actions of the Executive, in this case the decision of the now Premier Perrottet to strike down the wish of this House that the ICAC be given extra funding. A number of submissions drew attention to that. That was the wrong decision, and that action should not been taken in the other place. It is a discredit to now Premier Perrottet that he took that action when this House, through its members right across the Chamber, sent a clear message that that money should flow to the ICAC.

Following the Leader of the Government raising his point of order regarding the ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2021, one of the changes in this new bill is the inclusion of the Parliament. I think the bill is much stronger for that. The application of the bill's principles to the Parliament is helpful. It is a key institution that is separate from the Executive, and an important part of its work is holding the Executive to account. Members will welcome having a forum for dialogue about the appropriate funding over time for the Parliament's operations. It is a very good development for the New South Wales Parliament overall, for the dignity of the Parliament and for what it can do for the citizens of New South Wales. We need a place to have those discussions.

I flag one example of the sort of issue that would naturally flow into this discussion: the serious pressures on the resourcing of Hansard, which have been clear through the committee processes of this Chamber and in the operations of the Parliament. Some of that is COVID related; some of that has not been. I think members are aware of that. Hansard is not only a crucial function that enables this place to work but it also puts the facts in front of citizens as they happen, not days later. It provides all of us with an agreed set of facts as we debate serious issues. It is a crucial function that is fundamental to how the Parliament works, and it has come under pressure in recent years. That specific issue is an example of the sorts of issues that we think would benefit from the consideration being established in the bill before the House.

To briefly reflect on that model, each of the key principles—the independence that the member is seeking to bring, the case for which has been argued by the Public Accountability Committee; the oversight that is established for each body; and a contingency funding mechanism where a disagreement or an issue of emphasis arises between the views of the oversight committee and those of the Treasurer or the Executive—are all very strong and are beneficial to the bill. For those reasons, the Opposition is happy to support the bill.

Mr DAVID SHOEBRIDGE (17:07): On behalf of The Greens, I contribute to debate on the ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2021 (No. 2). The Greens support the bill and thank the Hon. Robert Borsak for introducing it. As other speakers have noted, this is the third draft iteration of the bill, which seeks to put in place an independent funding regime for the key oversight bodies in New South Wales. The bill stems from the recommendations of the Public Accountability Committee in its first and second reports entitled *Budget process for independent oversight bodies and the Parliament of New South Wales*. It has been a pleasure to chair that committee, largely—

The Hon. John Graham: Mostly.

Mr DAVID SHOEBRIDGE: Mostly—I accept that. It was a pleasure to chair because of the largely consensus-driven way in which the committee worked on the issue. The other members of the committee were

the deputy chair, the Hon. Robert Borsak, who is also the author of the bill; the Hon. John Graham; the Hon. Trevor Khan; the Hon. Matthew Mason-Cox, who has gone on to bigger and brighter things; the Hon. Peter Primrose; and the Hon. Natalie Ward, who has moved on to take a ministerial position. The recommendations that the committee made in relation to the independent budgeting and the independent oversight of the key integrity bodies in New South Wales were almost all made by consensus. Having listened to the evidence, having seen the structures in place, we all pretty much agreed that significant change was needed.

It was always difficult for some Government members to come as far as others—I do not want to verbal them. But we all acknowledge that there is a significant problem when the key integrity agencies in New South Wales have their funding determined at the whim of the Executive, and that is what we have. I will read from the foreword of the second report of the Public Accountability Committee, which summarises the nature of the reforms proposed by those two committee reports. Speaking about the committee's first report tabled in March 2020, it notes:

The report recommended a range of reforms including:

- The parliamentary oversight committees for the ICAC, the Law Enforcement Conduct Commission [LECC], the Ombudsman and the Electoral Commission should review the annual budget submissions of each agency and make recommendations as to the funding priorities.
- ICAC, the LECC, the Ombudsman and the Electoral Commission should have access to contingency funding to address any unforeseen financial demands, should be funded directly through the Appropriation Act rather than through the relevant minister, and should be removed from the Government "cluster" system.
- This committee, the Public Accountability Committee [PAC], should review the annual budget submission of the Department of the Legislative Council and give directions as to the funding priorities of the Department as well as any requests for supplementary funding.
- The PAC should also review the annual budget submission of the Department of Parliamentary Services [DPS], in collaboration with any committee appointed by the Legislative Assembly for the same purpose, and give directions as to the funding priorities of DPS as well as any requests for supplementary funding.

I note that the committee also looked at what was then the recent publication of the Auditor-General's report concerning funding arrangements for the independent oversight bodies. The committee examined that report from the Audit Office. In summary, the Auditor-General's report—again, I read from the foreword of the PAC's second report—states:

- reiterates the committee's recommendations relating to the oversight bodies that were directed to the government in the first report
- calls on the government to implement the committee's recommendations in relation to the Parliament from the first report and
- makes separate recommendations in relation to the budget process for the Audit Office.

Having reviewed those recommendations from the Audit Office, the PAC then concludes:

- This committee, PAC, should review any budget bids by the Audit Office, in collaboration with the Public Accounts Committee of the Legislative Assembly, and make recommendations to the Parliament as to the funding priorities of the Audit Office.
- Annual funding for the Audit Office's performance audits should be provided as a separate amount in the Appropriation (Parliament) Bill rather than as a government contribution.
- The Audit Office should be removed from the Premier and Cabinet cluster.

Why did the PAC do this? When we look at the complexity of modern government and the size of the New South Wales budget, being something in the order of \$90 billion, or more if you include the infrastructure budget, depending on how you bring that to account—

The Hon. Mark Latham: It is more if you include the Transport Asset Holding Entity of New South Wales [TAHE].

Mr DAVID SHOEBRIDGE: Less or more if you include TAHE, depending how you bring that to book, as it turns out, so it is give or take \$30 billion if you include TAHE. It is a budget and an organisation of enormous complexity. In order to deal with that increasing complexity over time, a series of different, independent oversight agencies have been added to the constitutional matrix in New South Wales. Initially we had the Audit Office. Its functions have expanded beyond just signing off on accounts; it is now doing performance audits and the like. We do have the Audit Office, though, looking at the numbers. We have the Ombudsman's office looking at the behaviour, the ethical standards and the compliance with the law by public servants across the board. We have the Parliament, of course, a critical coequal between the judiciary and the Executive. Now we also have the Law Enforcement Conduct Commission, whose job is to oversight the behaviour of one of the most powerful organisations in the Executive, the police. Then, of course, in the past few decades the Independent Commission

Against Corruption has been added, which has a kind of roving royal commission brief across the Government, the Parliament and the Executive.

That cluster of oversight bodies—the Law Enforcement Conduct Commission, the Ombudsman, the Independent Commission Against Corruption and, I would add, the Electoral Commission for its role in overseeing free and fair local and State elections—is effectively an additional fourth element to what has traditionally been the three coequal elements of the Constitution in New South Wales: the Executive, which is the public service led by Ministers taken from the Parliament under the Westminster system; the Parliament, the job of which is to pass the laws and also to oversight the Executive; and the judiciary. Traditionally, we have seen those three elements—the Executive, the Parliament, and the judiciary—as the three constitutional underpinnings of Parliament. But I would say that with the increasing complexity, scale and size of government, we have over time grafted on, if you like, a fourth element to the Constitution, which is this bundle of oversight of bodies. If they are to have that independent role and undertake that permanent watchdog role, then, absolutely, they need to have statutory independence.

On the face of it, the office holders have statutory independence. But where that independence falls down—and it is what the ICAC Commissioner and the Electoral Commissioner have told us in increasingly frank terms—is that each of those independent statutory bodies has to go with a begging bowl to the Executive to ask for funds, year in, year out, in the standard budgetary process. That is the same budgetary process that other government departments go through. We have heard from the ICAC that the great bulk of its budget requests have been denied by the government of the day. Substantial funding requests from the Electoral Commission have been denied as well. That is the state of play.

The obvious conflict between the Executive and the funding of the statutory bodies has become even more apparent to us in the past two years as the ICAC inquiry has expanded. It first started inquiring into Daryl Maguire but then expanded to reviewing the actions of a broader part of the Executive Government, including reviewing the then Premier's behaviour. I recall quite distinctly in budget estimates in March 2021 asking the then Premier if she was aware of the obvious conflict of her being on the Expenditure Review Committee [ERC] and having a role in determining the budget for the ICAC, given that a person with whom she had a longstanding personal relationship was the subject of an outstanding inquiry before the ICAC. I asked if a conflict of interest document had been submitted, because there was such a stark conflict of interest. Those questions were brushed off by the then Premier. It is now abundantly clear from the ICAC's further hearings that no conflict of interest document was submitted.

The most obvious conflict of interest has been there for all of us to see, because it has expanded from being an investigation into a person with whom the former Premier had a close, personal relationship to now being an investigation into her own actions as Premier. But we also know a number of other senior Government officers are the subject of ICAC investigations. We cannot have bodies like the ICAC come with a begging bowl to the Executive Government asking for funding when the Executive Government knows that that money will be used to hold the Executive to account, and there may well be live inquiries in relation to the very people who are sitting on the ERC.

We need to find a way of putting sunlight into that process. We need to find a way of ensuring that the decisions that are made about the funding of these bodies have rigour and daylight and sunshine. The Greens fundamentally believe that sunshine is one of the best disinfectants for corruption and for malfeasance in public office. How do we put sunlight into the process? That is what this bill does. This bill states that a series of joint and multi-party committees each financial year should review the budget requests of each of those independent statutory bodies. Having reviewed the requests, the committees will then make recommendations to the Executive. If any recommendation from those committees for the funding of these bodies is not accepted, the Treasurer needs to include a clear statement in the budget about why it was not accepted and the rationale for not accepting it. Then the Parliament can determine whether or not that funding is appropriate. Where this bill improves upon the previous iteration is that it also includes that process for the Parliament.

When it comes to the Legislative Council's budget, the budget will be reviewed by the Public Accountability Committee, which will be affirmed in statute by this bill. When it comes to the Department of Parliamentary Services, the third part of the New South Wales Parliament, a joint committee will be established to review that budget and then a recommendation will be made. If the Treasurer at any point fails to fund as recommended, there needs to be a clear explanation and sunlight. I would hope that a majority in Parliament would back in the independent agencies over the Executive of the day.

I commend the member for bringing the bill to the House. I join with other members in expressing extreme frustration with how slow the Government has been in stepping up to this. Members were originally told that we would have a response before the last budget, that this would be sorted out before the last budget. That time frame disappeared, and there was yet another budget without any independent oversight. If there is an acknowledgement

that it has been a particularly tricky year, then we accept that; maybe that explains the slippage, in part. We are now back in the saddle, though, and another budget is coming. I know that each of the oversight agencies has had engagement with the Government. Each of the oversight agencies sought a meeting with the former Premier.

The Hon. Don Harwin: Which they got.

Mr DAVID SHOEBRIDGE: I acknowledge that. I note that the Government, parallel to the work with the Public Accountability Committee, has been engaging with those oversight agencies. I am not going to deny that there has been ongoing engagement and I accept that it has been a tricky year to get this sorted, but we need to land it and finalise it, and we need it done before the next budget rolls in. I think I would be viewing it as the Coalition's last budget. We need it put in before the last budget is put through—and I say this to the Minister—because the reforming zeal of an opposition often dissolves when it finds its way into government. The best time to do these reforms is in the last 12 months of the Government's time in office. I urge the Government to support and back in this bill. That is the best way it can do it. If there is a change in government, it can enjoy holding a future government to account through a series of transparent funding processes, and we can ensure that the independent oversight bodies, which I believe are increasingly the fourth element of our constitutional make-up in New South Wales, finally get the financial independence they deserve.

The Hon. MARK LATHAM (17:20): One Nation supports the ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2021 (No. 2) and thanks and congratulates the Hon. Robert Borsak for bringing it forward. It is a quality piece of legislation into which a lot of thought has been put and a lot of detail has been worked through. I primarily address my remarks to questions regarding the ICAC because the bill sets up independent funding mechanisms for the ICAC, the Law Enforcement Conduct Commission [LECC], the NSW Electoral Commission, the NSW Ombudsman and the Auditor-General. One Nation supports the bill from a different perspective to some of the other speakers. I think it is fair to say that The Greens have never seen a government agency that they thought was spending enough money. I think that every government agency, with a few exceptions, spends too much money, so I am looking at this in terms of value for money, not necessarily the quantum of independent funding.

My history as an observer of the ICAC goes back to its origins in 1988, when I was working with Bob Carr. Some in the Labor Party thought it would be a witch-hunt against the Wran and Unsworth governments and there were moves afoot to oppose it in this place and block it; in those days, Labor had the numbers. If someone had said back then that it was going to bring down three Liberal Premiers and no Labor Premiers, the reaction would have been, "You beauty! How good is ICAC! It's obviously the ultimate boomerang." I then fast-forward 31 years to when I was elected to this Chamber and surprisingly a number of serving MPs, ex-MPs and experts on the ICAC wanted to get in my ear about different issues and problems. They were asking, "Can we fix up ICAC?" I do not know why they thought I was their man on a mission for that purpose, but a lot of the discussion was held behind their hands. They said, "What are we going to do about ICAC?"

There was dissatisfaction around the place. I have kept a fairly close watch and am obviously somewhat involved in the Operation Keppel material and the like. I have reached some conclusions that, by and large, the ICAC has been good on procedural fairness. It does go into private session, as it did in respecting the most intimate issues in the Berejiklian-Maguire inquiry. It has made mistakes on procedural fairness in some cases. The most spectacular error, and hopefully one it never repeats, was to drag Margaret Cunneen before the ICAC. Looking back on it, undoubtedly it was a personal clash of vindictiveness and a matter with Megan Latham that went to their time at the Office of the Director of Public Prosecutions. Perhaps we can dismiss that as a one-off personal quagmire that flowed over into the forums of the ICAC and brought discredit upon the organisation.

My main issue with the ICAC is not so much the quantum of money; it is the pace of achieving what the public would regard as justice. Some of the inquiries take forever. You have to ask why there are so many delays. Indeed, years pass before matters even come to a report. Operation Dasha took two years, from what I can see, to come to a report. We are still waiting for the Ernest Wong ALDI bag matters to be reported on. That is three years. We have been living with the Sidoti matter for as long as I have been here, which is since the last election, effectively. Looking at the two-week Maguire and Berejiklian inquiry recently, one would have to say that it did not really flesh out much more than what we already knew here in the Legislative Council. Why couldn't it have been dealt with in February to bring the matters to a head?

I do not know why, having announced further investigative steps in December last year, it took nearly 12 months to see those steps through and go through processes and Cabinet documents that could not tell us a lot more than what practising politicians would have known about that process and the way in which governments have allocated money in recent times. Why has it taken so long? One of the considerations here is not just the independent funding model. Perhaps the ICAC Act needs to be amended to have time frame expectations, without dictating to the ICAC, to set out very clearly an expectation of the Parliament that these things should not take

two or three years, that justice delayed is justice denied and that those who would be cleared should have their name cleared in a more prompt fashion so that they can get on with their lives.

I have not followed the matter of John Sidoti in fine detail, but I have not seen any great wrongdoing. There is John Sidoti, confined to the crossbench of the Legislative Assembly and quite possibly cleared, but for all purposes his political career is in tatters. Why do these things take forever? I think we need to think of the ICAC in terms of cost efficiency, timely reports and meeting the public expectation that such matters will be finalised as quickly as possible. We need to have reviews of the ICAC by the Auditor-General to see that it does operate with proper cost efficiency and timeliness. We need to turn around some of the problems in terms of public expectations. After the Berejiklian hearings finished, universally the media reporting was that it would take forever for the report to be finalised and that it could be out past the next State election.

That is unsatisfactory. Everyone sort of folded into the view that the ICAC takes forever. Surely as a Parliament we should say that is inadequate and that the ICAC should not take forever to say someone is guilty or someone is innocent. We all have an interest in making sure that the inquiries are finalised, reported on and recommended on in a timely fashion without these extraordinary delays. In terms of other ICAC reforms, I do not know why the electoral funding matters referred by the Baird Government need to go to ICAC. I would have thought the Electoral Commission should catch and kill their own and, if there is a serious matter, refer it to the police. Perhaps the ICAC could have a sharper focus without dragging in what for some MPs looked like accounting errors. That guy at Riverstone and others did not seem to have—

The Hon. Don Harwin: Londonderry.

The Hon. MARK LATHAM: Yes, Londonderry. Bart Bassett and others in those types of cases had errors of accounting, but it certainly did not look like corrupt conduct. Certainly when someone is named in ICAC and goes through that process, it is the end of their political career. I think we could tighten the focus and the time frames at the ICAC and ensure, for the long-suffering taxpayers of New South Wales, that there is an expectation about the time frames that would go hand in glove with this independent funding model. That is my perspective on it. Otherwise I think the bill is entirely worthy of support. It is a good first cut on how we get independent funding and provides material and scope for the Parliament to consider further issues about where we could sharpen up the ICAC's performance in many respects.

The LECC, the Electoral Commission, the Ombudsman and the Audit Office do great work. I think perhaps the most useful aspect of the bill will be independent and more extensive funding for the Auditor-General. I carve the Audit Office out in my general rule about government spending. The Auditor-General's agency, in saving money, in its oversight and its work is at a very high standard in New South Wales and should examine many more organisations than it is able to at the moment. So One Nation supports the bill. I hope that we continue to visit these issues of oversight with clear eyes and our own independent view to get it right, because, whether it is a Coalition government or a Labor government in the future, the public overwhelmingly benefits from the work of these organisations, and we have an abiding public duty to get it right.

Reverend the Hon. FRED NILE (17:30): I wish to speak briefly in support of this ICAC and Other Independent Commissions Legislation Amendment (Independent Funding) Bill 2021 (No. 2), introduced by the Hon. Robert Borsak from the shooters party to ensure that the ICAC and other independent bodies have independent funding. I have raised many times in the upper House how important it is for these bodies, particularly the ICAC, to have the funding they need to carry out their jobs. So I hope that this bill will be passed and that the Government will give it its support to ensure that the funding is made available.

The Hon. ROBERT BORSAK (17:31): In reply: I listened with great interest to the contributions from the Opposition, from One Nation, from The Greens and from the Hon. Reverend Fred Nile. Perhaps this time, the third time round lucky, we might actually for a second time get it back to the lower House. Perhaps the Government will consider it properly there, for what it is worth. All of the oversight bodies are extremely important to our democracy—there is no question of that. Given the size of the budget and the size of the New South Wales Government machine, whether the Government likes it or not, the reality is that we should have more oversight, not less.

I am particularly enamoured of what the ICAC does. I note the Hon. Mark Latham's contribution in relation to timeliness. It does come to mind that if the ICAC had more money, it could probably do things on time. People who have been subjected to investigation by the ICAC should not be left dangling. My mind is cast back to someone like Mike Gallacher, for example, who in 2014 resigned as the police Minister and then spent a lot of time with me on the crossbench. I saw the anguish it caused him. I saw a person who, to my mind, was a very good Government Minister. He was very honest and hardworking and was not fairly treated in the final wash-up in relation to the accusations made—and he has never been exonerated. Whether he should or not, my view is he should be exonerated, but that is another issue and a discussion for another day.

All of these bodies are important, but the other one I am really interested in is the Electoral Commission. Ever since coming to this place in 2010-11, I have been on the Joint Standing Committee on Electoral Matters and I have never, ever heard the Electoral Commission say that it has had enough money to do what it needs to do. That commission is the fundamental guardian of our democracy in New South Wales. We should not be playing games with its funding. We should not be looking at it just as another government department that needs to yield a dividend and should be putting savings aside to make sure that somehow or other some funding can be made available to other areas of government. The reality is it is a critical function of what we hold most dear, and that is our democracy.

I do not believe it is the sort of organisation where this should be the case, especially when I hear the evidence given by the commissioner at budget estimates hearings, given the nature of what it must do, but it is very difficult to retain long-term permanent staff with the skill, knowledge and experience to carry out these electoral processes in an efficient way in the long term when it is always putting people on and off. Why should the Electoral Commission be unable to handle the local government elections on 4 December and any by-elections that may have been necessary? I know that it is not in the Government's interests at the moment to see those by-elections occur. I understand that and the transition that it is trying to work through. But the reality is the commission should have been able to handle those elections.

We got evidence in the budget estimates hearings that the commission did not have the resources to handle the local government elections and by-elections, and was not set up to be able to handle them properly. This is a major problem, as far as I can see. If it is going to continue down that track, we are going to see problems. For a long time over the years in the electoral matters committee we have listened to evidence about failings of automation and computer systems. Every time we hold an inquiry, as we must, into whatever election has just finished, we always hear the same thing about the lack of resources, problems with software and problems with deployment of resources throughout the State et cetera. This is an ongoing sore and it needs to be addressed. Money is not the only thing that needs to be available to grease the wheels to get these things done properly. I commend the bill to the House. I thank all members for their consideration and their support.

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

The House divided.

Ayes23
Noes14
Majority.....9

AYES

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

NOES

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

PAIRS

Mookhey	Mitchell
Searle	Taylor

Motion agreed to.

Third Reading

The Hon. ROBERT BORSAK: I move:

That this bill be now read a third time.

Motion agreed to.

Messages

The Hon. ROBERT BORSAK: I move:

That the message forwarding the bill to the Legislative Assembly for concurrence include the following paragraph:

- (2) That the Legislative Council suggests that the Legislative Assembly consider amending the bill, consistent with provisions in the bill relating to the Legislative Council and the Department of Parliamentary Services, to constitute a committee to review the Budget information prepared by the Department of the Legislative Assembly and to determine amounts of appropriations for inclusion in annual Appropriation Acts.

Motion agreed to.

Motions

PUBLIC TRANSPORT PROCUREMENT

The Hon. ROD ROBERTS: I move:

That private members' business item No. 1524 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. ROD ROBERTS (17:48): I move:

- (1) That this House notes with concern the Government's procurement of:
 - (a) Spanish-made trams that have caused the Inner West Light Rail to be decommissioned for up to 18 months;
 - (b) Indonesian-made River Class ferries that have numerous operational issues; and
 - (c) trains made in South Korea that were too wide to fit onto existing railway infrastructure.
- (2) That this House notes that:
 - (a) the people of New South Wales expect their hard-earned taxes not to be wasted procuring deficient ferries and trains from overseas; and
 - (b) the New South Wales economy would be better served if public transport assets were manufactured in New South Wales.
- (3) That this House calls upon the Government to recognise that local manufacturing is more likely to result in safer and more cost-effective public transport for the people of New South Wales, and that this reality should be reflected in the government procurement of public transport rolling stock and other assets.

This Government has shown itself incapable of responsibly spending taxpayer money—a couple of billion dollars here, a couple of million dollars there. Today, on behalf of the hardworking people of New South Wales, I say enough is enough. People are sick of hearing how their money has been wasted by this Government on all sorts of weird and wonderful projects. But what really annoys people is when they hear that their hard-earned dollars are being spent on buying ferries from Indonesia that are laced with asbestos and unable to operate at night. They shake their heads when they hear on the news that the inner west light rail will be suspended for a minimum of 18 months because of cracks in the Spanish-made tram carriages. And who could forget the South Korean made trains that were too wide to fit on our railway network? Really. You might think I am making this up, but clearly it is all true.

The people of New South Wales deserve better. In Monday's issue of *The Sydney Morning Herald* the Premier was quoted as saying that taxpayers deserve to get value for money. I agree. But I ask, where is the value for money for taxpayers in subsidising foreign manufacturing? Where is the value for money for taxpayers in purchasing ferries that cannot even fit safely under bridges on our waterways? There seems to be a common thread here. What is the Government's obsession with purchasing poor-quality, foreign-made trams, trains and ferries? The definition of insanity is doing the same thing over and over again and expecting a different result. By this definition, the Government has truly lost the plot.

We are told that it is too expensive to manufacture public transport assets in New South Wales. Well, there is plenty of money to go around when it suits the Government. This Government has become an expert in pork-barrelling, funnelling millions of dollars into marginal electorates. Furthermore, what about the cost to the taxpayer to fix up these deficient foreign-made assets? What about the cost and delays from blowouts? The McKell Institute states that the debacle over the new River Class ferries has had a negative impact on the New South

Wales economy to the tune of \$28 million. That is \$28 million of taxpayer money down the drain. The Government just does not seem to get it. This money could be better spent in New South Wales through investing in local manufacturing.

The former Premier said that we are no good at building trains. I say that not only can we build trains, trams and ferries but we can make top-quality ones at that. Furthermore, the wide economic benefits that result from domestic manufacturing far exceed the supposed cost saving from overseas procurement. A study by the McKell Institute on six major international procurements by the New South Wales Government found that four of them would have had greater economic benefits to New South Wales if production was sourced locally. Those economic benefits include the direct employment of highly skilled tradespeople and indirect employment in associated industries like transport and logistics. The same report notes that an extra 1,746 direct and 2,445 indirect jobs would have been created in this State if the Government had engaged local manufacturers in the procurement process instead of sending taxpayer money offshore.

The people of this State want the Government to invest their money in New South Wales to create jobs for their fellow citizens and a future for their children. A 2015 poll by the Australia Institute found that Australians expect their government to act decisively and powerfully to sustain manufacturing in this country. Nothing has changed since 2015. If anything, supply chain issues exposed through COVID have only reinforced this sentiment. COVID has shown that, now more than ever, it is vital that New South Wales has a sovereign manufacturing capability. Furthermore, the most recent Australian Manufacturing Outlook survey revealed that more companies are signalling that they intend to bring manufacturing operations back to Australia. What a great opportunity for New South Wales.

The Government has plenty of money to spend on subsidising billionaires like Twiggy Forrest to invest in hydrogen technology. Surely this money would be better spent on encouraging manufacturing to set up in New South Wales. We keep hearing from the Government about the circular economy. Investing in local manufacturing keeps public money in New South Wales. What about the multiplier effect? That is economics 101. More local manufacturing means more employment, which means more payroll and income tax for the Government to reinvest in the community. That is a circular economy. I urge the Government to not just consider the monetary cost of production when deciding on procurement contracts and but also take into account the wider economic benefits and social value of domestic manufacturing for the people of New South Wales.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (17:53): We have said time and again in this House that the New South Wales Government—it might surprise the Hon. Rod Roberts—acts in the interests of the people of New South Wales.

The Hon. Rod Roberts: Last time you said free trade agreement. Those were your words.

The Hon. DAMIEN TUDEHOPE: The member would be well advised to look at it. Yesterday the Minister for Transport and Roads again expressed a commitment to having assets built, designed and managed in Australia. We look to prefer local manufacture and materials wherever possible, and in all of our procurement decisions we strive to gain the best value for Australian taxpayers, while doing everything we can to support local manufacturing and jobs. This is not just lip service. Unlike members opposite, we put our commitments into action and have a proven track record of delivering real and measurable benefits for the people of New South Wales time and time again.

The Hon. Mark Latham: Who wrote this?

The Hon. DAMIEN TUDEHOPE: I did. Take, for instance, the New South Wales Government's procurement reforms, which have increased local involvement in infrastructure development. Suppliers bidding for projects valued at more than \$10 million are required to show how they will support local industry, including local jobs and skills development, in accordance with the New South Wales Government's Small and Medium Enterprises Policy Framework. What have those opposite done? I remind the House that the vessel design for the new River Class ferries, including engineering and systems, was developed by Australian-based naval architects and engineers working for Australian companies. Around 70 per cent of the total program engineering and procurement budget will benefit Australian suppliers. Following a decision to complete the final fit-out of the three Emerald Class vessels at Port Macquarie, additional job opportunities were created for local workers.

There are many other economy-boosting examples just like that. Take, for example, the MiniCat ferry, which was created entirely in Port Macquarie, and the ongoing refit of various elements of the fleet, which is currently taking place in Port Macquarie, Newcastle and Sydney. Let us also not forget the introduction of the Mariyung Fleet and enabling works, along with the construction of the new maintenance facility at Kangy Angy, which is expected to support around 1,600 jobs. Beyond construction, there will be around 90 permanent jobs created when the Kangy Angy facility is fully operational. We are also a strong supporter of the local steel

industry, and we are leading the nation in the delivery of road, rail and other infrastructure, making us the largest purchaser of steel in the nation. I seek leave for an additional minute's speaking time.

Leave granted.

The majority of steel procured for the WestConnex projects is Australian-made steel sourced from Australian mills. Ninety-nine per cent of steel used to build NorthConnex was Australian steel, with a majority sourced from InfraBuild. One hundred per cent of the 7,000 tonnes of steel used to reinforce the Sydney Metro Northwest tunnels was sourced in Australia. More than 90 per cent of the 550 tonnes of steel used to build the Sydney Metro Northwest Skytrain was sourced in Australia. Ninety-two per cent of the 7,300 tonnes of steel being used to build the new underground metro platforms and Central Walk is being sourced in Australia. Once again, what have those opposite done? What is their track record? This Government will always seek to get the best value for taxpayers that it can, whilst at the same time ensuring that it has safe and reliable equipment that operates efficiently and affordably. The Government is doing everything it can to benefit the Australian families that rely on it.

The Hon. JOHN GRAHAM (17:57): I welcome the statement of the Leader of the House. He has changed the tune from where the last Premier was up to on this issue. Her comments were really out of step with the public mood. Of course, his case would be more persuasive if the trams were running and had not come to a grinding halt for a year, 1½ years or two years. We are not quite sure how long. But it is symbolic of the massive problem that the Government has at the heart of its procurement policy. So I welcome the words of the Minister. He could have been more persuasive if the tram had been running up and down inner west line. Maybe it will in a couple of years.

I acknowledge there is a tension here. The Opposition supports good value for money. That has to be at the heart of public sector procurement. We think that is right. But it is fair to say that the cost ceases to matter when the transport project comes to a halt altogether. We absolutely reject the idea that we cannot make things here. The workers at Goninan's and the many workers on the mid North Coast as well, who have worked on some of our transport projects, have been put out of work because we moved away from how we used to build these trains. That is a real blow to where they think they fit in the world and what is possible in New South Wales.

I welcome the fact that the Hon. Rod Roberts has moved the motion. The Opposition will be supporting it. I was glad he referred to the McKell research. That was an interesting bit of research about how the first costings will often be exceeded. We have to look at the real cost. They were welcome observations. I have referred previously to the Grattan research on mega projects and the mega cost blowouts that have occurred. That is very instructive research itself. Both pieces of research underline why it is important to analyse the projects properly and get good value for money. It is no use looking at the sticker price; we have to do a sophisticated analysis of the costs and benefits.

One of the concerns me and the Opposition have is that some of the early processes that the Government set up for transport planning or planning overall have not continued to be improved or, in some cases, have disappeared altogether. One of those is the five-year plan that sat with the State Infrastructure Strategy. That was a good process required by law and an improvement on some of the processes that had been in place previously. But it has disappeared over recent years as part of the budget planning process. Those major government structures and processes really matter in this space as well.

The Hon. SCOTT FARLOW (18:01): I reject any assertion that the Government is not doing enough to support local businesses and local jobs. Members can say that we do not focus on the local benefit, but they should try to tell that to the people who work on the refurbishment of the First Fleet ferries; to the people who have been working hard on the River Class and Emerald Second Generation Class fleet programs; to the good folk in Port Macquarie who are constructing the MiniCat ferry; and, of course, to the many local businesses that are benefiting from Transport for NSW's Bus Procurement Panel, like Express Coach Builders at Macksville and Custom Bus at Villawood. Even when there is no local tenderer in a procurement process, the Government, unlike those opposite, has a proven track record delivering for local communities and businesses across New South Wales.

No local tenderer proposed to build the Waratah Series 2 trains in Australia. However, the fleet is maintained in Sydney. The maintenance of 41 Waratah Series 2 trains has resulted in 60 new jobs for the life of the 25-year maintenance contract. Again, no local manufacturer bid to build the Mariyung fleet in Australia, despite Australian manufacturers being provided the same opportunities to bid for the New Intercity Fleet. However, parts of the new fleet will be procured from local and overseas suppliers. Moreover, John Holland, the contractor responsible for designing and building the Mariyung maintenance facility, has hired local Central Coast residents, including members of the local Aboriginal community, the Darkinjung. I am sure the Hon. Taylor Martin will be interested in that. John Holland also achieved the employment target of one apprentice for every four tradespeople.

Transport for NSW complies with the New South Wales Government's procurement policy and policy guidelines to ensure that all tenders are competitive and transparent, and to deliver the best outcomes for customers and value for the taxpayers of New South Wales. Of course, where possible, Transport for NSW assets are built, designed, managed or maintained in Australia. That said, overseas design, manufacture and fit-out saves up to 25 per cent in costs, and those savings can be reinvested in Government projects that benefit everyone in New South Wales. Members know about the over \$100 billion infrastructure pipeline throughout the State. For example, the design, manufacture and fit-out of the rail fleet overseas provided a saving of around 25 per cent to taxpayers. That 25 per cent is able to go into the development of more infrastructure for the people of New South Wales.

Savings are reinvested in transport projects, improvements across the network and network reliability. We are also committed to ensuring that we harness rapid advances in technology and innovation to design, build and maintain a world-class transport system. By leveraging nationally and internationally recognised capabilities and experience, we can better manage transport networks and services. It is about balance and it is about choices in terms of whether we are going to have more infrastructure spending or not. The Government has committed itself to that. It gets the balance right, which is more than we can say for those opposite.

The Hon. ROD ROBERTS (18:04): In reply: I thank Minister Tudehope, the Hon. John Graham and the Hon. Scott Farlow for their contributions. I listened closely to what the Minister had to say. I cannot remember his exact words—I do not want to put words in his mouth—but it was something along the lines that the transport Minister said yesterday that he would be supporting a local procurement program. I welcome that. But I wonder where that sentiment was years ago. Why has the Government come out with this all of a sudden yesterday? Is it because it has now realised it is an issue? Is it because One Nation and the Opposition are putting pressure on them? I welcome it but wonder where it was a long time ago. I question whether or not it is lip service as well, because the Government says it supports local but where were the trams purchased? They were purchased in Spain. Where were the ferries purchased? They were purchased in Indonesia. Where were the trains purchased? They were purchased in Korea.

I note the Minister's further assertions. He talked about steel. He said that we are buying Australian steel for WestConnex and we are buying this and that for Australia and "steel, steel, steel." The motion has got nothing to do with Australian steel. The motion has to do with rolling stock, if we can call it that, for the transport system. No-one questioned the Minister on his steel purchases, so let us get back to what the motion is all about. I will not take too much more time of the House but we, too, look for good value for money. In fact, my esteemed colleague the Hon. Mark Latham talked about looking for value for taxpayers' money in the last debate about ICAC. We certainly look for that and encourage that as well. I will quote the great Benjamin Franklin to bring this home.

The Hon. Scott Farlow: From this Chamber?

The Hon. ROD ROBERTS: Not from this Chamber. The great Ben Franklin, not the other great Ben Franklin. I am sure we and particularly the people who live in Dulwich Hill will appreciate this. Franklin said:

The bitterness of poor quality remains long after the sweetness of low price is forgotten.

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

Motion agreed to.

Committees

PUBLIC WORKS COMMITTEE

Reference

The Hon. JOHN GRAHAM: On behalf of the Hon. Daniel Mookhey: I move:

That private members' business item No. 1507 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. JOHN GRAHAM (18:07): On behalf of the Hon. Daniel Mookhey: I move:

That the Public Works Committee inquire into and report on New South Wales light rail services, and in particular:

- (a) their establishment and procurement, operation and maintenance;
- (b) the provision of alternative transport services; and
- (c) any other related matter.

The motion will establish an inquiry into a matter that has been heavily discussed in the Chamber and in public recently. That is New South Wales' light rail services. They have been heavily publicised. The Opposition's views are well on the record. I do not feel the need to expound on the rolling catastrophe which has unfolded.

The Hon. Rod Roberts: Non-rolling catastrophe.

The Hon. JOHN GRAHAM: I acknowledge the interjection of the Hon. Rod Roberts. It is a symbol of where the transport system has got to. I commend the motion.

The Hon. SCOTT FARLOW (18:08): The Government does not oppose the motion moved by the Hon. John Graham on behalf of the Hon. Daniel Mookhey. But I think it is important to put on record a few points about the L1 Dulwich Hill Line light rail shutdown. It is an issue that has been quite rightly identified by the new transport Minister, the Hon. Rob Stokes, and came about during routine inspections when a mechanical fault was identified on a light rail vehicle that operates on the L1 Dulwich Hill Line. Light rail services on the L1 Dulwich Hill Line were replaced by buses from Thursday 28 October for up to 18 months as a worst-case scenario. I emphasise that is the worst-case scenario. The safety of customers and people is the Government's number one priority. Although the issue poses little risk, the decision to suspend services is the right one. Detailed inspections of the fleet are underway and Transdev Sydney, the operator of Sydney's light rail network, is doing everything it can to restore normal services as quickly as possible. That was communicated to the community through the Transport website on 27 October 2021.

With respect to alternate service plans, non-Opal Transport Management Centre emergency buses were in operation from 28 October 2021. Those buses are being provided by the State Transit Authority on weekdays and by other operators over weekends. Two routes are being provided: route 498, which is all stops from Central to The Star in peak periods; and route 499, which is all stops from Central to Dulwich Hill. Route 499 operates every 10 minutes during the morning peak period and every 12 minutes outside those times. Additional route 498 shuttles between the busy Central and The Star section are operating at a 15-minute frequency between 7.00 a.m. and 11.00 a.m. and between 3.00 p.m. and 11.00 p.m. Transport for NSW is developing a new bus plan that is proposed to commence from 22 November 2021, which will offer more route options with the opportunity for shorter travel times to key destinations.

Improved stop facilities will also be included in the plan, showing the Government's responsiveness to making sure commuters in the inner west are well serviced by public transport alternatives during the light rail shutdown. Transport for NSW has announced it will provide a partial refund of 50 per cent for replacement bus users. The initial estimate of the time to implement that is 10 to 15 days, based on pre-COVID patronage of 117,000 trips per week at a cost of \$95,000 per week, which again shows the Government's commitment to the community. The other day the Minister outlined the innovation of a Dine & Discover program for small businesses along the line. I encourage people to use the Dine & Discover on the light rail route, with the Hon. John Graham, to support small businesses. The refunds issued to transport consumers will be backdated to 8 November.

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

Motion agreed to.

Motions

NATIONAL CERVICAL CANCER AWARENESS WEEK

The Hon. NATASHA MACLAREN-JONES: I move:

That private members' business item No. 1442 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. NATASHA MACLAREN-JONES (18:13): I move:

- (1) That this House notes that:
 - (a) National Cervical Cancer Awareness Week 2021 is being held from 8 November to 14 November 2021 and the theme for this year is "Time to Catch up";
 - (b) sadly, it is estimated over 200 women in Australia will die from cervical cancer in 2021;
 - (c) National Cervical Cancer Awareness Week is an opportunity to raise awareness of cervical screening tests and aim to eliminate cervical cancer internationally by 2030;
 - (d) Australia is on track to eliminate cervical cancer, potentially as early as the year 2028; and
 - (e) cervical screening tests are a new, accurate way of protecting women against cervical cancer and the test can be done every five years instead of every two years, if your results are normal.
- (2) That this House affirms its continued support for National Cervical Cancer Awareness Week.

- (3) That this House encourages women across New South Wales to catch up on important healthcare appointments and consider getting the appropriate cervical cancer tests as regularly as required.

Last week, from 8 November to 14 November, was National Cervical Cancer Awareness Week. It is a week to promote awareness and education of the impact cervical cancer has on Australian women and will hopefully serve as a reminder for many women to make sure they are up to date with their screenings. The Australian Cervical Cancer Foundation announced the theme of the week will continue to build on last year's message and encourage women aged 25 to 74 years that it is "Time to catch up". Given the impact of the COVID-19 pandemic during the past two years, it is possible that some women may have fallen behind with their routine cervical screenings. Others may have chosen to avoid doctors' surgeries and delay routine appointments. As our State opens up and we get back to everyday life—catching up with friends and family, planning weekends away and preparing for Christmas and time with our families—we must be careful not to delay vital medical appointments. Now is the time to check in with family and friends to ensure they are taking care of themselves, while also making sure our own health checks are up to date. Cervical Cancer Awareness Week is a great reminder for all women.

The Liberal-Nationals Government continues to make a significant investment in cancer initiatives. We are providing more than \$170 million annually through the Cancer Institute NSW to prevent and reduce the impact of cancer and improve outcomes for patients. The NSW Cervical Screening Program within the Cancer Institute NSW aims to reduce the impact of cervical cancer by increasing the number of women having regular cervical screening tests. It is our priority to reach under-screened populations, including young women aged 25 to 34 years, women living in socially disadvantaged communities, Aboriginal women, women from culturally and linguistically diverse communities and women living in rural and remote communities.

Working with the Cancer Institute NSW to implement strategies to engage Aboriginal women, we are funding the Aboriginal Community Grants Cervical Screening, which is part of our statewide Cervical Screening Program. Grants are available to members of the Cancer Institute NSW Aboriginal Cervical Screening Network to promote screening for Aboriginal women across New South Wales and provide training to health professionals. The Cancer Institute NSW established the Aboriginal Cervical Screening Network, which now has more than 200 health professionals, to work in partnership with nurses, service and program providers and local Aboriginal communities to develop and deliver culturally appropriate information and services. It is important to take the time to raise awareness about cervical cancer and the need for women to get screened not only during National Cervical Cancer Awareness Week but also year round. The National Cervical Screening Program provides routine screening, which is covered by Medicare and which takes place every two years or five years, depending on results.

Since the National Screening Program began in 1991, incidence and death from cervical cancer have halved in Australia. While cervical cancer was the thirteenth most commonly diagnosed cancer in women in Australia, it is the fourth most common cancer in women across the world. The World Health Organization's global strategy to accelerate the elimination of cervical cancer includes a vision of a world where it is eliminated as a public health problem by 2030. A report this year by the National Health and Medical Research Council's Centre for Research Excellence in Cervical Cancer Control indicates that Australia is expected to be the first country in the world to achieve cervical cancer elimination as a public health problem, potentially as early as 2028.

In any case, to eliminate cervical cancer we must do two things: continue to vaccinate all children aged 12 to 13 years through the school-based vaccination program against the main types of human papillomavirus [HPV] that cause cervical cancer; and continue to screen women aged 25 to 74 years using the cervical screening test. That combination of vaccination and screenings is vital to eliminate cervical cancer in Australia by the mid-2030s or earlier. An important message to convey to all women is the need to have cervical screening regardless of vaccination status. Although the vaccine protects against some types of HPV, it does not protect against all types that can cause cervical cancer, which is why it is so incredibly important for women to keep up to date with their routine cervical screening tests. I encourage all women to take care of their health.

The Hon. WALT SECORD (18:17): As the member representing the shadow Minister for Health in this Chamber, it is a pleasure to speak in support of the motion on behalf of Labor and lend our support to the fight against cervical cancer. Labor supports National Cervical Cancer Awareness Week, which was held earlier this month from 8 November to 14 November. Cervical cancer is a rare cancer that begins in the cervix or at the head of the uterus. It is a type of gynaecological cancer that can affect young women, usually around the age of 25, and most cases are related to the HPV virus.

I note that the motion states that more than 200 women will die in 2021 from cervical cancer, but the Australian Institute of Health and Welfare says that in fact 237 women will die this year from cervical cancer. I also observe that 913 women will be diagnosed with cervical cancer this year alone, and cervical cancer in Australia comprises about 1.3 per cent of all diagnosed cancer cases. I know that cervical cancer numbers are higher outside Australia, and I think it is quite an ambitious commitment to eliminate it by 2030. It is the fourth

most common cancer in the world. A startling statistic is that 74 per cent of women in Australia who are diagnosed with cervical cancer have a survival rate of up to five years. It is estimated that 3,400 women in Australia are living with or responding to the problems associated with cervical cancer at this moment. I leave it at that. It is a pleasure and an honour to lend the Opposition's symbolic support for the motion.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (18:20): I thank the Hon. Natasha Maclaren-Jones for moving the motion. I spent most of my life as a cancer nurse, before entering Parliament, and I remember one of my first patients was a young 26-year-old girl who was diagnosed with cervical cancer. Her name was Rhonda, and she never made it. She had advanced cervical cancer and she died. She had just become engaged and she was getting married. Like many cancers, cervical cancer is a silent cancer. Patients often have no symptoms or no reason to think that they need to get tested for it. Let us be really honest: As women, we do not love having Pap smears. We tend to put things like that off, and it is really important that we do not.

We have come a long way with our vaccination program for human papillomavirus [HPV], which is incredible for younger women. But it is still so important that women have the relationship they need to have with their GPs so that they do not put off that testing and so that they can talk about other issues that may eventuate and about all types of cancer screening. These things are silent; they do not produce lots of symptoms or discomfort until they are well advanced, and then it is really difficult to treat.

My mum is the most incredibly fit person one could ever imagine. She can wipe the grandchildren off the tennis court and the golf course and everything else, and she had breast cancer about 15 years ago. She was the worst patient I ever had, but she did really well through that. Just over a year ago Mum was diagnosed with cervical cancer. People initially think, "Oh, but you are in your eighties and you do not have to get tested." Mum had her surgery. She had a fantastic surgeon at Lifehouse at Royal Prince Alfred, which is a magnificent cancer hospital that she was fortunate enough to go to. She is absolutely fighting fit again and is doing everything that she loves to do. But when one thinks of women who are older, one does not tend to think that cervical cancer may be an issue. It is important that we get tested, we get screened, we have regular check-ups and we have really good relationships with our GPs so that we feel comfortable to get those tests and have access to those services.

I commend members for speaking on the motion, which is so important. Speaking from a lot of experience, I know that we can have really terrific results when we get the diagnosis early. I ask everyone out there who may be listening and all members in this place to push the message out to their friends and family on social media every time we have an awareness week: Get out there, get tested and get screened, because we can achieve fantastic health outcomes.

The Hon. CATHERINE CUSACK (18:23): I thank and applaud the Hon. Natasha Maclaren-Jones for moving this important motion as well as the Minister for Mental Health, Regional Youth and Women, who has spoken very passionately on the issue as well. A lot of us are not keen on our Pap tests, so raising the awareness that we need to keep doing that is critically important. The motion has prompted me to read more widely about what is happening in the cervical cancer space. Australia is part of a global effort to eliminate cervical cancer altogether, with the target year being 2030, and it is a really exciting project to be part of. This cancer is horrific, with 600,000 women that we know of dying each year around the world—young women, middle-aged women and older women. Its mortality rate is around two-thirds. It is a nasty, horrible cancer, and so many mothers and loved ones die from what we now know is a completely preventable form of cancer. Australia, and NSW Health in particular, is making huge a contribution to the 2030 project. The New South Wales Government spends \$170 million each year through the Cancer Institute, and this is one of those projects.

It appears from my research, as the Hon. Natasha Maclaren-Jones said, that Australia is on track to achieve the target in 2030, potentially being the first country on earth to do so. My generation of women will never be able to be immunised so we need to continue our Pap tests, and it is very important to discuss that. According to the latest data, in 2018 there were 274 cases of cervical cancer diagnosed in New South Wales and 69 deaths. That has plateaued. The key to improving the statistics is diagnosis, as the Hon. Natasha Maclaren-Jones has spoken well about. The Government has a number of strategies to outreach to Aboriginal communities and rural and remote communities. We need to keep finding out what is being done in that space, because those communities have the most to gain. Two hundred female health professionals are members of the Cancer Institute Aboriginal Cervical Screening Network, which is a marvellous achievement. I commend the motion, and I thank the Hon. Natasha Maclaren-Jones again.

The Hon. NATASHA MACLAREN-JONES (18:26): In reply: I thank the Hon. Walt Secord, Minister Taylor and the Hon. Catherine Cusack for their contributions. In response to comments made by the Hon. Walt Secord, yes, it is an ambitious target but he should never underestimate a woman. When women get together, we get things done. I commend the motion to the House.

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

Motion agreed to.

The DEPUTY PRESIDENT (Ms Abigail Boyd): I will now leave the chair. The House will resume at 7.30 p.m.

Documents

FLOODPLAIN HARVESTING

Further Return to Order

The CLERK: According to the resolution of the House of 13 October 2021, I table additional documents relating to a further order for papers regarding floodplain harvesting, received this day 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 additional documents received this day that are claimed to be privileged and should not be made public or tabled. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

LOCAL EVACUATION ROAD INFRASTRUCTURE UPGRADES

Correspondence

The CLERK: According to the resolution of the House of Wednesday 20 October 2021, I table correspondence relating to an order for papers regarding the *Resilient Valley, Resilient Communities: Hawkesbury-Nepean Valley Flood Risk Management Strategy*, received this day 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.

REGIONAL SENIORS TRAVEL CARD

Production of Documents: Order

The Hon. PETER PRIMROSE (19:34): I move:

That private members' business item No. 1509 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. PETER PRIMROSE: I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, in electronic format if possible, in the possession, custody or control of the Premier, Treasurer, Minister for Transport and Roads, Minister for Regional Transport and Roads, Minister for Customer Service, Treasury, Transport for NSW, the Department of Customer Service, or the Department of Premier and Cabinet relating to the Regional Seniors Travel Card:

- (a) all documents which detail the considerations, rationales or decisions relating to the eligibility of older people from outer suburban Sydney or regional New South Wales electorates for the Regional Seniors Travel Card;
- (b) all documents relating to the calculation of, and estimated budget for, the Regional Seniors Travel Card, including:
 - (i) each annual estimated budget; and
 - (ii) the total budget for the overall length of this program since its inception to the current budget year.
- (c) all documents which detail the actual expenditure for the Regional Seniors Travel Card for the 2019-20 and 2020-21 budget years;
- (d) all documents relating to meetings, minutes and outcomes that refer to the Regional Seniors Travel Card; and
- (e) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This motion specifically asks for the decisions and rationales, amongst other documents, related to the eligibility of older people residing in outer suburban Sydney and regional New South Wales. As always, I am seeking this information through this process reluctantly, as it has been impossible to obtain it through other means. The issue is this: Why is it that seniors living in the seats of Hawkesbury and Wollondilly are eligible for regional seniors travel cards but seniors living in remote areas of the seat of Blue Mountains are not? The geography is simple enough. Hawkesbury, Blue Mountains and Wollondilly are like an arc across the Greater Sydney area.

What is counted as "regional" and "Greater Sydney" appear to be random designations and fungible to suit political whim. These designations appear to be even more perverse when you consider that Wollondilly, Blue

Mountains and Hawkesbury were all included in the definition of "Greater Sydney" during the recent COVID crisis. The indefatigable member for Blue Mountains, Ms Trish Doyle, has been a strong advocate for her community and has repeatedly sought information about why Blue Mountains seniors were not eligible for the travel card. For instance, in a letter to the then transport Minister dated January 2020, Ms Doyle pointed out that:

... People living in Bell, Mt Tomah, Mt Irvine, and Berambing fall within the Blue Mountains City Council which is considered to be part of the Greater Sydney Region. Accordingly they qualify for a seniors Opal card.

The seniors Opal card is useless to them as there is no public transport in these areas ...

... would you please comment on this matter for the benefit of my constituents.

The then Minister did not respond to that letter and instead shuffled the issue off to the then Parliamentary Secretary for Regional Transport. A response received in April 2020 from the then Parliamentary Secretary said:

The definition of regional New South Wales is consistent with that used for Restart NSW.

Again, there was no specific reason given, just a bland response that failed to address why the decision relating to the regional seniors travel card had been made. Ms Doyle also held a seniors forum in February 2020 where this was a major topic of discussion. She said:

... it is ridiculous the community [Blue Mountains] is set to miss out entirely on the \$250 scheme.

We are not a metropolitan area. Every resident knows that, and the government knows that ...

They've wasted too much money on fat trains, on a stadium re-build and on the relocation of the powerhouse museum. Now communities like mine pay the price for a government focused on the city.

There has been nothing fair about the rollout of this scheme – Blue Mountains residents should be just as entitled to this card as those in bordering communities.

In June this year she spoke about this issue again. She said:

Given the lack of logic or sense to this decision, it seems to many of my constituents that this ongoing exclusion must be politically motivated.

They wonder whether our community is being punished for its failure to support the incumbent Government at recent elections and whether this is just another example of the blatant pork-barrelling ...

Whatever the Government's motivations may be, it is clear that it has got this wrong.

On the Restart NSW website, some regional programs funded by the 30 per cent regional requirement do not include all of the council areas in Hawkesbury and Wollondilly, so the reason the former Parliamentary Secretary gave does not appear to stand. How was the decision made to include the seats of Hawkesbury and Wollondilly in the regional seniors travel card scheme yet exclude Blue Mountains? This Standing Order 52 will possibly help provide some answers. I commend the motion to the House.

The Hon. BEN FRANKLIN (19:38): I advise the House that the Government will not oppose this Standing Order 52, but let me say a number of things on the record. Frankly I find extraordinary the implication from the Opposition that there is even a contention that the regional seniors travel card is some sort of abuse of process, abuse of parliamentary privilege or appalling thing that we need to look into. The Opposition just cannot fathom how much of a success the regional seniors travel card has been. We must remind the Chamber that those opposite refused to match that promise at the 2019 election. And now they have the audacity to say that they want it extended to their electorates. Hypocrisy, thy name is Labor. The Government has issued 350,000 cards in 2021, with a total value of \$87.5 million going straight into the pockets of our regional seniors, but not just our regional seniors—our regional transport companies, our regional taxidriver and our regional independent petrol stations. This \$87.5 million has a multiplier effect that travels around regional communities. It is important.

Let us look at what communities have taken up these regional seniors travel cards. Is it National Party electorates? Yes, but it has also been universally endorsed in Labor Party electorates. For example, in the electorate of Maitland 8,206 people got their cards this year; in the electorate of Port Stephens, 11,908 people got cards this year. For the Shooters, Fishers and Farmers Party electorates, I note that Orange has had 8,500 cards issued; Barwon, 7,801. Even my home town, The Greens electorate of Ballina, has had almost 10,000 cards issued this year. The people have voted with their feet. They know that this is a good program.

Let us look at the motion and look what it is calling for, which is "people from outer suburban Sydney" and ask if they are eligible, how many are eligible and why they are not eligible. But the clue is in the motion. They are from Sydney. Even though it is outer regional Sydney, they are from Sydney. Try telling the people of Wilcannia that the people of Hawkesbury should have the regional seniors travel card. They will laugh in your face. Try telling the people in Moulamein that the people of Wollondilly are truly regional and they face all of the problems of the tyranny of distance that people in that part of the world face and they will tell you that you have to be kidding. Tell the people of Trangie that the people who live in the Blue Mountains, who literally can get on

a Sydney Trains network train and go to Central Station from literally the Blue Mountains, that they are regional compared to the people of Trangie and they would tell you that you have to be kidding. Nonetheless, we will not oppose the motion.

The Hon. PETER PRIMROSE (19:41): In reply: I thank the Parliamentary Secretary. I will ensure that his words are spread throughout many areas.

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

Motion agreed to.

KANGAROO HARVEST MANAGEMENT PLANS

Production of Documents: Order

The Hon. MARK PEARSON: I move:

That private members' business item No. 1519 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK PEARSON (19:42): I seek leave to amend private members' business item No. 1519 outside the order of precedence for today of which I have given notice by:

- (1) omitting "21 days" and inserting instead "28 days".
- (2) omitting "2007-2011".

Leave granted.

The Hon. MARK PEARSON: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents created since 1 January 2011 in the possession, custody or control of the Department of Planning, Industry and Environment, or the Treasurer, and Minister for Energy and Environment, relating to compliance with Kangaroo Harvest Management plans:

- (a) all documents relating to investigations and internal audits of compliance with the NSW Commercial Kangaroo Harvest Management Plans 2012-2016 and 2017-2021; including:
 - (i) all compliance audit reports;
 - (ii) all correspondence, including emails, between the Department of Planning, Industry and Environment, the Department of Primary Industries, the Kangaroo Industry Association of Australia, and kangaroo harvesters and processors;
 - (iii) all correspondence, including emails, and briefing notes, between the Deputy Secretary of Biodiversity, Conservation and Science, Executive Director of Biodiversity and Conservation, and the Department of Planning, Industry and Environment's compliance audit team;
 - (iv) all documents recording any allegations of non-compliance with the NSW Commercial Kangaroo Harvest Management Plans;
 - (v) all documents recording any self-reports by kangaroo harvesters under the NSW Commercial Kangaroo Harvest Management Plans; and
 - (vi) all departmental investigations into allegations of non-compliance with the NSW Commercial Kangaroo Harvest Management Plans, including investigations into macropod animal cruelty.
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I am seeking compliance information under Standing Order 52 about the kangaroo management program, based on my infuriating experience as deputy chairperson of the committee inquiring into the health and wellbeing of kangaroos and other macropods, as well as viewing the disturbing revelations on the ABC's 7.30 program about damning internal audits that were not disclosed to the inquiry. According to the ABC report, the Department of Planning, Industry and Environment's [DPIE] audit team voiced grave concerns about the way the kangaroo management program is policed. Serious questions were raised about both the sustainability and humaneness of the program.

It was with deep satisfaction that I was able to convince my colleagues to establish the inquiry into the health and wellbeing of kangaroos and other macropods. Among the more than 400 submissions were many horrific stories of animal suffering and indiscriminate killing, stories of joeys being bludgeoned to death or abandoned to die long lingering deaths and kangaroos shot through the shoulder, stomach or jaw. Most telling was the fear that the DPIE was hopelessly conflicted by being required to facilitate a commercial harvesting program while complying with its statutory duty to prevent harm to kangaroos. You cannot square a circle.

We heard evidence from ecologists, animal advocates, carers, First Nations people and a biostatistician, who detailed the reasons why they had no confidence in DPIE's assertion that the kangaroo management program is environmentally sustainable and humane. These witnesses flagged that we are on a downward trajectory that will see the extinction of the red kangaroo and the wallaroo in New South Wales in the next few years if we do not stop the slaughter. Eastern kangaroos and western greys will not be far behind their extinction.

During the inquiry it became obvious that the DPIE bureaucrats and scientists were doing their best to obfuscate, deflect and distract committee members from learning the truth about the program. It was painful to extract information, such as the fact that they could not provide accurate figures on how many kangaroos have been legally killed by landholders. Answers to questions regarding the methodology of the population count, the process for determining kill quotas and even basic questions about the fertility rate of kangaroos were so convoluted that members, including National Party members, became increasingly frustrated. As a consequence, DPIE was called back for a further hearing in order to clarify their answers.

Alarmed by the department's continued provision of non-answers, the committee made a series of recommendations, including having the Auditor-General undertake a review of the kangaroo management plans and objectives regarding how they satisfy the requirements of the Biodiversity Conservation Act, that the Natural Resources Commission review the current methodology for estimating macropod populations, and that an independent panel of ecologists examine the scientific evidence for assumptions used in kangaroo management plans that refer to "kangaroo abundance" and annual population growth. There is even a recommendation as basic as requiring the department to identify and independently verify the biological growth rate for each macropod species, to better inform the setting of sustainable quotas. That brings us to the brave whistleblower who provided the 7.30 program with copies of internal compliance audit reports and leaked emails about investigations, showing that, and I quote from the ABC news site:

... found it was "impossible" to work out whether the number of kangaroo carcasses processed at different points in the industry chain were "true and accurate".

"This ... may undermine any positions taken in relation to the legitimacy and sustainability of the industry," ...

The leaked audit report also found that in 70 per cent of cases where commercial shooters breached the code of practice by failing to deliver an instant death by head shot, DPIE took no compliance action. Disclosed by the whistleblower but not by the DPIE at the inquiry, in 2020 alone there were 785 reporting breaches from licensed animal dealers. It is for these reasons I am asking members to support this call for papers. The inquiry was entitled to hear the truth, but they were cheated. This House can rectify that wrong by supporting my motion.

The Hon. TAYLOR MARTIN (19:48): The Government does not oppose the motion.

The Hon. JOHN GRAHAM (19:48): I thank the member for bringing this forward. The Opposition will be supporting this motion. I know how important this is to his party. We should respect that he has been elected to inquire into these issues. I have spoken at length on these issues with a number of members of his party, including in the ACT, and I know how passionately they are felt.

The Hon. MARK PEARSON (19:49): In reply: I thank members from both sides of the House for their support. We welcome the opportunity to peruse these documents in detail.

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

Motion agreed to.

Motions

CENTRAL COAST COUNCIL AND COAL ASH REPOSITORIES

Ms ABIGAIL BOYD: I move:

That private members' business item No. 1510 outside the order of precedence be considered in a short form format.

Motion agreed to.

Ms ABIGAIL BOYD (19:50): I move:

(1) That this House notes that the following motion was carried by the Central Coast Council on 13 April 2021:

That the Central Coast Council:

- (a) supports the 16 recommendations made in the report *Costs for remediation of sites containing coal ash repositories*, by the Public Works Committee;
- (b) writes to the local members of Parliament and to the Minister for Energy and Environment to seek their support for the New South Wales Government to acknowledge the inquiry and commence the implementation of the recommendations; and

- (c) acknowledges the hard work of Lake Munmorah resident Mr Gary Blashke, OAM, in raising community awareness about this important issue and for appearing before the Legislative Council inquiry personally.
- (2) That this House commends the Central Coast Council motion concerning coal ash remediation to the Hon. Matt Kean, MP, Treasurer, and Minister for Energy and Environment.
- (3) That this House notes with disappointment the Government's response to the Public Works Committee's report and calls on the Government to take meaningful steps to manage the health and environmental risks relating to New South Wales' coal ash repositories.

The people of the Central Coast and Lake Macquarie have been living in the toxic shadow of the Vales Point and Eraring power stations for decades. They have long known that the lake is being polluted and that each year the pollution gets worse. Dozens of types of concentrated heavy metals such as arsenic, cadmium, lead, vanadium, chromium as well as radioactive uranium and radon continue to ooze from the unlined repositories of the power station coal ash dams into the lake and down into the groundwater. Attached to fine particles of ash, they drift through the air, blowing onto skin and into nostrils—and that is before we even get to the 30 different toxic chemicals that billow from poorly regulated stacks to spread their noxious effects up to 200 kilometres away. These airborne toxins are then ingested by local and distant residents, increasing their risk of respiratory diseases, strokes and premature death.

Eraring is our most urban power station. The station shares Lake Macquarie with families, as they swim, boat and fish. Fishing on Lake Macquarie has declined in recent years, as concerns have grown over the noxious substances being found in the marine life. Dangerously high levels of mercury and selenium in fish and cadmium in crabs have resulted in dietary limits being put in place to minimise people's exposure. Yet despite the growing mountain of evidence and despite the very real consequences for people's health and the cost to the community of failing to act, the regulation of these coal ash dams has been poor.

When these coal stations were built, there was no requirement to line the pits and, like many other power stations closed long ago in the Sydney area, power station operators have not been required to ensure proper remediation of the pits. They are just capped and left to do their damage, with much of the worst contamination occurring decades after they have been covered up and forgotten. It is perhaps forgivable that past governments—not knowing what we know now—failed to put in place regulations to prevent the impact of these coal ash dams on our health and the environment. But what is unforgivable is that armed with the full knowledge of the level of contamination and the degree of harm caused, this Government has not chosen to do things differently.

In the United States it took a disaster in Kingston, Tennessee, to get the authorities to take the issue seriously. In Kingston a coal ash pond ruptured. The contents of the pond, the ash, the toxic by-product of coal combustion, smothered nearby houses and turned kilometres of the nearby river into what was described as a "lumpy grey chowder". The coal ash—touted as benign by the coal companies—took 10 years to clean up. It took the lives of 36 workers who were involved in the clean-up. They died from brain cancer, leukaemia and other diseases connected with the toxins in the coal ash. Hundreds of clean-up survivors were left permanently injured or disabled, nearly all with respiratory illness and many with blisters and burning sores from the chemicals still buried in their skin more than 10 years later. This was the biggest industrial spill in US history and it opened the public's eyes to the fact that coal ash is, in fact, not safe. It is not benign and it needs to be treated like the hazardous substance that it is.

There are hundreds of millions of tons of coal ash in New South Wales, largely hidden from view of a public unaware of the dangers. Following a concerted campaign from locals and at my initiative, the Public Works Committee led an inquiry into coal ash depositories in New South Wales. Regardless of political party membership, eyes were opened, not just to the health and environmental problems but also to the solutions to those problems—solutions that are not only feasible but will actually create new jobs in industries focused on re-using the coal ash. It was during the inquiry that the committee heard from Mr Gary Blashke, who has been a vital part of the campaign for better regulation of coal ash dams and has fought for years to get the Government to listen and to acknowledge, in particular, the health impact of coal-fired power stations on nearby residents like himself, including his own recent cancer diagnosis.

The Central Coast Council passed a motion on 13 April supporting all of the 16 recommendations made in the Public Works Committee report and acknowledged the hard work of Mr Gary Blashke. Since then, the Government has handed down its disappointing response to the report. The response showed a government unwilling to implement best practice outcomes for communities who live near coal ash dams. It failed to adopt any of the recommendations that would see meaningful steps taken to not only start rectifying the health and environmental impacts but also to provide jobs in a new coal ash re-use industry as part of that clean-up process.

Will it take a disaster like that at Kingston—a breach of the Eraring dam perhaps, spilling over Myuna Bay—before we take this issue seriously? The damage has been done and continues to be done. It cannot be covered up and left for another day. Long after the power station operators have packed up their bags, pocketed

their profits and moved on to other things, the clean-up costs will fall on the Government. If the Government took its responsibilities seriously, it would be planning now to make the closure and clean-up process as effective as possible. I commend the motion to the House.

The Hon. TAYLOR MARTIN (19:55): The Government does not support this motion. Firstly, I thank the people of the Lake Macquarie, Hunter and Central Coast regions for raising their concerns about coal ash dams in their community. The Government agrees that this is an important issue for the community and it is committed to actioning its response. The Government is taking meaningful steps to manage the health and environmental risks relating to New South Wales coal ash repositories. Thirteen of the 16 recommendations in the coal ash dam inquiry were either supported or supported in principle and the Government has proposed alternative means of achieving the intent of the remaining three recommendations.

For instance, a recommendation directed to the Department of Planning, Industry and Environment was noted because the agency was already taking the recommended action through the Waste and Sustainable Materials Strategy 2041 and the Environment Protection Authority's [EPA] Waste Delivery Plan. In addition, NSW Health noted the recommendation for an epidemiological study, as such a study would not be an appropriate type of investigation, but committed to a more informative study type that would be appropriate. Far from being meaningless, this Government has committed to the re-use of coal ash in construction projects where appropriate and the online publication of monitoring data and environmental baseline studies for each operating power station in New South Wales.

As mentioned, some measures recommended by the inquiry, such as the re-use of coal ash, are already underway through the Government's comprehensive Waste and Sustainable Materials Strategy 2041. This is backed by \$356 million in funding, as well as a commitment to create stronger markets for recycled materials that come from those repositories. Transport for NSW already uses coal ash in its projects and will continue to undertake research that will inform a review of road construction standards. In addition to promoting coal ash re-use, the Government is investing heavily in the decarbonisation of the State's electricity generation capacity. As members will recall, we had a lengthy—if not marathon—debate a year ago to enable us to invest in five renewable energy zones across the State, which will reduce future coal ash exposure.

Notwithstanding the recommendations of the inquiry, the Government already has the necessary legal exemptions in place to allow coal ash to be re-used rather than stored in dams. There are no regulatory barriers to companies wishing to use coal ash products. All of this points to a government that is taking coal ash dams seriously. I have absolute confidence that the EPA, which will track the implementation of the Government response, will ensure that each agency responsible for managing health and environmental risks of coal ash dams remains committed to actioning the recommendations.

The Hon. JOHN GRAHAM (19:58): I thank Ms Abigail Boyd for bringing this issue forward. This is a very serious issue with a real impact on people's lives. The member has spoken strongly to the motion. The Opposition has taken it as quite a reasonable motion, including putting the view of the Central Coast Council on the table. I note with disappointment the Government response. The motion is putting the view not so much of this Chamber but the view of the council asking for help. It is disappointing that the Government has not been able to proceed further on this issue. Many of the people in these areas are families, often working people or retired working people. These are the sorts of communities that sometimes need a bit of help from this place to push these agencies along. That is the truth.

These are not easy issues. The Parliamentary Secretary has referred to a number of these that are marked down as having support or support in principle in the Government response. I think we all know, given the difficulty associated with these issues, that actually getting progress will not be easy. We would love to give this a push in the right direction on behalf of these communities who often need someone to stand up and back them in. So for those reasons, we support it. We encourage the Government to go further as it deals with this issue. We want to see real results for people on the ground.

The Hon. SHAYNE MALLARD (20:00): I speak on this motion as I was a member of the inquiry, along with the Hon. Sam Faraway and—

The Hon. Taylor Martin: Trevor.

The Hon. SHAYNE MALLARD: The Hon. Trevor Khan. Thank you. I do not want to miss anyone. I am on 17 inquiries; it is hard to remember them all. In summary of the inquiry, we found a legacy issue that goes back many governments. So let us not point the finger. We were all appalled at what had been left to the communities concerned and the bandaid solutions. But the Government has responded, and I will go through some of those points. Of the 16 inquiry recommendations from the Public Works Committee report on remediation of coal ash repositories, the whole-of-government response supported nine of them. Four are supported in principle

and three are noted, as my colleague the Parliamentary Secretary pointed out. Let me be very clear about this: In our view, the commitments made in the whole-of-government response to the inquiry will translate into meaningful action. The NSW Environment Protection Authority [EPA] has been given the task of ensuring that all the recommendations supported by the Government are actioned. It is an EPA responsibility.

The inquiry report is broad and covers a range of issues, from government liabilities to effectiveness of current regulation, and some of those issues can and will be addressed by existing government strategies and plans. For example, several of the report's 16 recommendations relate to the re-use of coal ash to create economic opportunities as well as divert ash from landfill, which is something we were keen to see. Specifically, recommendations 8 to 13 and recommendation 15 call for greater re-use of coal ash through greater use in government infrastructure projects and closer partnerships with industry groups. In supporting the inquiry recommendations, this Government supports opportunities for coal ash re-use through the Waste and Sustainable Materials Strategy 2041. The strategy is cited as the Government's primary means of driving resource re-use and will be a key component of the response. The strategy is backed up by \$356 million in funding as well as a commitment to create stronger markets for recycled materials.

I am advised that the EPA has already commenced targeted consultation on the Resource Recovery Framework review, with a specific focus on coal ash. The targeted consultation of government-led procurement of recycled products, including coal ash, is also a key initiative under the Waste and Sustainable Materials Strategy 2041, commenced in August 2021. All local governments have received an invitation from the EPA to participate in the consultation process for the implementation of the strategy. These measures are supported by existing regulatory controls on how coal ash must be handled and stored to protect the health of humans and the environment. This will be further strengthened by the ongoing review of licences to operate coal-fired power stations. There is both real action as well as real pathways for local government input—being the source of this motion—to implement the recommendations of the inquiry. It is for those reasons, and those cited by the Parliamentary Secretary, that the Government opposes the motion.

Ms ABIGAIL BOYD (20:03): In reply: I thank the Hon. Taylor Martin, the Hon. Shayne Mallard and the Hon. John Graham for their comments. I really wish that the response from the Government was as positive as it has been made out to sound. Unfortunately, for example, if we take the \$356 million waste strategy that was referred to and look at that document, there is nothing in there on coal ash. Just saying that because coal ash is waste this therefore covers it is not a response. This is one of those typical government responses that says either that we are already doing all of these things in some other form so you do not need to worry, or that all of these things will be caught by other very general strategy documents that do not actually talk about the thing. I would really love to suspend that doubt and accept that the Government is going to do something about this, but a lot of the comments that were made in the course of the debate give me—

The Hon. Shayne Mallard: Hope.

Ms ABIGAIL BOYD: They cause me concern, not hope as the Hon. Shayne Mallard says. For instance, part of the response from the Government, and as repeated today by the Hon. Taylor Martin, was this concept that we are decarbonising the economy anyway, so soon we will not have coal-fired power stations. That is true. One day in the future we will not have coal-fired power stations. But if members had listened to what I was saying before, and if they were part of the inquiry and understood just how many millions of tonnes of the stuff is currently buried in unlined pits, leaching into groundwater, then they would know that just stopping doing it in the future is not the solution.

In fact, the new coal ash is easier because it comes straight out. It is cleaner and easier to re-use. It is a much easier thing to put into new products, whereas the stuff in places near Wollongong and at Tallawarra is sitting untreated, unlined, uncapped, at the bottom of waterways and leaching into people's backyards. It is very serious and, although I believe that the people on the inquiry heard what was going on and shared the real concerns, I do not think that this Government has heard it, or at least it has not heard it loud enough above the coal companies' and the coal-fired power station operators' calls to have no additional costs put on them. I am not asking the Government to put this cost onto the fossil fuel industry. I am saying that this is a liability that is coming right back to us at the end of the life of these things under their contracts. We need to deal with it now. Those recommendations should have been adopted.

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

The House divided.

Ayes	14
Noes	12
Majority.....	2

AYES

Boyd (teller)
Buttigieg (teller)
Donnelly
Faehrmann
Field

Graham
Houssos
Hurst
Jackson
Moselmane

Pearson
Primrose
Secord
Shoebridge

NOES

Amato
Fang
Franklin (teller)
Khan

Maclaren-Jones
Mallard (teller)
Martin
Mitchell

Nile
Roberts
Tudehope
Ward

PAIRS

D'Adam
Mookhey
Moriarty
Searle
Sharpe
Veitch

Farlow
Cusack
Farraway
Poulos
Harwin
Taylor

Motion agreed to.

*Documents***TEACHER SUPPLY STRATEGY****Production of Documents: Order**

The Hon. COURTNEY HOUSSOS: I move:

That private members' business item No. 1516 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. COURTNEY HOUSSOS (20:18): I move:

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

- (a) all documents specifically related to the development and execution of the teacher supply strategy, including correspondence, drafts, briefings, commissioned research and evidence supporting the initiatives outlined in it, implementation timelines and costs associated with each initiative;
- (b) all reports, briefings, memorandum and correspondence specifically related to teacher workforce supply and demand in New South Wales and other states and territories including coverage ratios, out of field teaching, supply and demand projections over the next decade and future enrolment growth;
- (c) all reports, briefing, memorandum and correspondence specifically related to the future recruitment of teachers, including research related to an Employee Value Proposition and marketing strategies;
- (d) all research, reports, briefing, memorandum and correspondence related to teacher shortages and the decline in the attractiveness of the teaching profession including the causes and ways those problems could be addressed; and
- (e) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This call for papers seeks information around the Government's announcement of a Teacher Supply Strategy. As we have canvassed extensively in this House, including earlier today, we are going to run out of teachers in New South Wales within five years. It is affecting schools now but it is likely to get worse. Even the front page of *The Sydney Morning Herald* today said that more than 100 schools have more temporary and casual teachers than permanent positions. The Government has made an announcement around the Teacher Supply Strategy and we are seeking more information. We want to know exactly what the targets are and how the Government will keep itself accountable because we know that having a qualified teacher in the classroom is the best way to get the best outcomes for our children. It is the single biggest defining factor for the success of a child. With those brief comments, I commend the motion to the House.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (20:19): The Government does not oppose the order for papers. We are happy to be open and transparent about the work we are doing with the Teacher Supply Strategy. I take exception to one thing the honourable member said. We will not run out of teachers because we have a strategy in place for our supply going forward and, most importantly, \$125 million in funding to back it up. As I said, we are happy to be transparent and provide those documents. We do not oppose the motion.

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

Motion agreed to.

CONSTRUCT NSW

Production of Documents: Order

The Hon. COURTNEY HOUSSOS: I move:

That private members' business item No. 1514 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. COURTNEY HOUSSOS (20:21): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2020 in the possession, custody or control of the Minister for Better Regulation and Innovation, the Department of Customer Service, the Office of the NSW Building Commissioner or the NSW Building Commissioner relating to Construct NSW:

- (a) all briefings for the Minister relating to Construct NSW;
- (b) all internal department briefings relating to Construct NSW; and
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I will be brief. The Opposition seeks information around the briefings provided to the Minister for Better Regulation and Innovation on Construct NSW, which forms the basis of the Government's response to the issues faced by the building industry. That reform was announced in January 2020 and the rollout of the strategy is being led by the Office of the NSW Building Commissioner. We know that Construct NSW is focusing on six key areas of reform: regulation, ratings, lifting skills and capabilities, strengthening contracts and standards, digital tools, and data and research.

We are particularly interested in how the Government will roll that out. The strategy is set out to provide regulation and restore consumer confidence in residential apartment buildings. The progress of the program has been incredibly slow and we would like to know what the Government and the Minister have been told about that. It is important that, in particular, we seek more information around the rating system, the way the digital tools will be rolled out and what the Government's response will be on regulation. We are seeking detail about how it will be implemented and rolled out, and how the Government plans to overhaul the building and construction industry in New South Wales. I commend the motion to the House.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (20:22): It is an interesting motion. The Minister has already introduced a number of bills to Parliament in relation to the issues outlined in the motion. There have been amendments to the Act and numerous briefings have been available from the Government on issues that are the subject of the motion. The Minister has instructed me to say that he is happy to meet with the Hon. Courtney Houssos, the shadow Minister, anytime she would like a briefing on any issue. The Government has absolutely nothing to hide and welcomes bipartisan support for building reform because all members in this place have an interest in making sure that consumers of building products are getting the best building product available.

The Minister's approach is that briefings are available on a regular basis and he welcomes an opportunity to meet with the shadow Minister to answer whatever questions necessary, with supporting documentation, so that she can have an understanding of the Government's commitment to delivering those reforms. I am told that none of the documents have been sought in correspondence or in writing prior to the motion being moved. Generally, my approach is to say to the shadow Minister that I respect her passion for her role in protecting consumers, and the Minister's door is always open and he is available. A number of meetings on building reform have been held with Mr David Shoebridge. He is not necessarily the Government's biggest cheerleader, but the Minister has made himself available for briefings on the work of the Building Commissioner. The Opposition has moved a motion under Standing Order 52 when another way probably would have been much more productive in achieving the desired outcome.

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

Motion agreed to.

DISQUALIFICATIONS FROM GREYHOUND RACING

Production of Documents: Order

The Hon. MARK BANASIAK: On behalf of the Hon. Robert Borsak: I move:

That private members' business item No. 1332 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK BANASIAK (20:27): On behalf of the Hon. Robert Borsak: I move:

That, under standing order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution all documents and correspondence created since 27 July 2021 in the possession, custody or control of the Department of Better Regulation and Innovation and the Greyhound Welfare and Integrity Commission relating to the disqualification of Mr Glen McKinley from greyhound racing for 19 weeks due to COVID-19-related breaches, and any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Mr Glen McKinley is a former New Zealand Group 1 winning thoroughbred trainer who has owned 45 greyhounds placed around the country. Up until this year he had a clean record in the industry. This year Mr McKinley was charged by the Greyhound Welfare and Integrity Commission [GWIC] with three offences relating to the failure to obtain a Service NSW travel permit. Mr McKinley has been sidelined for 19 weeks and GWIC has suspended Mr McKinley's dogs from racing, which has resulted in him selling 29 of his 45 greyhounds. In his words, he is an emotional wreck.

This Standing Order 52 motion is in order because the severity of those decisions by GWIC do not adequately match the offence. GWIC has justified its actions by saying Mr McKinley's conduct demonstrated a serious failure to adhere to protocols, despite his good record over a long time in the industry. How can an offence relating to a health order for COVID-19 result in such severe and unbalanced rulings? We need to see how that ruling by GWIC was decided to ensure that it does not happen again. I commend the motion to the House.

Mr DAVID SHOEBRIDGE (20:29): The Greens support the call for papers under Standing Order 52, but in doing that we are not prejudging the outcome. Our commitment to transparency sees us support the motion.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (20:29): The Government also does not oppose the call for papers under Standing Order 52.

The Hon. COURTNEY HOUSSOS (20:29): I indicate that the Labor Opposition also supports the call for papers. I had a discussion with the Hon. Robert Borsak earlier today, and he outlined why he is seeking the information. It is important that he is given the opportunity to obtain the information. We support an independent regulator in the greyhound racing industry, but that does not mean that it is without scrutiny. We also support the call for papers.

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

Motion agreed to.

Motions

DIWALI

The Hon. LOU AMATO: I move:

That private members' business item No. 1437 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. LOU AMATO (20:31): I move:

(1) That this House notes that:

- (a) Diwali is celebrated from 2 November 2021 to 6 November 2021 with the most important day being the third day of celebrations;
- (b) Diwali is known as the festival of light;
- (c) Diwali is celebrated across various faiths, including: Hindus, Jains, Sikhs and Newar Buddhists; and
- (d) Parliament House was lit on 4 November 2021 to celebrate Diwali, and the Sydney Opera House sails were lit on 8 November 2021.

(2) That this House acknowledges that:

- (a) for Hindus, Diwali celebrates the return of deities Rama and Sita to Ayodhya after their 14-year exile;
- (b) for Sikhs, Diwali celebrates sixth Guru, who serves as a source of inspiration and a symbol for freedom;
- (c) for Newar Buddhists, practised by the Newar people of Kathmandu Valley in Nepal, Diwali celebrates the worshipping of Lakshmi, the goddess of wealth and fortune; and
- (d) for Jains, Diwali celebrates the day when the last of the Jain Tirthankaras, Lord Mahavira, attained Nirvana.

Diwali's central message is of triumph—of the victory of light over darkness and good over evil. Diwali was celebrated from 2 November 2021 to 6 November 2021, with the most important day being the third day of celebrations. Diwali signifies regeneration, renewal and the start of the Hindu New Year. There were more than 210,000 people of Indian ancestry living in New South Wales according to the 2016 census, and for the majority of them Diwali is the most important event in their cultural calendar. This wonderful festival is celebrated by people of Indian ancestry all over the world, and this November was the first chance many families had to spend precious time with their loved ones since the start of the COVID-19 pandemic.

The New South Wales Government celebrated with Indian and multicultural media as the sails of the Sydney Opera House were lit in gold to symbolise the ceremonial lamps lit during Diwali. This is a fitting opportunity to thank Australia's Indian and South Asian communities for their exceptional uptake of vaccinations and their care and compassion for the most vulnerable during the pandemic. Indian and multicultural media have played a critical role in sharing key health messages and encouraging our exceptional vaccination rates. By making videos to share in language, people encouraged each other to get the jab while bringing colour, music and a smile to many people's faces.

The role of multicultural media during the pandemic has been more significant than ever. With many media outlets struggling to remain viable, largely due to a fall in advertising revenue, the New South Wales Government was on hand to provide \$2 million to 74 multicultural media outlets including several that service Indian subcontinental communities. Grants of up to \$50,000 were provided to support media outlets, to ensure the sustainability of the multicultural media sector and to help get the message out about staying safe. Diwali's central message offers hope and renewal after a challenging year for many of us. The legends associated with the festival offer assurance that good will triumph over evil and light will overcome the darkness.

So many stories have emerged of the compassion and kindness that our communities displayed during the COVID pandemic. Countless volunteers belonging to many grassroots associations packed up food parcels and tasty meals; helped people get testing and vaccine appointments; supported them with financial assistance to cover rent, transport and mobile phones; and ensured that senior citizens in particular stayed connected. Many of our skilled Indian migrants have been working tirelessly in health care, at the front line of caring for people needing hospitalisation to save their lives. Their experience and compassion have been a lifeline for many sick and elderly patients across Australia. Diwali is a fitting time to thank them for their achievements over the past year. It is wonderful that the Diwali festival is supported by people of many backgrounds in Australia. The New South Wales Government is proud to celebrate and support such an amazing family festival.

The Hon. MARK BUTTIGIEG (20:34): Labor proudly supports the motion from the Hon. Lou Amato. Diwali, the festival of lights, is proudly celebrated by over a billion people around the world annually. The wonderful occasion is observed by people of many faiths including Hindus, Sikhs, Jains and Newar Buddhists across the globe. It is always a very important time for communities here in our State. It was fantastic that people were able to come together to decorate their homes with flowers and lights and to happily celebrate with friends and family this year in New South Wales, especially after we had not been able to gather for celebrations during the peak of the pandemic.

It was also amazing that our Parliament was lit up on 4 November and that the iconic Sydney Opera House sails were illuminated in yellow and gold on 8 November to celebrate the momentous occasion. Diwali is very significant and sends a powerful message. It celebrates freedom and the triumph of light over darkness, good over evil and happiness over sorrow, as well as the renewed hope of a brighter future. The diyas, the lights of the festival that we saw light up Sydney to mark the occasion, are a symbol of that triumph. It takes on an even more special meaning at this time as we emerge from a very dark and tough year into what we all hope is a much more light and joyous time. The values of Diwali are important to celebrate every day. I extend my best wishes to all who celebrated and thank the Hon. Lou Amato for moving the motion.

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (20:36): I also thank the Hon. Lou Amato for moving the motion and for his interest in this important area. I support the motion. It was a great pleasure and privilege to join the Premier and multicultural media to watch the sails of the Sydney Opera House lit in gold to celebrate Diwali on 8 November this year. The five-day festival of Diwali was celebrated earlier this month, with 4 November 2021 being the third day of the festival and the main day of celebrations. Diwali is celebrated across various faiths, including Hindus, Jains, Sikhs and Newar Buddhists. It

signifies regeneration, renewal and the start of the Hindu New Year. We know that the COVID-19 pandemic has had a deep impact on our ability to celebrate and acknowledge religious and cultural traditions throughout this year, so it was amazing to be able to finally celebrate Diwali in Sydney, even though it was somewhat scaled back and reduced, and share this special moment with our Indian and subcontinental communities.

Diwali's central message is of triumph, of the victory of light over darkness and good over evil. They are great messages, particularly at this time. It is a universal message of hope and new life, something that we all look forward to after the difficult year many families have endured, with loved ones far away due to closed international borders. Diwali this year was a true celebration with families and friends. Diwali's powerful message reverberates not just across Sydney but also across our State, Australia and the globe. It is a real pleasure to see people of all backgrounds acknowledge and celebrate Diwali together. Diwali is a chance to spend precious time with loved ones sharing festive food and enjoying age-old traditions, including lighting the ceremonial lamps called diyas.

One thing that unites the global celebrations of Diwali is its message of hope, joy and peace. It signifies the renewal of life, new hope for humanity and new beginnings as the lamps light our paths into the future. It is a chance to thank the Indian and South Asian communities for their caring and compassion and for sharing vital health messages during the pandemic. I appreciated the opportunity to walk alongside those communities. I thank them for translating the messages to ensure that they went out in language to every corner. I thank the many community organisations that have been working tirelessly to support their communities during this challenging period. I especially thank the Indian and South Asian communities in New South Wales for leading the way in the State's vaccination rates. I support the motion and commend it to the House.

Mr DAVID SHOEBRIDGE (20:39): On behalf of The Greens I support this motion and thank the Hon. Lou Amato for moving it. Diwali is the festival of lights. It literally means "a row of lighted lamps". This year it coincided with the lifting of the lockdown in Sydney, and it was a great time to celebrate the concept of the triumph of light over dark and good over evil. The Greens wish the entire community, but particularly the Indian diaspora, a very happy Diwali. I note that the Sikh community celebrates Diwali. It is at this time that the Sikh community comes together with family and friends to commemorate the return of the sixth Guru Hargobind and his escape from imprisonment and those he brought with him. For the Sikh community, it also symbolises concepts of understanding and the achievement of common goals. The Greens wish everyone a happy Diwali. Let us celebrate the triumph of light over dark and, in the spirit of Diwali, let us work together to achieve peace.

The Hon. SHAYNE MALLARD (20:41): I support enthusiastically the motion moved by the Hon. Lou Amato and thank him for bringing it to the attention of the House. Observed by Hindus, Sikhs, Jains and some Buddhists, the Diwali festival celebrates the triumph of good over evil and knowledge over ignorance. The Diwali festival is important to people of Indian background around the world and brings together Indian communities, wherever they may be. As a western Sydney boy, and the Parliamentary Secretary responsible for the aerotropolis, I highlight the important contribution of the Indian community around western Sydney, particularly the Indian community of the Liverpool local government area [LGA], which will include the Western Sydney (Nancy-Bird Walton) International Airport and surrounding aerotropolis.

As of the 2016 census, the Liverpool LGA was home to 13,238 people with Indian ancestry, making up 5.2 per cent of the LGA's total population. It is growing fast. This number has no doubt grown in size as the Indian community continues to grow and contribute to the Australian multicultural experience at Liverpool, which I have spoken about recently regarding Afghan refugees. I was pleased to work there for the mayor, working very closely with Melanie Gibbons, the member for Holsworthy, with the Indian diaspora that is located in the Liverpool region. I attended many festivals with her, including Diwali and Bollywood festivals and events. I have mentioned George Street, Liverpool, before in the House. Aside from its amazing variety of food, it is the capital in the South Pacific for saris. The last time I counted, there were about 40 shops selling saris there. You can buy one for \$2 or for \$20,000. The whole range is there, and a lot of people from India that come to Australia go straight to George Street to pick up a sari.

The Indian community of Liverpool will play a significant role in engaging with the growing aerotropolis when Sydney's first 24/7 international airport opens in 2026. This festival will be a big part of that airport's activity. Flights to and from India are expected to play an important role in boosting tourism in western Sydney. Research undertaken around the airport's usage indicated that tourism from the Indian subcontinent will be the largest cohort using the airport—replacing other groups, including the Chinese—and that the Indian diaspora was very much going to engage with the airport for their travel needs. Like others in the Liverpool LGA, the Indian community of the area did it tough during COVID-19, particularly during the recent Delta strain lockdowns. As the Hon. Lou Amato said, they embraced with great vigour the call to vaccinate, too aware of the devastation being wrought by COVID in their home country. It is pleasing to be in a position today where the celebration of Diwali can go ahead in person, subject to COVID-safe practices, and that we can celebrate light triumphing over darkness.

The Hon. LOU AMATO (20:44): In reply: I thank the Hon. Mark Buttigieg, the Hon. Natalie Ward, Mr David Shoebridge and the Hon. Shayne Mallard for contributing to debate on this wonderful motion. I commend the motion to the House.

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

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. MARK BUTTIGIEG: On behalf of the Hon. Adam Searle: I move:

That private members' business item No. 971 outside the order of precedence be postponed to a later hour.

Motion agreed to.

The Hon. MARK BUTTIGIEG: On behalf of the Hon. Adam Searle: I move:

That private members' business item No. 1468 outside the order of precedence be postponed to a later hour.

Motion agreed to.

The Hon. COURTNEY HOUSSOS: I move:

That private members' business item No. 1394 outside the order of precedence be postponed to a later hour.

Motion agreed to.

The Hon. MARK BUTTIGIEG: On behalf of Ms Cate Faehrmann: I move:

That private members' business item No. 254 outside the order of precedence be postponed to a later hour.

Motion agreed to.

Bills

COMPANION ANIMALS AMENDMENT (REHOMING ANIMALS) BILL 2021

Second Reading Debate

Debate resumed from 10 November 2021.

The Hon. COURTNEY HOUSSOS (20:48): I lead for the Opposition on the Companion Animals Amendment (Rehoming Animals) Bill 2021. I welcome the bill, which was introduced by the Hon. Emma Hurst. The Opposition does not oppose the bill, as it will not stand in the way of legislation that, at its core, has animal welfare as a paramount consideration. This is a bill that strikes the appropriate balance between the educative and regulatory responsibilities of councils to companion animals and the welfare of animals that are at risk of being killed in pounds. It introduces stronger safeguards to ensure that councils take a more proactive role to rehome animals before destroying a seized or surrendered animal. The bill was introduced in response to the high number of homeless dogs and cats that are killed each year in New South Wales and is intended to cover situations where animals have been euthanised despite having a loving home available to them. In essence, the bill amends the Companion Animals Act 1998 to set out actions a council must take towards rehoming a seized or surrendered animal if it is considering killing the animal.

First, the bill provides that a council must take reasonable steps to advertise the animal for rehoming. Secondly, the council must reach out in writing to at least two rehoming organisations to see if they are interested in taking and rehoming the animal. Thirdly, the council must allow the rehoming organisation at least seven days to accept the invitation and to make arrangements to transfer the animal. Finally, in the event that an animal is killed, the bill requires the council to keep records of the steps it took to try to rehome the animal. It is important to note that an exemption to the regime exists where a vet practitioner determines that an animal is so severely injured or diseased or in such a physical condition that it is cruel to keep it alive. The exemption is intended to deal with emergency scenarios where it would be impractical to meet the strict guidelines.

The bill reflects contemporary community expectations of standards for the treatment of animals. It acts as a deterrent against unnecessary pound killings, ensuring that the destruction of animals is the absolute last resort. It will ensure that no dog or cat is killed without being given the chance to be saved by a rescue group. Labor has consulted Local Government NSW and the United Services Union on the bill. Local Government NSW noted that it is committed to animal welfare rights and supports the measures on the basis that the changes proposed by the bill are "straightforward and reasonable, and the additional notification and record keeping requirements for councils are not onerous". Accordingly, the Opposition will not be opposing the passage of the bill in the House.

The measures introduced in the bill are sensible, necessitated by community expectations and supported by the very councils that will have the primary responsibility for ensuring that the safeguards are followed.

Ms ABIGAIL BOYD (20:51): On behalf of The Greens, I support the Companion Animals Amendment (Rehoming Animals) Bill 2021, which seeks to amend the Companion Animals Act 1998 to require councils to take additional action before an animal can be euthanised. A council must attempt to rehome a seized or surrendered healthy or treatable animal by approaching at least two rehoming organisations. The Greens believe the bill is a largely uncontroversial first step in an urgently needed complete overhaul of New South Wales' broken pound and shelter system. I sincerely thank the Hon. Emma Hurst for introducing the bill to begin that process. I note that the Department of Primary Industries is currently overseeing the first review in four decades of New South Wales' animal welfare and protection legislative framework, but I also recognise that the review is long behind its original schedule and that animals are being needlessly euthanised in our pounds every day. Therefore, it is appropriate to make this small change to the current framework now and to save lives while the review is ongoing.

The tragic and preventable killing of 15 dogs in a regional council pound in August of this year exposed just how necessary pound and shelter reform is. Our animal shelter system is deeply broken. Now that no member in this place can deny knowing that, the plight of impounded animals must be an ongoing focus of this Parliament. In spite of the Government's rhetoric, the welfare outcomes of the tens of thousands of animals that have passed through and so often died inside our pounds over the past few decades have been continually overlooked and de-prioritised by successive New South Wales governments and Ministers. However, if we pass the bill today we must also recognise that fixing our pounds will require a holistic overhaul of legislation and oversight mechanisms, greatly improved support and funding for local councils from the State Government, and significant financial and social investment in education programs.

I acknowledge that the killing by shooting of those 15 dogs and puppies was brought to light by animal welfare activists. In particular, I thank Animal Liberation not only for its work in exposing this incident but also for its effective and committed work with Bourke Shire Council and other councils since then. Bourke council has ceased euthanising impounded animals by shooting and has confirmed that all future euthanasia will be undertaken by a licensed veterinary practitioner or a trained and competent person. As with all social progress, we owe that step forward to people who care taking action. Advocates, activists and concerned members of the public continue to expose and act to end appalling conditions, abhorrent animal suffering and complete disregard for the welfare and rights of impounded animals. I note also that animal activists working in the pound space have been calling for years for substantial audits. The Minister for Local Government committed to that when I questioned her during the most recent budget estimates hearings in the wake of the Bourke shooting scandal.

Council pounds are essential public services and must be treated as such. For years activists and advocates have been calling for the introduction of meaningful legal protections, improved regulatory oversight, financial and best practice policy support from the New South Wales Government for councils running pounds, and public transparency and accountability. However, because they are under-resourced, under-regulated and de-prioritised, many council pounds are run-down, do not meet basic welfare standards and do not allow any public access. In contrast, private shelters and volunteer rescue and rehoming organisations, none of which receive public funding, do much of the heavy lifting and continue to achieve the greatest success in saving lives, rather than taking them. The bill recognises that by requiring council pounds to allow animal rescuers to take animals off their hands when they would otherwise be killed. In Victoria and Western Australia [WA], the important role played by private and volunteer rescuers is recognised. Annual grants are available to support their crucial work. New South Wales must follow the lead of Victoria and WA by introducing grant schemes to support those dedicated individuals and organisations in continuing their vital, life-saving work in our communities.

In the interests of engaging with the ongoing animal welfare reform review and noting that the Companion Animals Act will soon be overhauled, I provide the following comments on the specifics of the bill and its intent, which The Greens would hope to see incorporated into any new legislation. Firstly, we believe legislation should recognise the same rights to rescue for all species and that those protections should not be determined by the place of impounding. Animals impounded in shelters managed by the RSPCA and the Animal Welfare League NSW and those that are not classed as companion animals but are impounded nonetheless, are deserving of equal protections. However, I recognise that the ability to make those changes does not exist under the current legislative framework.

Secondly, the requirement for an impounding facility to take reasonable steps to advertise the animal as available for rehoming should be clarified in regulations to specify the necessary steps to avoid any ambiguity. Thirdly, transparency demands that the records that an impounding facility must compile and retain regarding action taken before destroying an animal should be made publicly available and reported on annually by the Office of Local Government. Finally, The Greens would like to see that in any instance where an impounded animal is

in need of immediate or urgent care and the impounding facility cannot or will not provide that care, the animal must be released to a rehoming organisation under an immediate duty of care rather than being destroyed. Similarly, the method of disposal is a key consideration. We must legislate acceptable methods of euthanasia to ensure impounded animals are never again shot.

I put on the record The Greens' endorsement of Animal Liberation's 15-point plan to reform the New South Wales pound and shelter system, which calls on the New South Wales Government to implement a number of recommendations. There are about 15 in all. In the interests of time, I will not list them now, but they are publicly available. I would hope that the Government has gone to the trouble of reading the Animal Liberation's demands. They were formulated after a considerable amount of work to identify the holes where reform is needed. The welfare of animals in our pounds should not be a partisan issue. The Greens look forward to continuing to work with the Hon. Emma Hurst, the Government, the Opposition and, most importantly, the dedicated animal activists and advocates to reform animal pounds and shelters in line with progressive animal welfare practices and the very clear expectations of the public.

Reverend the Hon. FRED NILE (20:58): On behalf of the Christian Democratic Party, I support the Companion Animals Amendment (Rehoming Animals) Bill 2021. I thank the Hon. Emma Hurst for her zealous efforts on behalf of companion animals and acknowledge her many successes. I am pleased to support the bill and will be voting for it.

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (20:58): I speak on behalf of the Government to oppose the Companion Animals Amendment (Rehoming Animals) Bill 2021, but I thank the Hon. Emma Hurst for her ongoing advocacy in this area and for bringing the bill to the House. Of course, the Government understands the importance of pets to families and to many people across New South Wales. As a pet owner myself, I am well aware of the joy that a pet brings. The Government is determined to ensure that animals are well looked after throughout their lives. There is a clear expectation that all people and organisations responsible for keeping animals, including pounds and shelters, comply with animal welfare standards set under New South Wales legislation.

There is a perception in the community that council pounds are responsible for an unacceptably high euthanasia rate. Ultimately though, responsibility also lies with breeders undertaking responsible breeding practices and pet owners taking responsibility for identifying, registering and desexing their pets. Responsible pet ownership reduces the burden on pounds and shelters by ensuring fewer animals are lost or abandoned or are required to be seized after an incident. The Government works closely with local councils and animal welfare organisations to reduce euthanasia rates in pounds and shelters across the State and to promote responsible pet ownership. I take this opportunity to recognise the valuable work that pounds, shelters, rehoming organisations and rescue groups do to find new homes for unwanted pets. I am pleased to say that this hard work has resulted in a decrease in the number of animals euthanised by 45 per cent for dogs and 26 per cent for cats in 2019-20 compared with 2015-16.

I know that New South Wales councils go to extraordinary lengths to find forever homes for the unwanted cats and dogs that end up in their care. In my respectful submission, the prescriptive nature of this bill—hand-holding councils through the rehoming process—is disrespectful to the hard work that those pound staff perform each and every day. In her second reading speech the Hon. Emma Hurst characterised the distressing incident at Bourke Shire Council as "convenience killing" and called the actions of council staff "callous" and "brutal". Let me say at the outset that, like everyone, I found it distressing to hear about the situation at Bourke. However, there is no need to add to the awful predicament that council staff found themselves in by calling into question their character and professionalism. I understand that the council decided to take the course of action it did to protect its employees and its community, including its vulnerable Aboriginal population, from the risk of COVID-19 transmission. That was a very real threat and placed staff in a heartbreaking situation that none of us would want to be in.

While public health orders in force at the time of the incident may not have explicitly prevented the rehoming of the dogs in question, council was aware of the risk to its community and took the decision it made in order to protect its community. Council simply acted in the community's best interest at a time when COVID-19 was spreading rapidly throughout the region. There is nothing illegal about that. Rather, it serves as a stark reminder of the unprecedented challenges and incredibly difficult decisions councils have faced during the pandemic. Despite the best efforts of councils, sadly, there are still cats and dogs that are not able to be rehomed, which is why the Government continues to examine ways in which it can improve the regulatory framework governing rehoming practices in New South Wales. Rehoming practices are constantly evolving and we need to ensure our regulatory framework continues to be fit for purpose.

To that end, my colleague the Minister for Local Government recently announced a comprehensive review of companion animal rehoming practices in New South Wales. The comprehensive review will be carried out by

the Office of Local Government in consultation with key companion animal stakeholders and animal welfare organisations, and the Minister for Local Government's Responsible Pet Ownership Reference Group. A detailed study will be undertaken with metropolitan, regional and rural councils and rehoming organisations to collect and analyse more information and data to better understand euthanasia rates and trends. The review will examine breeding, desexing and rehoming practices and their impacts on euthanasia rates. It will also look at ways to reduce euthanasia rates, including any need for legislative reform, improvements to impounding processes and better data collection. The review will provide us with a solid evidence base to make any changes necessary to boost the rehoming rate of pet cats and dogs.

In contrast, the amendments in the bill lack any clear evidence base and fail to demonstrate that they would actually improve rehoming outcomes. The amendments proposed in the bill would pre-empt the outcomes of the Government's review. In addition, the bill has not been subject to any public consultation, including with local councils, and it is local councils that will bear the brunt of additional regulatory burden. As I said earlier, the Government works in close partnership with councils and animal welfare organisations to improve rehoming rates. A 45 per cent reduction in the number of dogs euthanised over the past five years is a significant achievement, and the Government is committed to doing more to reduce that rate even further. Pet owners can now register their cats and dogs through the online NSW Pet Registry, launched in 2016. That has made it much easier for pet owners to keep their pet records up to date online, helping to get lost pets home safely.

The Government has also incentivised "Adopt, Don't Shop". From 2015 the Government has funded half-price registration for pets adopted from pounds and shelters. In 2018 this subsidy was extended to animals adopted from approved rehoming organisations. Furthermore, from 1 July 2021 the Government made registration of these animals completely free. This will help to ensure cats and dogs that are not reclaimed by their owners are more quickly adopted by new families. When annual permits for cats that are not desexed by four months of age came into effect, the Government reduced cat registration fees from 1 July 2020. That has created a stronger incentive for owners to register and desex their cats, and encouraged prospective new owners to adopt cats from pounds and shelters.

The Government is providing more than \$5.8 million from the Companion Animals Fund to 128 local councils this financial year alone for companion animal management, including pounds and shelters, ranger services, dog recreation areas, and education and awareness programs. The New South Wales Government has provided more than \$60 million from the Companion Animals Fund to the 128 local councils since 2011. More specifically, as at 30 June 2021, the Government has provided \$2.02 million in subsidised registration fees for 73,546 pets purchased from rehoming organisations. The Government encourages councils to work with rehoming organisations and community volunteers to care for animals while they are awaiting a new home. This improves the likelihood of successful rehoming.

On 4 May 2020, in response to the COVID-19 pandemic, the Government delivered an additional \$512,000 to all council-run pounds across the State to ensure they continued to run effectively while maintaining the welfare standards of the animals in their care. Supporting this bill and its untested amendments would impose an additional regulatory burden on councils without any evidence that doing so will improve rehoming rates. Councils already have a statutory obligation to consider the rehoming of animals and to take that course of action wherever practicable. With the announcement of its comprehensive review of rehoming, the Government has a clear and consultative process in place to examine ways to improve rehoming practices. The amendments proposed in the bill pre-empt the outcomes of the review. The Government recommends the development and implementation of improvements in partnership with its key stakeholders. It is for these reasons that the Government opposes the bill.

The Hon. EMMA HURST (21:07): In reply: I thank all members who have participated in this debate—the Hon. Courtney Houssos, Ms Abigail Boyd, Reverend the Hon. Fred Nile and the Hon. Natalie Ward. This is a sensible, straightforward bill that will save the lives of animals in pounds. I believe that by requiring council pounds to work with animal rescue groups we can significantly reduce the rate of convenience killing in council pounds, which at the moment is still far too high and involves thousands of animals. The bill should be uncontroversial, so it is disappointing that the Government will not be supporting it. While I acknowledge that the Minister's comments about reduced euthanasia numbers are true, that is because pounds are doing really good work in this space already. But the feedback that I have had about the bill has been overwhelmingly positive. For example, Local Government NSW wrote to me to say:

The changes proposed by the bill are straightforward and reasonable, and the additional notification and record-keeping requirements for councils are not onerous.

Within the NSW Parliamentary Friends of Animals group, we established a Pound Reform Working Group involving many pounds and every single one of them supported this change. That is because the changes are inherently sensible. They are not onerous and they will not create additional work for most councils. Most councils

are already doing the right thing and working closely with rehoming organisations to find stray animals new and loving homes. There are a small number of councils that are not doing that, and that is what this bill will capture. It does not go far enough. There is a lot of work to be done in this space, but this is one thing that I think we need to do urgently, given the situation that happened recently. The bill will create the opportunity for rehoming groups to save animals from death row where they might have otherwise been locked out. Nobody wants to see a hideous situation like the one that occurred at Bourke Shire Council happen again. I urge members to support the bill.

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

The House divided.

Ayes 16
Noes 11
Majority..... 5

AYES

Boyd
Buttigieg (teller)
Donnelly
Faehrmann
Field
Graham

Houssos
Hurst (teller)
Jackson
Moselmane
Nile

Pearson
Primrose
Roberts
Secord
Shoebridge

NOES

Amato
Banasiak
Fang
Franklin

Khan
Maclaren-Jones
Mallard (teller)
Martin (teller)

Mitchell
Tudehope
Ward

PAIRS

D'Adam
Mookhey
Moriarty
Searle
Sharpe
Veitch

Poulos
Farlow
Farraway
Cusack
Taylor
Harwin

Motion agreed to.

Third Reading

The Hon. EMMA HURST: I move:

That this bill be now read a third time.

Motion agreed to.

GOVERNMENT GRANTS ADMINISTRATION BILL 2021

First Reading

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

Second Reading Speech

The Hon. JOHN GRAHAM (21:23): I move:

That this bill be now read a second time.

I introduce the Government Grants Administration Bill 2021, which establishes a legislative framework for the awarding of grants that has a much higher standard of transparency than currently exists. If passed, the bill will apply to this Government and to future governments. The principles outlined establish a higher standard, which a future Labor government will also be held to. The bill deals with a host of problems. This Government has devalued the election promise. We learnt this week that for every three election commitments this Government makes, only one is likely to be delivered. Each promise should represent a contract between a voter and the voter's

elected Government. More than half of those contracts will be broken. If this were a business, you would send in the debt collectors.

Bad grants programs are economically damaging. During the surf-and-turf scandal, agricultural businesspeople in New South Wales lived in fear of government Ministers leaping out of nearby bushes and holding large novelty cheques for their competitors, leaving them at a sudden business disadvantage through no fault of their own. The fault lay with the Government's cavalier disregard for its own competitive neutrality principles. Many bad grants programs represent poor uses of public money. Hunter's Hill Council described having to pave a suburban park "with gold", so large was one grant for a small local park. As we now know, one grant to the Riverina Conservatorium of Music was for more money than was granted to all the other regional conservatoria together. The \$90 million Hornsby Quarry grant that Matt Kean argued so persuasively for was bigger than the funding to all the parklands across Sydney. The opportunity cost of these decisions—that is, what does not happen—is the real offence.

We have seen boundary manipulation, with Newcastle and Wollongong systematically excluded from grant schemes that covered both the city and the bush but neither of those regional cities. They fell into a grants black hole, where merit had no meaning and no funding was available. We have seen breaking of the law in the highest political office in New South Wales, the Premier's office, as key decision-making documents relating to grants were shredded and the backup records were deleted. The months-long cover-up of this activity was finally exposed by the Parliament.

The Opposition places this bill in front of the Parliament as a potential future government. We outline the principles we would apply to the giving of grants in government. We believe that New South Wales can do better. For Labor, this is not just the standard we hope to hold the Government to. This is the standard we would hold ourselves to in government. We defend the right of elected Ministers to make decisions and to overrule departments. There are times when that is in the public interest. However, we say that when that happens, it should be done in writing and with reasons provided. If it cannot be done in writing and justified by reasons and is not in the public interest, it should not happen.

We do not accept a culture where Ministers feel they have grant-giving powers like a god. We do not accept that the public purse and political interests should be inseparable. We do not accept a culture in which Ministers sweep into town like minor potentates, trailing clouds of gifts and grants in order to win favour, and followed by strings of officials and modern-day scribes, whose only role is to record the promises of elected officials. This poor grants culture is corrosive to trust and economically damaging. We believe that New South Wales can do better. The bill addresses many of the strong findings and recommendations of the Public Accountability Committee report entitled *Integrity, efficacy and value for money of NSW Government grant programs*, dated March this year. Once again I recognise the members of that committee and the work they have done on this and other issues and also the committee secretariat of that committee.

The bill is urgent and all the more necessary because of the current Government's repeated failures to hold to a high standard of transparency around grants. In recent weeks and months, we have seen the Government's "nothing to see here" defences crumble. We have seen it in the revelations about the \$252 million Stronger Country Communities Fund, from which 95 per cent of grants went to councils in Coalition or marginal electorates. We have heard about the administration of grants relating to Service NSW, the subject of major outbreaks of fraud. Last week we heard of another one. Previously they have involved outlaw motorcycle gangs, originally in Lake Macquarie, taking advantage of a lack of systems that should be in place.

Grants to the Clay Target Association and the Riverina Conservatorium of Music played out live at ICAC are issues that have been pursued in Parliament, pursued in this Chamber, pursued by many members here. Repeatedly we were told, "There's no problem here. There's no issue." Last week I talked about the Department of Regional NSW, a grant-giving machine on a scale we have not seen before in New South Wales. There is a role for government grants, but they must be administered properly. It is worth taking note of the ICAC submission to the Public Accountability Committee inquiry. ICAC was helpful in providing its insights as to what can go wrong in grants administration, based on its experience. On pages 13 to 14, its submission to the inquiry states:

Based on the Commission's information holdings, complaint handling experience and corruption prevention work, the following probity issues can arise in a grants scheme:

- absence of an open, public application process, so that the grant has the appearance of a direct negotiation between the recipient and government
- no eligibility or selection criteria, which might include absence of an evaluation methodology and weightings, or criteria that are vague or highly subjective
- evaluation methodology that is incompatible with the stated eligibility and selection criteria
- misapplication of eligibility and selection criteria

- applicants missing out on funding despite being ranked above other applicants that were successful
- eligibility and selection criteria that are so strict that they unreasonably or deliberately narrow the field of potential recipients to a very small number
- a public official having an undisclosed conflict of interest, such as a personal relationship with a grant applicant
- applicants receiving grants after originally being excluded on the basis of ineligibility
- applicants receiving grants without having submitted an application, or after submitting a late application
- applicants receiving more funding than is requested or required
- applicants being funded to produce outcomes that are incompatible with their delivery and governance capabilities
- funding being made to an entity outside the bounds of any accepted grants scheme, such as a grant that appears to be a one-off ex gratia payment
- scheme conditions containing inadequate provisions requiring grant recipients to acquit the use of funds.

While the Commission would not necessarily expect very small, one-off grants to be the subject of detailed procedural requirements, any established grants scheme should be administered so that the risk of these probity issues is minimised.

That is very good advice from the Independent Commission Against Corruption. Members will spot in those suggestions about what might go wrong some things that have gone wrong in these grants schemes. Apart from the impropriety, one of the most painful aspects of this Government's grants administration failures is the waste of human resources. Genuine people, community groups toiling hard to put their applications together, work up worthy submissions that are ultimately destined to go nowhere. ICAC described it thus on page 9 of its submission:

Most grant schemes require applicants to make detailed submissions addressing pre-determined selection criteria. Community members, many of them working on a volunteer basis, spend many hours preparing their application to be awarded a government grant.

I will quote finally an important section of that ICAC submission that relates to this topic. Depending on the specific circumstances, the following conduct is capable of amounting to a breach of public trust. These are the circumstances which ICAC said would trigger a very serious situation where it felt the line had been crossed in the test of a breach of public trust:

- Designing eligibility and selection criteria for the purpose of favouring a particular applicant, at the expense of the public interest.
- Intentionally misapplying, or directing a public servant to intentionally misapply, nominated selection criteria (including a direction to give preference to an ineligible grant application).
- Encouraging a public official to create false or incomplete records or to conceal the involvement of an elected official, or any other wilful suppression of information about a grants scheme (for example, by interfering in a response to an application made under the *Government Information (Public Access) Act 2009*).
- If the minister is not the appointed decision-maker, directing or urging a public servant to make a decision preferred by the minister.
- A deliberate failure to act on reasonably suspected, or substantiated fraud, misappropriation or misuse of grant funds.
- Action that leads to an unsuccessful applicant being provided with false information about why it was not awarded a grant.

Those are the red lights, those are the red flags that ICAC suggests, based on its experience, either of the complaints that are referred to it or of the matters that have come before it where it says could well amount to a substantial breach of public trust. Those are issues that we have seen arise in New South Wales in recent years as we have turned to look at these grant programs. I now outline six principles that the Opposition believes should provide a framework for transparency in grant making. These principles align with the Public Accountability Committee report and indeed go further than that report. This bill seeks to implement those principles.

The first principle is that the Department of Premier and Cabinet [DPC] circular issued in 2010, C2010-16 Good Practice Grants Administration is an important starting framework of guidelines. This circular was put in place by a former Labor Government. Labor believes that these guidelines or any successor guidelines put in place by government should be recognised in legislation and updated as required, including to implement relevant recommendations made by the Auditor-General or ICAC. The second principle is that Ministers have a responsibility to maintain the public trust that has been placed in them by performing their duties with honesty and integrity, in compliance with the rule of law and to advance the common good of the people of New South Wales. That is the Ministerial Code of Conduct.

The third principle is that grants programs should have clear, transparent and public guidelines, time frames and eligibility criteria that inform the awarding of grants. It sounds like common sense when you say it, but it is an important principle that has not been observed in all these examples. The fourth principle is that agency recommendations should be in writing and compare applications to the selection criteria. Where Ministers depart

from the advice of their agencies in the awarding of grants, they should do so in writing and provide reasons. It is an important point the Opposition makes here.

The Opposition believes in the Westminster principles of government and that Ministers in an elected government continue to have the final discretion in decision-making. They have been elected and should make decisions, but when they do, they should be in the public interest, they should be justifiable, and they should be approved, recorded and justified, with reasons, in writing. That principle would go a long way to clearing up some of the issues we have seen here in New South Wales. The fifth principle is that the Audit Office of New South Wales be given "follow the dollar" powers. The sixth and final principle is that it is unacceptable for large regional cities such as Wollongong and Newcastle to be excluded when complementary grants programs are designed for both metropolitan and regional areas.

I now turn to the key detail of the bill, which seeks to substantially implement these principles. Proposed sections 1 to 4 are machinery matters, including definitions. This bill applies to government grant schemes. Proposed section 5 defines "government grant scheme" as "a scheme established to allocate government money to a non-government entity ... for the purposes of the non-government entity conducting or delivering a State policy objective". Proposed section 3 defines a "State policy objective" as "a program or project that the State has undertaken to conduct or deliver", or that a government sector finance agency is responsible for, or as otherwise prescribed in regulations. Proposed section 6 recognises the current C2010-16 *Good Practice Guide to Grants Administration* or any successor to it as the applicable guidelines. Regulations can prescribe the information to be addressed in grant scheme guidelines. Before new guidelines are issued, the Minister must have regard to relevant recommendations from the Auditor-General and ICAC. Proposed section 7 requires that a government finance sector agency must comply with the grant guidelines on issue at the time.

Proposed section 8 provides that a government finance sector agency must ensure that key grants scheme information is placed on the agency's website and also on a central whole-of-government website to be called the NSW Grants Register. Key information includes scheme objectives, eligibility criteria and total government allocation. Regulations, of course, may provide more. Proposed section 9 requires a government finance sector agency administering a grant scheme to provide key information, in writing, to the responsible Minister. This information will include how each applicant meets the eligibility criteria, the process undertaken to reach any recommendations for the award of grants and other matters prescribed in regulations.

Proposed section 10 requires the responsible Minister not to approve the award of a grant unless he or she has received the above information from the agency, and the Minister is satisfied that the information provided meets the requirements of proposed section 8. Additionally, the Minister must ensure that, in approving the grant, they are compliant with the Ministerial Code of Conduct. Importantly for transparency, where the responsible Minister departs from an agency recommendation, he or she must provide reasons in writing to either the Minister administering this Act or the Auditor-General if they find themselves deciding a grant while also administering this Act.

Proposed section 11 provides that the Auditor-General may report directly to Parliament if they believe any provisions of this Act are not being complied with by an agency or a Minister. Proposed sections 12 to 16 relate to performance audits of non-government entities by the Auditor-General. These are the "follow the dollar" provisions that exist in other jurisdictions but not in New South Wales. It applies to non-government entities in receipt of government grants. Those powers are essential to the Auditor-General doing their job in the grants space. Proposed section 13 empowers the Auditor-General to conduct performance audits of a non-government entity if it is in receipt of a government grant to conduct or deliver a State policy objective. The audit would be restricted to a focus on the conduct or delivery of the State policy objective and how effectively, efficiently and legally compliant its relevant activities are. Associated entities engaged or employed by the non-government entity can also be audited insofar as they are delivering the State policy objective—an important constraint on that significant power.

Proposed section 14 provides for the Auditor-General to report results of their performance audit to the audited entity, the responsible Minister, the Treasurer and the relevant agency at least 28 days before providing a report to Parliament. It also provides that any feedback from the audited non-government entity will be part of the Auditor-General's report. Proposed section 15 relates to the timing of reporting to both Houses of the Parliament, including during non-sitting days. Proposed section 16 provides that this Act does not limit the existing audit powers of the Auditor-General. Proposed section 17 institutes a centralised and published NSW Grants Register. This provides a one-stop shop internet presence displaying grants schemes and recipients. It is envisaged as being similar to the Commonwealth GrantConnect site. The Opposition supports the centralised reporting in place for GrantConnect at a Federal level. That enables the Australian National Audit Office to determine how many Federal grants have been issued to how many entities and how much they are worth.

The Australian National Audit Office is able to say how many Federal grants were made through variations to the initial award, how many were ad hoc, how many were done through a closed, non-competitive selection process, how many were approved before the closing date and how many regional grants ended up not in the regions but in the city. The New South Wales Government could not answer a single one of those questions with the current information about grants. I say that having put those questions to some of the agencies in budget estimates. We simply do not know across New South Wales the answers to those questions that the Australian National Audit Office has been able to lay out about Federal grant schemes.

While clearly there are very significant issues with grants administration at the Federal level, the transparency that exists there has enabled them to be exposed without the assistance of, for example, the very intrusive powers of the Independent Commission Against Corruption. We are not pretending that there are not issues federally. We are saying that the transparency there has greatly assisted in tracking them down. Proposed section 19 requires the Minister administering the Act to review the Act within 12 months of its commencement and to report to Parliament. Finally, schedule 1 allows savings and transitional provisions that can apply via regulation. A six-month grace period applies for the establishment of the NSW Grants Register.

Former Premier Berejiklian, who was Premier when the Public Accountability Committee reported in March and made serious findings around the improper conduct of her and her office, said at that time, "All governments and all oppositions make commitments to the community in order to curry favour." The new Premier has taken a different tack, and that is welcome. He has promised a review of grants schemes, although I was disappointed to see that, when asked about it at a press conference, he went on to add:

These guidelines haven't been looked at since 2010, I think it is incredibly important we look at it. Perhaps nothing will change, it's really a matter for the government to look at a better way of doing things."

We do not want to wait. We believe the Government must act. We would like to act together. We believe that all parties in New South Wales could do something to lift the standard. The Opposition raises this now so that it can be considered by the Government in that review that is occurring. We believe that these are principles and this is legislation that would help to significantly change the way grants are administered in New South Wales, and we bring it forward with that in mind. The former historian for this Parliament, Mr David Clune, made some interesting observations in a *Law Society Journal* article by Amy Dale in March this year. He said:

Pork barrelling, the use of public funds to gain political advantage, was rife in 19th century NSW politics. In the early 20th century, the development of a rigid two-party system kept MPs under control, reducing the necessity for pork barrelling. There was a consciousness that reform was needed. It was increasingly accepted that old fashioned, naked vote buying was improper and unethical. The electors rightly expect a government to uphold high standards of probity, rather than saying, 'It's alright if I can get away with it'.

Noted constitutional lawyer Anne Twomey also weighed in, in the same article, with a warning about the legality of the current regression to nineteenth century pork-barrelling. She said:

There seems to be a growing attitude at both the Commonwealth and State levels that Ministers have complete discretion, particularly in relation to spending public money, and that there is nothing unlawful about them using governmental resources for personal or political gain.

This, of course, is wrong.

At the very least, such action will often breach administrative law requirements that govern the actions of decision-makers, but it will also sometimes breach the Constitution, statutory limits on ministerial power, finance laws, anti-corruption laws and codes of conduct for Ministers and Members of Parliament.

A different government and a different moment might not require legislation in this space. These might be guidelines that could be applied. However, we do not believe that that is possible in this place, at this moment, with the problems that have confronted the Government and grants administration. That is why we seek to legislate. We all know that, if nothing changes, this will get worse. My real fear is that the issues we have seen, if not tackled, will actually get worse, and that is why we bring this bill before the Chamber. If the administration is not tightened up, the abuse of government grant programs will continue and get worse. We are not prepared to accept that, and that is why we introduce the bill. I commend the bill to the House.

Debate adjourned.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. JOHN GRAHAM: I move:

That private members' business item No. 1484 outside the order of precedence be postponed to a later hour.

Motion agreed to.

*Documents***CROWN CEMETERIES****Production of Documents: Order**

Mr DAVID SHOEBRIDGE: I move:

That private members' business item No. 1491 outside the order of precedence be considered in a short form format.

Motion agreed to.

Mr DAVID SHOEBRIDGE (21:49): I seek the leave of the House to amend private members' business item No. 1491 outside the order of precedence standing in my name on the *Notice Paper* for today by omitting "relating to cemeteries" at the end of the opening preamble and inserting instead "relating to metropolitan cemeteries".

Leave granted.

Mr DAVID SHOEBRIDGE: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2017 in the possession, custody or control of Treasury, the Department of Premier and Cabinet, the Department of Planning, Industry and Environment, Minister for Water, Property and Housing, the Minister for Planning and Public Spaces, Minister for Finance and Small Business, or the Catholic Metropolitan Cemetery Trust relating to metropolitan cemeteries:

- (a) all documents relating to the sale or management of cemeteries in New South Wales;
- (b) all documents relating to the sale or management of cemeteries in New South Wales, sent to or from:
 - (i) the Catholic Archdiocese of Sydney;
 - (ii) the Catholic Metropolitan Cemetery Trust [CMCT];
 - (iii) the Catholic Cemetery Board [CCB]; and
 - (iv) Mills Oakley representing the CMCT, CCB and the Catholic Archdiocese of Sydney.
- (c) all documents relating to the sale or management of cemeteries in New South Wales, sent to or from:
 - (i) the Department of Planning, Industry and Environment;
 - (ii) the Administrator of Rookwood General Cemetery Reserve Land Manager;
 - (iii) Northern Metropolitan Cemetery Land Manager;
 - (iv) Southern Metropolitan Cemetery Land Manager; and
 - (v) Rookwood Necropolis Land Manager.
- (d) all documents relating to alternate operating structures for the CMCT resulting from the Crown Lands Management Act 2016;
- (e) all documents created since 1 January 2019 relating to correspondence with any Minister's office in the New South Wales Government;
- (f) all documents created since 1 January 2019 sent by any member of the CMCT senior management team to any member of the New South Wales Parliament;
- (g) all documents created since 1 January 2019 relating to the payment of professional service fees, including for lawyers, accountants, public relations advisers, or lobbyists, and the CMCT;
- (h) all emails and correspondence created since 1 January 2020 between any member of the CMCT executive management team and City Public Relations;
- (i) all emails and correspondence created since 1 January 2019 between any member of the CMCT executive management team and any employee of Catholic Archdiocese of Sydney;
- (j) the employment contract for each member of the CMCT senior executive team;
- (k) the CMCT payroll report for 1 July 2021; and
- (l) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

The motion tries to get some daylight on a highly contentious series of proposals in relation to public cemeteries in the Greater Sydney region. I will not go at length into the controversy, but there are compelling reasons for shining some sunlight on what has occurred. A series of unsolicited proposals have come before the Cabinet and worked their way through different Ministers in the Coalition Government. There are very real concerns that they may well be in conflict with the now established ICAC rules for unsolicited proposals and the clearer need to

establish a compelling public benefit for an unsolicited proposal. Notwithstanding these concerns, the matters continue to be the subject of detailed consideration by senior Ministers in the now Perrottet Government.

We are particularly concerned that public money held by the Catholic Metropolitan Cemeteries Trust, which is a public entity, has been used to further private third-party interests. We want to see materials in relation to that and what, if any, consideration was given to that. I anticipate some pushback from the Catholic Metropolitan Cemeteries Trust that it is not covered by the powers of the House because it has at different times asserted that it is a not-for-profit vehicle. That is next to impossible to assert, given that it is unquestionably a part of the public sector. In that regard I draw the House's attention to the 17 November 2020 report on State finances authored by NSW Treasury and signed off by the Treasury secretary, which unambiguously provides that the Catholic Metropolitan Cemeteries Trust is a public not-for-profit corporation, part of the State sector and considered part of the State sector for the consideration of State finances. It is clearly within the remit of this House to seek materials from the broader public sector. I commend the motion to the House.

The Hon. SHAYNE MALLARD (21:52): The Government does not oppose the call for papers.

The Hon. JOHN GRAHAM (21:52): The Opposition does not oppose the motion either. We do not prejudge the matter but the member is entitled to ask for information.

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

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. SARAH MITCHELL: I move:

That this House do now adjourn.

BLACK SUMMER BUSHFIRES

The Hon. PETER PRIMROSE (21:53): We are approaching the second anniversary of the Black Summer bushfires that wrought havoc across most of our State. Yet nearly two years on communities are still suffering. On the South Coast and the Sapphire Coast, local community advocates are saying that the New South Wales Government has abandoned bushfire survivors. There are no more case managers from State Government agencies and mental health programs are finishing. Money is not all that is needed. Practical support informed by the reality on the ground has also been lacking. Two years on and fewer than one in 10 families who lost their homes have finished rebuilding. The remaining 90 per cent have been left stranded in caravans and makeshift shelters as they grapple with myriad planning difficulties, construction and building labour trades shortages, building and construction materials shortages, underinsurance, and a lack of support from the New South Wales Liberal-Nationals State Government. A good friend of mine and local resident, Leanne Atkinson, who was funded by Catholic Social Services to support communities' recovery recently said:

It is so heartbreaking to see people struggle nearly two years on. There are a significant number of people falling through the cracks, living without adequate housing, access to water and sanitation ...

There are just not enough tradies and there is a scarcity of building materials.

As a result of the rebuilding difficulties, Bega Valley Shire Council recently extended the exemption that allows bushfire survivors to live in temporary accommodation on site while they rebuild. This also reflects the difficulties of being able to afford rental accommodation, even where it exists. The issue of the long tail of recovery after a traumatic event like a bushfire is well known. A group of academics at the University of Melbourne undertook longitudinal research focused on survivors in the wake of the 2009 Black Saturday bushfires. They found that within four years about 25 per cent of survivors had been diagnosed with a mental health condition. Ten years on nearly 20 per cent of survivors were still experiencing financial distress. One of the researchers, Professor Lisa Gibbs, states:

One of the recommendations from our research is that there should really be a five-year recovery plan. There'll be an influx of services and support in the immediate period. But there needs to be an appreciation that [the support] needs to be there for years and transition into local mainstream services so that people are not left hanging.

The resilience of all these communities is phenomenal. In Cobargo a volunteer-run relief centre was set up and operating from day one of the disaster to help evacuees. It has evolved into a place where people go to get what support they need. The local branch of the Maritime Union of Australia is paying the rent for these facilities because of the absence of government assistance. The Black Summer bushfires in the south-east of our State have also resulted in a cascading effect regarding the availability of affordable housing as well as emergency, temporary

and crisis accommodation. Many residents do not have any choice but to stay on their fire-impacted properties, regardless of their housing situations.

When I searched the real estate websites looking at the availability of rentals, particularly further south of Bega, I was shocked to see that in some of the local areas there were at most two housing rentals available. People needing affordable housing have had hard conversations asking them to consider relocating over six hours away. Donna Davis, who manages Mission Australia's homelessness program in Bega Valley, has said that this housing crisis has now gone beyond breaking point and she fears the worst is still to come. There is already a totally unacceptable waiting list for the local women's refuge for women and children escaping domestic violence. To have your lives so damaged by such a disaster is unimaginable. To have your government look the other way when you need it most is unforgivable.

GOULBURN MULWAREE COUNCIL

The Hon. ROD ROBERTS (21:58): The recent COVID lockdowns were a difficult time for people within the State. Whether they were a small business operator wondering how they would stay afloat, an employee stood down and living on minimum government support, a high school student apprehensive about the HSC, a parent trying to cope with working from home whilst attempting homeschooling or someone just suffering from being separated from family and friends, it was a traumatic time for all, including myself. There was an upside though, if you will. Whilst I was allowed out for my exercise, I chose to walk around my hometown, the city of Goulburn. This allowed me to take the time to see things and to, as they say, smell the roses. I got to observe and absorb things that I normally drive straight past, without the time to really look and consider. This ability to observe allowed me to reflect on the advancement of my city.

I remind members that Goulburn was, in fact, the first inland city ever in this country. When I first moved to Goulburn 30-odd years ago, the place was going through some difficult periods, which cannot be denied, such as the closure of major railway facilities and changes in the wool market, to name just two. Fast-forward to 2021 and I see a dynamic, vibrant and prosperous city overflowing with opportunity. I put that down to having a non-partisan, collegiate council. It is interesting that eight of the nine current councillors identify as independent; only one is aligned with a political party. Maybe there is a lesson in that.

The Hon. Shayne Mallard: Mulwaree didn't agree with that. They amalgamated.

The Hon. ROD ROBERTS: They amalgamated by choice. The current council, under the leadership of Mayor Bob Kirk and ably assisted by a strong and experienced general manager in Warwick Bennett, put Goulburn on the map. The council seeks out, fosters and encourages suitable development and opportunities for the betterment of all the community. If my memory serves me correctly, Mayor Kirk was elected in 2016, and since that time the city has continued to evolve. The work and enhancement provided by the Goulburn Mulwaree Council is wide and varied and accommodates all walks of life. All interest groups have been catered for. For example, for the outdoor and sporty types there are 19 kilometres of new walkways along the Wollondilly River, a redeveloped aquatic centre, new pavilions at the sports ovals, a new regional hockey facility, off-lead dog parks and children's adventure playgrounds.

Arts and culture lovers have not missed out, with a new 420-seat performing arts centre nearing completion, major upgrades to the historic St Clair museum and continual support for our library and the Goulburn Regional Art Gallery. For those with a green interest, the council has planted over 5,000 trees and has installed an irrigation scheme to re-use treated wastewater to irrigate our parks and gardens. It has also introduced organic recycling and now sells organic fertiliser back to the community. Major infrastructure projects include renewed wastewater schemes for Goulburn and Marulan, upgrades to the Goulburn water scheme, CBD beautification to assist our growing retail sector, the resealing of rural roads, and replacing bridges, which is great for cyclists like me. The rural villages of Tarago, Tallong, Marulan, Bungonia, Windellama and Towrang have also been on the receiving end of upgrade projects.

Importantly, from a governance viewpoint, Goulburn council is financially stable and fit for the future. Of note, the council has reduced the workers compensation premium to the lowest of any council in New South Wales. My next point concerns me, and I say that tongue-in-cheek and from a purely selfish point of view. In 2020-21 the council received development applications for over 550 dwellings, which is a new record. So unfortunately the secret is out; I suppose everyone wants a share of the good life that Goulburn offers. During a period where a number of councils have been in turmoil and racked with infighting, instability and fiscal incompetence, I commend the good work of Goulburn council. I particularly commend Mayor Bob Kirk—or Mayor Bob, as he is affectionately known around town—for his leadership, steering, guidance and drive in delivering a city the residents of Goulburn can truly be proud of.

FORMER NORTH COAST MAYORS SIMON RICHARDSON AND DAVID WRIGHT

The Hon. BEN FRANKLIN (22:02): The local government elections will be held in 2½ weeks. I acknowledge the service of two extraordinary people who have given an amazing commitment to their communities over many years. Both of them were financially responsible and served with distinction. They were dedicated and hardworking and always acted with integrity. I speak of the two former mayors of Byron shire and Ballina shire, Simon Richardson and David Wright. It was a privilege and an honour to work side by side with them over the past six years, and I pay tribute to them tonight.

David Wright was elected to council 34 years ago and spent 11 of those as mayor. I think he would agree that the defining issue of his mayoralty was back in 2015 when 41-year-old Japanese-Australian Tadashi Nakahara died after a shark attack. Reverberations were felt not only around Australia but around the world. That was an extremely difficult period for the Ballina shire and the entire North Coast, but because of his leadership, focus and engagement with the State Government, an entire shark management strategy was developed. In the beginning it focused on the Ballina shire but subsequently broadened across the State. Because of his engagement and leadership, we now have measures in place like drones, which have been so successful up and down the coast, SMART drumlines, listening stations, helicopter surveillance and some of the most important and successful strategies in the nation and the world to deal with sharks.

But that is not all. David Wright focused on many other things. Some of his incredible achievements include building the Alstonville Bypass, which was needed for many years, and expanding the Ballina Byron airport. When I first met him, he took me for a drive around the Ballina shire and pointed out things that needed to be done. For the next five or six years we worked at ticking those things off the list, including the establishment of the Ballina Indoor Sports Centre, coastal pathways and Skennars Head Playing Fields, and putting air conditioning in and rebuilding the Lennox Head Cultural Centre. He has been on council for a long time and, as he said, "I have a son and daughter over the border in Queensland, two grandkids and one on the way. They've waited long enough for me to join them." And join them he will. David and I were an unusual fit. He was not a National Party member; he was an independent. But we built a genuine relationship and became great friends. I will miss him deeply, as will the Ballina shire.

I formed an even less likely association, then working relationship, then friendship, with Simon Richardson, The Greens mayor of Byron. He served for 13 years on council, nine of them as mayor. I think all members would agree that being mayor of Byron Bay would be one of the toughest jobs in politics. Simon Richardson was and is a force of nature. He was incredibly bright and focused on visionary projects to transform the shire. He oversaw the Byron Bay Masterplan, which has changed the face of not only Byron Bay but also other towns in the shire. He was focused on renewable energy projects and passionate about addressing affordable housing and homelessness. He always put the community above party politics, even though that earned him criticism from both his own party and others in the community. But he did not care because he focused on the needs of his own community.

His legacy will stand the test of time, whether it was ensuring that the Old Byron Hospital and Mullumbimby Hospital stayed in community hands, the revitalisation of parks and public spaces, the establishment of a significant number of bikeways, building the bus interchange to get buses out of the town centre and focusing on roads. Anyone who has been to Byron Bay for the past 40 years knows how rubbish the roads were but because of his focus, leadership and capacity to work with the State Government, not only has a bypass now been built around Byron Bay but roads across the shire have been updated. One of the saddest things was the death of his wife in 2019 from cancer. It was tragic and she left behind two beautiful girls. He is now focused on working with them and giving them an upbringing of the love, care and attention they need. Those two men were the best of politics: passionate and committed to their communities, working hand in hand with the State Government to achieve real outcomes that were desperately needed for decades. I salute them, I thank them, and I say that the Northern Rivers will be all the poorer without them leading the councils.

TRAVELLERS MINIMUM INFORMATION STANDARD**PRIVIVM GROUP COLLAPSE**

The Hon. COURTNEY HOUSSOS (22:07): Last week the Government announced with much fanfare that it would introduce a new minimum information standard for travellers to provide travellers with more details before they pay a deposit. In announcing that minimum information standard, the Minister said, "New South Wales will be the first jurisdiction in Australia to take this important step." It is less of a step and more of a small shuffle forward. The announcement falls well short of what is required to improve legal protections for travellers. During the pandemic, according to a survey by Choice, fewer than one in five Australians received a full refund for trips cancelled because of COVID, and it usually took travellers between three to six months to get their money

back. An announcement that travellers will receive more information before making a booking will hardly change things.

I raised this issue in the House last time the Parliament sat and referred to a Choice report, which had seven clear recommendations and outlined four key problems confronting travellers. I called upon the Government to carefully consider the report and implement its recommendations in order to provide better legal protections for travellers. Instead, the Government has made a mere shuffle forward. Recent revelations about the lack of transparency around mark-ups and commissions from travel agents are concerning. But we cannot simply blame them. Many of them have toiled away during the pandemic, chasing refunds and credits for their clients with little or no payment as their businesses simply fell away. There still are more protections for gift certificates than for travel credit. A business providing a credit has no restrictions on the way it is to be spent, the time period in which it can be spent or on one's ability to transfer it to another individual. I pay tribute to Adam Glezer, who has tirelessly helped travellers fight to get their money back or credited and who continues to campaign on their behalf.

Another building company appears on the verge of collapse, leaving hundreds of families in the lurch after making the biggest financial investments of their lives. The Privium Group, which also operates under the name Impact Homes, builds homes across Queensland, New South Wales and Victoria. According to the latest Housing Industry Association housing report it is the nineteenth largest detached house builder in Australia, with 1,044 starts in the 2021 financial year and 147 semidetached starts. It is estimated that it has 160 unfinished projects in Queensland and many more around the country. Last week it stopped work on the bulk of its building sites, and it has now closed its website. A large number of families and subcontractors are affected by what seems to be its imminent collapse. I pay tribute to the member for Port Stephens and the member for Maitland in the other place, who are advocating on behalf of families that are affected within their electorates. It appears that Privium Group has subcontractor debts of more than \$20 million. One constituent has contacted their construction insurance company, but it will be unable to process a claim until the builder is officially declared insolvent.

There were revelations in *The Daily Telegraph* today that in the 2019-20 year the Privium Group reported a loss of more than \$28 million. However, over the same period it paid \$22 million in dividends to its shareholders. This story will certainly continue. It shows the need for the expansion of the Government's rating system—which was announced early last year to rate developers, buildings and certifiers—to go beyond apartment buildings. The Government's construction rating tool was set up to give buyers more information before they purchase a home, but it is not protecting families. Dodgy developers and home builders do not just exist in apartment buildings. The construction rating tool needs to be extended to include every new development, because we know that families and subcontractors will be left holding the bag if this company collapses. That is totally unacceptable.

HUNTING AND GATHERING

The Hon. MARK BANASIAK (22:12): Through hunting and gathering, we as humans are intimately connected with nature and the cycles of life and death. We take life to sustain life. Now, after millions of years of evolution, we are faced with questions about the ethics and responsibilities when we take a life and the necessity of that death when food is so readily available in supermarkets. In my inaugural speech I spoke about that very issue. I said:

The fact is it is the oldest cultural activity and it transcends political and graphical borders and unites people from all walks of life. Yet there is this immense intolerance towards hunting and gathering that if applied to another culture would see widespread condemnation. The truth is we are all in this room today because our ancestors were successful hunters and gatherers. The fact that some of us have chosen to ignore what is inherently in our nature because of the modern convenience of shopping centres is not cause to discriminate against those who have chosen to practise and immerse themselves in this culture.

I stand by those words. Being an active hunter and actively taking the life of an animal reminds me of where I stand in the ecological processes that surround me; it reminds me of my ancestry. Anthropomorphism dominates the public debate when we talk about hunting or the taking of an animal's life. We assume that the animal goes through the same processes before death that humans go through, because we have no other point of reference. If we had spent our evolution as prey we may have a more relaxed understanding of dying, but we have been at the top of the food chain for a while now—for so long, in fact, that the sentience of a mussel is now being debated in Parliament. It is 2021, after all, with an abundance of fake chicken, vegan steaks, plant-based meatballs—an endless list of plant-based soy meat products for us to eat. They have ingredient lists that read like the Biosecurity Act and need thousands of acres of land for monocrops that wipe out ecosystems faster than a cow's fart ever could. It is not meat, so why do we have to call it meat? Maybe it is because we as humans have a craving for what we know our body needs—meat.

The whole scenario can be summed up quite nicely through the character Bruce the white pointer in Pixar's *Finding Nemo*. When we meet Bruce, he is the leader of the Fish-Friendly Sharks and is doing his utmost not to eat Nemo and Dory. He swims around with his mako and hammerhead pals repeating the slogan, "Fish are friends, not food." It is unrealistic, and we all know it will take a turn for the worse. Sure enough, Bruce smells a little fish

blood and his eyes go black and it is all on—or rather it is all over for the little fish. We all know the Hon. Mark Pearson can relate to Bruce. Once he smells the salmon, it is hard to send it back to the kitchen. Mr Pearson and the Animal Justice Party are not alone; it is hard to be a vegan. A hotly contested subject amongst the vegan class is whether an oyster or a mussel is an animal or a bivalve. I wonder if the Hon. Mark Pearson spoke to the vegan overlords regarding the salmon-gate incident of 2017.

Hunting is not everyone's cup of tea, but those who choose to participate should not be denigrated by hypocrites. No similarities can be drawn between hunting and the dark triad. One might argue that claiming to be a vegan in public while secretly thinking you can get away with eating raw fish in private is narcissistic behaviour, that manipulating groups of activists to break onto people's properties and steal their livestock to assert your own ideologies over others is Machiavellian, or that the inability to understand or empathise with those people whose farms you break into in the dead of night to steal a lamb, which you then put in a nappy in an inner-city apartment because you lack any actual understanding of animals, is at the very least psychopathic. *Auguries of Innocence* by William Blake was quoted in this place last week. The poem reflects on the conflicting nature in which humans live and asks us to acknowledge the fragile balance of nature. No-one understands that fragile balance more than a hunter, who is inextricably linked to nature. We have an inherent knowledge of that fragility because historically and culturally our lives have depended on it, unlike the detached and unhinged who choose to denigrate us.

HUNTER REGION HYDROGEN INDUSTRY

The Hon. TAYLOR MARTIN (22:17): The Hunter is scaling up its role in the future hydrogen economy. It is an obvious location for the development of a large-scale hydrogen industry due to its access to existing energy infrastructure, sustainable water sources, a skilled workforce, existing hydrogen production capabilities, and the ports and logistics capabilities for a future supply of cheap and reliable clean energy. We have no time to waste in the hydrogen space. Countries around the world have set ambitious targets for hydrogen production and use. Over the next decade, competition for market share will increase and supply chains will be established that will benefit first movers in the medium and long term.

Last month the New South Wales Government launched the NSW Hydrogen Strategy, which brings together the Government's existing and new policies into a framework to enable industry development, lay industry foundations and drive rapid scale. The strategy is rightfully ambitious. It includes up to \$3 billion in incentives to commercialise hydrogen supply chains and reduce the cost of green hydrogen to below \$2.80 per kilogram by 2030. This reduction in cost of approximately \$5.80 per kilogram will make hydrogen more cost competitive than diesel fuel and increase momentum towards the Federal Government's stretch target of \$2 per kilogram, which will open up an even larger range of uses.

The Government's strategy includes the development of hydrogen hubs—such as those that we have announced in the Hunter and the Illawarra—a hydrogen refuelling network for heavy vehicles along major highways, a market-led framework to drive demand for green hydrogen and the waiving of a wide range of taxes and charges to dramatically reduce the cost of green hydrogen into the future. Our stretch target is that by the end of this decade we will be producing 110,000 tonnes of green hydrogen per annum at less than \$2.80 per kilogram, creating 10,000 new jobs and positioning New South Wales as a hydrogen export superpower. We can be the Saudi Arabia of hydrogen and set up future generations to earn income from producing energy, as we have done for more than 200 years.

Hydrogen is not dissimilar to fossil fuels when it is combined with a fuel cell. It has the ability to power our electricity grid and our vehicle fleets. It is also a key factor in enabling the use of renewable energy in high intensity manufacturing, such as steel. Its key difference to fossil fuels is that its only by-product is water. As an energy carrier, hydrogen—or products made using hydrogen, like ammonia, liquid organic hydrocarbons or steel—can be used to transport energy overseas and over long distances much more easily than the electricity grid. To date, 19 governments have national hydrogen strategies and commitments to hydrogen targets. In particular, Japan and Korea have both committed to being large-scale hydrogen importers. Japan and South Korea have announced targets of over three million tonnes of hydrogen use by 2030 and five million tonnes by 2040 respectively. We have an opportunity to position New South Wales as one of the world's first large-scale hydrogen exporters to meet that need from our trading partners.

Last week it was excellent to see that the Hunter Hydrogen Roadmap was unveiled by the Hunter Hydrogen Task Force on behalf of the Committee for the Hunter. I acknowledge the work of the vice-chancellor of the University of Newcastle, Alex Zelinsky, who provided leadership in the delivery of this strategy. The objective of that road map is to articulate a strategic vision for hydrogen in the region, to outline a targeted set of actions aligned to Federal and State government priorities and to provide a practical approach to foster a role for hydrogen in the Hunter in the short, medium and long term. By working on a series of actions over the next five to 15 years and beyond, the task force aims to see the Hunter prosper from a hydrogen industry. I fully support that aim. I welcome its vision for the Hunter, that by 2040 we will have a thriving hydrogen industry, employing thousands

of people and having an enviable reputation as an international exporter of hydrogen and hydrogen equipment, technology and services to a global market.

Energy exports, particularly coal, have been a major source of our State's growth and prosperity for more than 200 years—longer than this Chamber has been in existence. Our energy exports have supplied power to the world and helped significantly lift people from the poorer countries in our region out of poverty. If we harness the power of hydrogen, we can retain our position as an energy superpower and help countries in our region and beyond to reach their decarbonisation targets. We can secure the prosperity of our State and our nation for the next two centuries.

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

Motion agreed to.

The House adjourned at 22:23 until Thursday 18 November 2021 at 10:00.