



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Thursday, 18 November 2021

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LEGISLATIVE COUNCIL

Thursday, 18 November 2021

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

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

Motions

TRANSGENDER WEEK OF AWARENESS

The Hon. PENNY SHARPE (10:02): I move:

- (1) That this House notes that:
 - (a) Transgender Week of Awareness is 13 to 19 November 2021, which raises the visibility of trans and gender-diverse people, and seeks to address issues the community faces; and
 - (b) Transgender Day of Remembrance is 20 November 2021, which is an annual observance honouring the memory of trans lives that have been lost to acts of transphobia and discrimination.
- (2) That this House further notes that:
 - (a) trans and gender-diverse young people aged 14 to 25 are fifteen times more likely to attempt suicide compared to the general population; and
 - (b) trans and gender-diverse people over 16 years are nearly four times more likely to have experienced sexual violence or coercion compared to the general population.
- (3) That this House honours the memory of trans and gender-diverse people who have lost their lives due to acts of transphobia and discrimination.

Motion agreed to.

Documents

E-CIGARETTES IN SCHOOLS

Production of Documents: Order

The Hon. COURTNEY HOUSSOS (10:03): I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents created since 1 January 2021 in the possession, custody or control of the Department of Education or the Minister for Education and Early Childhood Learning relating to e-cigarettes in schools:

- (a) all documents, including reports, briefings, memorandum, emails, email attachments and correspondence, held, sent or received relating to vaping;
- (b) all documents, including reports, briefings, memorandum, emails, email attachments and correspondence, held, sent or received relating to e-cigarettes; 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.

Motion agreed to.

Motions

WORLD PREMATURITY DAY

The Hon. COURTNEY HOUSSOS (10:03): I move:

- (1) That this House notes that:
 - (a) Wednesday 17 November 2021 is World Prematurity Day, a globally recognised day to raise awareness of preterm birth, along with the deaths and disabilities associated, and the simple, proven, cost-effective measures that could prevent them;
 - (b) globally, one in 10 babies are born premature;
 - (c) every year in Australia, more than 27,000 babies are born early, requiring the specialised care of neonatal intensive care units [NICU] or special care nurseries [SCN]; and
 - (d) sadly, prematurity is the number one cause of death for infants in Australia.

- (2) That this House further notes that:
- (a) the Miracle Babies Foundation is Australia's leading organisation supporting families of these vulnerable babies;
 - (b) the Miracle Babies Foundation is today asking the community show their support by wearing purple, raising awareness and making a donation; and
 - (c) the Miracle Babies Foundation is campaigning to change the Australian Government's paid parental leave legislation and Parental Leave Pay scheme for families who have a baby hospitalised for two weeks or more.
- (3) That this House calls on the Australian Government to support the Miracle Babies Foundation campaign to give primary carers one week of extra paid parental leave for every week a baby is in hospital beyond two weeks, with a maximum of 14 weeks extra pay and for fathers and partners an additional two weeks of extra Dad and Partner Pay.

Motion agreed to.

Committees

PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT

Reports

Ms CATE FAEHRMANN: I table report No. 13 of Portfolio Committee No. 7 - Planning and Environment entitled *Companion Animals Amendment (Puppy Farms) Bill 2021*, dated November 2021. I move:

That the report be printed.

Motion agreed to.

Business of the House

RESTORATION OF BUSINESS

The Hon. EMMA HURST: According to paragraph 5 of the resolution establishing the Selection of Bills Committee, I move:

That the Companion Animals Amendment (Puppy Farms) Bill 2021 be restored to the *Notice Paper* and the second reading stand an order of the day for the next sitting day.

Motion agreed to.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. SHAYNE MALLARD: I move:

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

Motion agreed to.

ORDER OF BUSINESS

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

That, notwithstanding the conduct of business resolution of the House on Wednesday 17 November, the order of private members' business for today be as follows:

- (1) 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.
- (2) 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.
- (3) Private members' business item No. 1521 standing in the name of Ms Cate Faehrmann relating to the Great Koala Protected Area Bill.
- (4) Private members' business item No. 1484 standing in the name of the Hon. John Graham relating to the Stronger Country Communities Fund.
- (5) Private members' business item No. 1479 standing in the name of the Hon. Penny Sharpe relating to the Climate Change (Emissions Targets) Bill.
- (6) Private members' business item No. 1465 standing in the name of the Hon. Scott Farlow relating to Perinatal Mental Health Week 2021.
- (7) 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.
- (8) 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.

- (9) 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.
- (10) Private members' business item No. 1506 standing in the name of the Hon. Daniel Mookhey relating to the Fiscal Responsibility Amendment (Privatisation Restrictions) Bill.
- (11) 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.
- (12) 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.
- (13) 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.
- (14) 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.
- (15) 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.
- (16) 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.
- (17) 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.
- (18) Private members' business item No. 1466 standing in the name of the Hon. Shayne Mallard relating to United Nations Day 2021.
- (19) Private members' business item No. 587 standing in the name of Ms Abigail Boyd relating to the Anti-Discrimination Amendment (Sex Workers) Bill 2020.
- (20) 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.
- (21) 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.
- (22) Private members' business item No. 1301 standing in the name of Ms Abigail Boyd relating to an order for papers regarding road user charges.
- (23) Private members' business item No. 1456 standing in the name of the Hon. Ben Franklin relating to Grandparents Day 2021.
- (24) 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.

I indicate to the House that with respect to the private members' business items at paragraphs (4), (6) to (9), (11) to (18), and (20) to (23), it has been agreed that those motions will be considered in the short form format.

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

Motion agreed to.

Bills

LAW ENFORCEMENT CONDUCT COMMISSION AMENDMENT BILL 2021

Second Reading Debate

Debate resumed from 12 November 2021.

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (10:14): I lead for the Government in debate on the Law Enforcement Conduct Commission Amendment Bill 2021. The Government supports the bill. The bill was second read in this place by the Hon. Adam Searle on Friday 12 November 2021. The bill is a short one. As acknowledged by the honourable member, some concern has been raised with the form of words in certain provisions of the Law Enforcement Conduct Commission Act 2016 following its amendment by the Law Enforcement Conduct Commission Amendment (Commissioners) Act which commenced on 17 June 2021. That arose because of amendments that were added in Committee in this Chamber during debate on that legislation.

The bill omits and reinserts schedule 1, clause 3 and consequentially amends schedule 1, clause 7. The purpose of these amendments is to ensure that, consistent with the will of this Parliament as expressed in debates earlier this year, a commissioner of the Law Enforcement Conduct Commission [LECC] who has served a full five-year term is eligible to be appointed to and take up the role of chief commissioner. The amendments establish a cumulative limit of 10 years in all relevant offices of the commission and five years in any particular relevant office. I thank the Hon. Adam Searle for bringing this bill forward for the Parliament to address this issue. I commend the bill to the House.

The Hon. ADAM SEARLE (10:16): In reply: I thank the Government for its support of the Law Enforcement Conduct Commission Amendment Bill 2021. As the Leader of the Government indicated, the bill is a short one. But, for the reasons outlined, it is a necessary one. I commend the bill to the House.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The question is that this bill be now read a second time.

Motion agreed to.

Third Reading

The Hon. ADAM SEARLE (10:17): I move:

That this bill be now read a third time.

Mr DAVID SHOEBRIDGE (10:17): I indicate that The Greens are appreciative of the way in which the Law Enforcement Conduct Commission Amendment Bill 2021 has been dealt with by the Government and the Opposition. The Greens support the bill. We think it is important though that we ensure that bodies such as the Law Enforcement Conduct Commission [LECC] have independence. We note the discussions and concerns about ensuring independence, including that independence is best protected by people not wanting to put their hand up for extensions of office. Notwithstanding those concerns, The Greens support the bill and think it has got the balance right for the LECC.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The question is that this bill be now read a third time.

Motion agreed to.

WORK HEALTH AND SAFETY AMENDMENT (INDUSTRIAL MANSLAUGHTER) BILL 2021

Second Reading Debate

Debate resumed from 10 November 2021.

The Hon. ANTHONY D'ADAM (10:19): I make a short contribution to the second reading debate on the Work Health and Safety Amendment (Industrial Manslaughter) Bill 2021. I have spoken in this House before about my support for the introduction of an industrial manslaughter offence, so I do not propose to go into too much detail in terms of my support for the proposition, given that most of that has already been placed on the record. Today I intend to address some of the issues that have been advanced by the Government in opposition to the bill. We have heard these arguments before. The primary argument that seems to be routinely advanced is the notion that somehow the introduction of an industrial manslaughter offence will disturb the coherence of the work health and safety framework that is currently embedded in the Work Health and Safety Act, that being the preventative, risk-based approach.

While the existence of a preventative approach is commendable and supported, I do not accept the proposition that introducing an outcomes-based offence, as the Hon. Scott Farlow characterised it, prevents the preventative, risk-based approach from coexisting within the framework. The fact of the matter is that we are talking about deaths occurring in workplaces, and there is significant disquiet within the community about the differing standards that are applied in relation to deaths that are caused by negligence. On our roads, negligent driving that occasions death routinely results in custodial sentences. But in the industrial circumstance, if someone dies in a workplace as a result of negligence, no custodial sentences are delivered in this jurisdiction. That jars with the expectations of the community. As a Parliament we should be able to reconcile those expectations. The community can be satisfied by the introduction of an industrial manslaughter offence without necessarily disrupting the overall emphasis of the Act around a preventative and risk-based approach.

The Government also runs the argument that the offence is unnecessary because we are doing well in terms of the overall reduction of workplace deaths. That is true; we are doing well in terms of improving on the number of workplace fatalities, but the reality is that we should not be satisfied until we reach zero fatalities. There are other measures that can be taken, and one of those is the introduction of an industrial manslaughter offence. The principal focus of the bill, the notion of introducing an industrial manslaughter offence, is really about focusing the minds of employers, particularly those in senior positions within businesses who have the power to address systemic weaknesses in the safety arrangements within their workplaces, and making sure that they are focused on putting in place those safe systems of work that are necessary to avoid workplace deaths.

Another element of the Government's arguments relates to a number of issues it has identified in terms of the application of the bill. There are questions around whether it is appropriate that a jury trial should be available in relation to indictment for this offence. That is an issue that could easily be addressed through the Committee stage of consideration of the bill; there are obvious amendments that could be considered in addressing that.

Similarly, the question around defences is a matter that could be easily addressed by amendment without necessarily being fatal to the passage of the bill. There is also an argument that is being advanced around harmonisation. While there are certainly benefits that have flowed from the harmonisation of the work health and safety system, I do not think we should be restricted in making amendments to the work health and safety arrangement.

The counterpoint to the argument around harmonisation is that jurisdictional competition actually leads to innovation. I am a great believer that there is a role for States to innovate, experiment and make incremental changes that can be picked up by other jurisdictions; in fact, that is the history of the evolution of industrial law in this country. To put the argument around harmonisation and fetishising the preservation of the harmonised model in the way of consideration of sensible changes to our industrial and workplace health and safety laws is the wrong way to proceed. The only additional matter I would raise is the question the Government raised about the role of senior officers and introducing a new concept to the Act. That goes to the very heart of the problem that there has to be some culpability for those who have the overarching view of the operations of a business. The Act currently does not provide a sufficient framework for those key decision-makers with that overarching view. As a consequence, it is necessary to introduce that new concept into the bill. I conclude my remarks there.

Mr DAVID SHOEBRIDGE (10:27): On behalf of The Greens I indicate our strong endorsement for the Work Health and Safety Amendment (Industrial Manslaughter) Bill 2021. We commend the Hon. Adam Searle for bringing the bill to the House. For too long New South Wales has been avoiding making it clear to all employers and all workers that a negligent, reckless death at work should be unambiguously considered manslaughter. Families that have lost a loved one to a death at work feel not only grief about the death, but also a sense of injustice that a reckless—sometimes grossly reckless—death at a workplace is seen as a lesser death and carries less criminal culpability than it would if it had occurred on a street, in the household or in a non-work environment. I commend the union movement for its ongoing campaign for proper industrial manslaughter laws in New South Wales.

There is a long history to this. We could go back before the Boland report, which was delivered in early 2019. There have been decades of efforts to get industrial manslaughter laws in New South Wales and across the country. For this second reading debate it is useful to go back to the Boland report from February 2019 and remember why we are having this debate. As members know, the Boland report was looking at the work health and safety system across the country and aiming to get harmonised outcomes. The Boland report delivered 34 recommendations for reform of the work health and safety framework. Those key recommendations included: unambiguously inserting an offence of industrial manslaughter; supporting increased and meaningful penalties that would have an impact on decision-making within businesses; making it substantially easier for union officials to enter workplaces to undertake the work that really only unions do, of ensuring that workplaces and union members are safe; and, as you will recall, Mr Deputy President, banning companies from taking out insurance to avoid the financial cost of work health and safety [WHS] penalties. When it comes to the recommendation for an offence of industrial manslaughter, Ms Boland said in her report that it was essential in order to:

... address increasing community concerns that there should be a separate industrial manslaughter offence where there is a gross deviation from a reasonable standard of care that leads to a workplace death. ... More broadly, the ACT and Queensland have already introduced industrial manslaughter provisions, with other jurisdictions considering it, and so this new offence also aims to enhance and maintain harmonisation of the WHS laws.

Whilst I agree with the contribution from the Hon. Anthony D'Adam, we should not fetishise harmonisation of work health and safety laws as an end in itself. There are strong arguments for why, in a federated system, individual States and Territories should be moving ahead with positive reforms, even if it creates tension with harmonisation, if that produces safer workplaces—

The Hon. Don Harwin: Competitive federalism.

Mr DAVID SHOEBRIDGE: Indeed. I note the interjection from the Minister. I am a major proponent of competitive federalism. It is one of the elements of unintended genius in the Australian federated system. We should have competitive federalism, where we are pushing the envelope and, hopefully, going back to what Australia used to be, which was a social laboratory for the rest of the world. That is what we would support. Nevertheless, there is a place for competitive federalism and for jurisdictions to be stepping forward, particularly in work health and safety, to make workplaces safer.

The bill inserts a new part 2A into the Act to create two offences relating to industrial manslaughter. The first offence, proposed section 34D, provides that a person conducting a business or an undertaking commits an offence if a worker or other person dies at a workplace or is injured at a workplace and later dies and death is caused by the conduct of the person conducting the business or undertaking and that person is negligent or reckless about causing the death. The second offence, proposed section 34E, provides that a senior officer of a person conducting a business or an undertaking also commits an offence if a worker or other person dies at a workplace

or is injured at a workplace and later dies and the death is caused by the conduct of the senior officer and the senior officer is negligent or reckless about causing the death. This bill is consistent with the recommendations of the Boland report. This bill would lift the bar for industrial manslaughter in New South Wales.

I will finish by making this observation: If The Greens have one concern about the bill, it is the absence of a jury trial. We think, if you are creating an offence such as this, there is a strong argument that it be subject to a jury trial. We will likely be moving amendments in the Committee addressing the issue of a jury trial in the Committee stage. It is our hope that the Committee process would happen no earlier than next week in order to allow some negotiation about those amendments. The Greens support the bill. We commend the member for bringing it to the House. We look forward to it passing not only this House but the other place, and New South Wales finally having what would be, with the passage of this bill, world-leading industrial manslaughter laws.

The Hon. ROD ROBERTS (10:33): One Nation supports the concept of the Work Health and Safety Amendment (Industrial Manslaughter) Bill 2021. I commend the member for bringing it forward. We are suffering from the scourge of a two-man crossbench party here at the moment, so I am severely under-resourced, so this will be a very brief contribution just to state our position. How could a rational person not want to see a safe workplace? People go to work every morning with the reasonable expectation they will come home to their families at the end of the day. One Nation supports that expectation. When people break the law and, as a result, people under their employ or control die, serious penalties should apply. Whether this is due to an act or an omission is irrelevant.

I understand that the existing legislation takes a prevention- and risk-based approach to dealing with health and safety in the workplace, with the intent of reducing significant workplace fatalities as well as serious injuries and illnesses. What better preventative measure than the possibility of a manslaughter conviction and imprisonment to ensure that employers provide safe and secure workplaces? All the time in this Parliament we pass legislation that we hope never gets used. This is an example of such legislation. The proposed bill defines an "executive officer" and a "senior officer" and says that they may be personally liable for the death of a worker due to their negligence or recklessness. The senior officer's conduct must cause the death of the worker or other person. It should be noted that the negligence or recklessness about the cause of the death must be an element in that it must substantially contribute to the death, as stipulated in section 34B (2) of the bill.

This morning I have spoken to the mover of this bill—very briefly, unfortunately—and expressed our support for the concept of the bill. However, I have raised with him an issue around section 34D (c) that I consider to be a hurdle at this point in time. It relates to the level of culpability that must be proved against the senior officer or executive. Section 34D (c) indicates that the first person must be negligent, and that is the area we are concerned about. We do not think that level of negligence is high enough and commensurate with the seriousness of the offence. I am talking about the level of culpability. I believe that the mover and I will come to a compromise in relation to amendments that we will move at the Committee stage. With that short contribution, we support the concept of the bill.

The Hon. MARK BUTTIGIEG (10:36): I will contribute briefly to debate on the Work Health and Safety Amendment (Industrial Manslaughter) Bill 2021. It is something quite close to my heart. I thought I would give the House the benefit of a personal experience from when I was in the trade, back in the eighties. Before I do, I thank my colleague the Hon. Adam Searle for bringing this important piece of legislation to the House and also my other colleague the Hon. Anthony D'Adam, who has made two speeches on this, one in an adjournment debate and the other as a private member's statement, and worked on the bill, to a degree, with my colleague the Hon. Adam Searle. This is a very important piece of legislation because safety in the workplace in New South Wales has largely relied on a goodwill, proactive approach on behalf of the employer, without any culpability on the employer's behalf in the event of industrial manslaughter.

Back in the eighties I was an apprentice for what was then known as the Sydney County Council. People would now know it as Ausgrid. I was 16 or 17 years old and a second- or third-year apprentice. It was in the middle of winter, which was fortunate for me, because it meant that I had several layers of clothing on. I was asked to go out to a pole transformer at Kurnell and take full load readings, which involved climbing up the pole transformer and leaning out on a body belt, with a tong ammeter to measure the load on that particular transformer. The measurements feed into statistics to find out where extra capacity is needed. I went out on that particular day with a gentleman who was on loan from another section and who was not familiar with working on live mains and apparatus.

So they put a second-year apprentice out with someone who was a qualified tradesperson but nevertheless not familiar with working on live mains and apparatus, which requires a special skill set and a fair bit of awareness about what is going on and safety considerations. This fellow told me to hop up onto the pole transformer and lean out and take these measurements. I was up the pole at the top of the ladder and I could not quite reach the

furthest phase to measure the current. So I said, "Look, what am I going to do? I can't reach this." And he just said, "Just hop up on top of the transformer." People who have been observant would have seen that those transformers have 11,000 volt leads feeding them on the high-voltage end. They are covered with what looks like black insulation, but the black insulation is actually not rated. It is simply a covering for mechanical protection.

Being a second-year apprentice, and not being perhaps as switched on as I should have been, I did not realise that this was the case. So I willingly took the instruction to jump up on the transformer. When you put yourself in those situations you are effectively providing a path to earth by sitting on a metal transformer. I was sitting on that transformer, trying to measure the current and feeling tingling up my back because the 11,000 volts were leaking through the covered cable and tracking down through my body. Had it not been winter in 1983 or 1984, whatever it was, I would have been wearing shorts and a short-sleeved shirt, probably sweating a bit—still being young—and been dead. I would not be here talking today. There is no doubt about it whatsoever. Fortunately, I had on long pants, a singlet, a shirt and a jumper, which was enough to prevent the tingling from becoming a high-voltage shock.

That situation was caused by the organisation, and we are talking about a government-owned instrumentality that was quite good on safety. It was probably cutting edge at the time but still nevertheless quite blasé. It took a proactive approach to safety, but there was no punitive action against it, no compulsion on its behalf and no liability if it put an apprentice in that situation. I remember getting back to the Miranda depot at the time, and I can distinctly remember the poor old leading hand's face when I told him what had happened. I said, "I got up on that transformer and there was tingling. Are those droppers rated insulation?" I could see the blood draining from his face and he said, "No, they're just covering. You don't treat them as insulation. Why did you get up there?" I said, "X told me to jump up there because I couldn't reach." He was just shocked.

The point about this legislation is that it forces a top-down culture of safety. If people know that there are very real penalties and they can be held personally and collectively liable, then it mandates a safety culture and psychology from the top right down. People will move heaven and earth to make sure that not just apprentices but anyone is not put in a vulnerable situation. That goes to all sorts of things, not least of which is adequate training on work health and safety so people have an awareness of what is around them and what can go wrong. The approach we see in industry today is largely one of "cover my backside", also known as hazard assessment checks or hazard alerts. Today, your average tradie will go out to a worksite, do a risk analysis and tick a series of boxes to say, "That is a hazard. There is exposed electricity there or there is scaffolding there. I have taken adequate precautions to eliminate that hazard." That is done so that when an accident happens the paperwork is produced and SafeWork can say, "We went through the hazard check. The company has done everything it should. They gave you the hazard assessment."

It is more about a system of paper trails to prove that something has been done rather than a substantive attempt to inform the worker and not place the worker in those situations. The only way we will guarantee and inculcate that culture is to have a punitive approach whereby employers are well aware that, if they do not move heaven and earth to make sure the workplace is safe—both from a practical and psychological training point of view—then the work will not be done. So I think this is a laudable bill. It will make a very practical change to workers on the ground and prevent a repeat of the situation I was put in. If this legislation were in place when I was an apprentice I would still have been alive had it been summer. As I said, the only reason I am here is because it was winter and it was pure luck. Again, I commend the work of my colleague the Hon. Adam Searle in putting the bill forward. I commend the bill to the House and I ask that members support it fully.

The Hon. PETER PRIMROSE (10:44): I will leave my prepared speech aside after listening to my colleague the Hon. Mark Buttigieg. I am sure everyone who wishes to can read the speeches and various reports in relation to this matter, such as the Boland report and the review that was done by the Legislation Review Committee. I, of course, support the Work Health and Safety Amendment (Industrial Manslaughter) Bill 2021. I will mention two things that move me to believe that this is important legislation and it has been an important proposal now for many years. I and many others in this House and in the other place have supported it.

The first thing is that one position I held as a social worker before coming into this place was one in which I specialised in bereavement counselling. That was a fun job. It was not an in-and-out, tick-a-box thing. I suggest that one of the hardest things to do is to meet with a family whose husband or young son has been killed, spend a number of months with them and then have them slowly realise that, because the death occurred at work, it was not as important as if their loved one had been shot or run over by a car—that somehow it was not really manslaughter and not of equal value. In many ways that devalued the person's life. What formulated my approach to this was that a death at work is a death and, if anyone does not believe that, they should look into the eyes of the family that is left and tell them that it really was not as important.

The other incident I refer to, because of my role later on with a union, was in a factory setting. I will not name the factory or the employer but it was in western Sydney. It involved mainly non-English-speaking women

who were breaking up batteries. That was the job. They would go in and the uniforms that they were provided with were all splashed, broken and damaged simply because of the acid that was coming out of the batteries. That was the work environment they went into. They would work there all day, they were not really provided with any protective equipment and, as I said, their actual uniforms had been burnt because of the acid.

That is bad enough, but one of the jobs they had to do regularly was to go across vats of the recovered acid. They had to make their way by crawling over a piece of wood—a plank—that had been laid across. They had to crawl across from one side to the other while underneath them was the acid vat. That is just not acceptable, and it is just one example. I challenge anyone here to say that it is acceptable and that the employers who allow that to occur should not be held liable for what could very likely have, and I am sure in other circumstances has, occurred. What motivates me and many others to say that we support legislation such as this is not an ideological position. It is based purely upon our personal experiences and our desire to make sure that these things do not happen to anyone else. I urge members to support the bill.

Debate adjourned.

GREAT KOALA PROTECTED AREA 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 (10:50): I move:

That this bill be now read a second time.

In recent weeks at COP26 in Glasgow Australia committed to ending deforestation by 2030, along with over 100 other nations. This important commitment aims to halt the destruction of forests, which play a vital role in containing carbon and reducing global warming. I present to the New South Wales Government the perfect opportunity to start delivering on this commitment and the perfect opportunity for environment Minister Matt Kean to start delivering on his promise to double koala numbers by 2050 and to show genuine leadership by an Australian politician on a COP26 Glasgow commitment. It gives me great pleasure to introduce the Great Koala Protected Area Bill 2021 on behalf of The Greens as its environment and wildlife spokesperson.

The bill brings together the lands identified in the great koala national park that the National Parks Association of NSW developed in 2015 and has been fiercely campaigning for with the community for permanent protection ever since. In June last year the inquiry into koala populations and habitat in New South Wales undertaken by Portfolio Committee No. 7 over 18 months found that, without significant intervention, koalas will become extinct in the wild in New South Wales before 2050. This finding has been repeated almost endlessly, it seems, in this place, across the State and indeed across the world. The finding of impending extinction was made after the devastating Black Summer bushfires, which decimated koala populations across the State. But the inquiry also heard that our koala populations were on track for extinction before the fires. Despite the report's key findings and the outpouring of love from across the country and the world for our koalas, the Government has done next to nothing to protect them and their habitat.

The bill is the first significant intervention of the scale necessary if we are to have any hope to save our precious koalas from extinction. It seeks to protect some of the largest continuous koala habitat in New South Wales, which supports a significant percentage of the State's koala population. By adding 175,000 hectares of native State forest to existing protected areas to form a 315,000-hectare reserve in the Coffs Harbour hinterland, the bill will put a stop to any further logging of critical koala habitat while supporting the recovery of other threatened species and creating a significant tourism drawcard. The people of New South Wales showed out in force during the koala inquiry to show their support for stronger koala protection legislation. Witnesses from across all sectors and walks of life spoke of their own efforts to protect koalas. I recognise the incredible work of wildlife carers and activists across New South Wales who have been fighting so hard for our koalas for so many years.

During the Black Summer fires the entire world showed its support through record donations to koala rehabilitation centres after those very distressing images of burnt and injured koalas captured global attention. The world is behind our koalas; it is time the Government was too. The rates of decline in recent years of our koalas are depressingly high. Between 1990 and 2010 population numbers across New South Wales dropped by a third in only three koala generations. Many populations have become locally extinct. Estimates of the losses from the Black Summer fires range from 5,000 to 10,000 koalas out of a population of only a few tens of thousands. In particular, at least 24 per cent of the North Coast koala population and at least 21 per cent of the southern New South Wales population was lost.

In a specially commissioned survey by the World Wildlife Fund, an overall decline of 71 per cent of koala numbers was reported after the fires in six key locations: Wardell, Royal Camp State Forest, Braemar State Forest, Lake Innes State Conservation Area, Kiwarra State Forest and Khappinghat Nature Reserve, which are all on the North Coast of New South Wales. The fires decimated huge amounts of koala habitat as well. On the North Coast, 49 per cent of State forests were burned, with 30 per cent of high and very high suitable koala habitat being within the fire grounds. That is one-third of koala habitat in that area burned in the fires. Over two million hectares of habitat was destroyed overall. The tragic Black Summer bushfires were just another attack on koala habitat that has been under threat for many years.

Logging is one of the biggest threats to koala populations as the destruction of their habitats not only removes their food source but also fragments populations and forces many koalas to traverse dangerous open areas, public spaces and roads to reach new habitat, often putting them at risk, as we heard in the inquiry, of being hit by a car or attacked by predators. Since 2015 more than 3,000 hectares of mid to North Coast priority habitat native forest has been logged. Logging plans have proceeded after the fires, as we have heard in this place many times, with no reconsideration of the now significantly higher impact to koalas and biodiversity concerns. In fact, the introduction of an intensive harvesting zone of 140 000 hectares along the North Coast between Taree and Grafton, much of which falls within the proposed protected area that the bill covers, includes 33 per cent of all koala habitats in State forests across New South Wales.

I had a phone call yesterday with a very distressed koala activist on the mid North Coast, who told me that logging is really ramping up in the area, particularly in koala habitat. He told me about plans to log Bellambi State forest, Wedding Bells State Forest, Conglomerate State Forest and Pine Creek State Forest within days. These are all forests with koalas in them that can be protected by the bill. We all know that current protections for koalas and their habitats are not actually protecting them. We heard hours of evidence during the inquiry. I will quote from ecologist David Milledge. During the inquiry, he said:

I do not consider that government is yet serious about koala conservation. We have got legislation that is opposed to koala conservation and we are seeing a continual erosion of legislation that has been designed to protect koalas. We see economic and social issues continually overriding biodiversity conservation issues and probably, again, in my opinion, the most detrimental recent change to legislation has been in the change of the Threatened Species Conservation Act to the Biodiversity Conservation Act and the removal of protection of endangered populations, and that is the point I really want to stress today: this lack of conservation, lack of protection of local populations, because loss of local populations equals extinction.

His opinion was echoed by many others throughout the inquiry. It is clear that existing legislation and, crucially, the rollback of protections is failing our koalas. What better example of the way the Government is failing koalas than the way in which extensive data compiled by the former Office of Environment and Heritage [OEH] was completely ignored in the development of the Government's NSW Koala Strategy in May 2018? Speaking of koala strategies, goodness knows when the next one is going to be released. We keep hearing it is any day or month. Freedom of information requests revealed that the OEH had undertaken significant work to identify the areas of greatest value to koalas across New South Wales. However, none of that work appeared in the 2018 Koala Strategy as the Government's reserve proposals contained just 0.2 per cent as Areas of Regional Koala Significance. Those koala hubs contain some of the highest population densities in the State and the information provided by OEH was invaluable for koala conservation efforts. The inquiry into koala populations and habitat in New South Wales was clear in its recommendations for reversing the decline of koala populations. Recommendation 7 states:

That the NSW Government consider the impacts of logging in all public native (non-plantation) forests in the context of enabling koala habitat to be identified and protected by a combination of transferring land to national parks or inclusion in Forest Management Zone 2, where appropriate.

Recommendation 15 states:

That the NSW Government urgently investigate the utilisation of core koala habitat on private land and in State forests to replenish koala habitat lost in the bushfires.

I am not sure where the Government is up to regarding both those recommendations, which emphasise that habitat protection is the bottom line for ensuring that our koalas do not become extinct. Unfortunately, Forestry Corporation holds sway over this Government, particularly the National Party, despite the logging of State forests being environmentally and economically unsustainable. Between 2009 and 2014 the hardwood division of Forestry Corporation of NSW, which is primarily engaged in native forest logging, cross-subsidised losses to the tune of \$79 million. The economic viability of the industrial logging of our native forests is marginal at best and declining rapidly due to competition from sustainably managed plantation timber, the decline of the Japanese pulp and paper industry, and the declining availability of high quality sawlogs. Since 2006 the forestry workforce has contracted by almost 15 per cent.

The industry does not turn a profit, yet the Government continues to bow to the interests of the logging industry and subsidise habitat destruction for I cannot say what, because there is no good reason to back an

industry that simultaneously loses millions of taxpayer dollars and destroys millions of hectares of habitat for critically endangered species. The glaring truth about koala protections is that nothing can replace habitat protection; nothing is more effective. We need to see the widespread protection of koala habitat across New South Wales and a transition out of public native forest logging. Before the Black Summer fires we had a rapidly dwindling area of native forest and suitable koala habitat. Now it is an emergency to protect what is left. The bill identifies 315,000 hectares of State and national parks land that can be combined to create a "great koala protected area", the first of its kind in the world, dedicated to the protection of koalas and their habitat.

Schedule 1 to the bill identifies 42 existing national parks, regional parks, Aboriginal areas and nature reserves. Schedule 2 to the bill identifies 75,000 hectares of native State forest and State conservation areas. The bill does not combine those areas into a single national park; instead, division 1 of the bill establishes a great koala protected area, consisting of the lands identified in schedules 1 and 2, the primary purpose of which is to collectively manage the identified national parks estate to reverse the current trend of koala population decline. This is in addition to the management principles that apply to the national parks, regional parks, Aboriginal areas and nature reserves that make up the protected area. Where those principles differ the primary purpose of the protected area prevails.

Division 1 also requires the Secretary of the Department of Planning, Industry and Environment to prepare a plan of management for the protected area within 12 months of the commencement of the Act, which must be consistent with the primary purpose. It must also provide for the conservation of the koala population, including the conservation of koala habitat; the prohibition of works and activities that may harm the koala population or damage koala habitat; the encouragement of research into land management principles that support the conservation of the koala population and koala habitat; the use of the great koala protected area for the purposes of scientific research into initiatives to promote the interests of the koala population; and a written scheme of operations in relation to how the great koala protected area is to be managed consistent with the primary purpose.

The secretary must state in the plan of management how they propose to achieve the plan's objectives and performance measures. There is a requirement for the secretary to publish the draft plan online and invite the public to make comments and submissions for a period of 28 days that must then be considered. Division 2 of the bill creates a requirement for the secretary to reserve the State forest and State conservation areas identified in schedule 2 to the bill within two years. That period of time is to allow for the implementation of the transition plan for the inclusion of those areas. Division 3 of the bill sets out a requirement for the secretary to prepare the transition plan within 12 months of assent to the bill. The plan must provide for the transition of workers to alternative employment consistent with the principles of ecologically sustainable development.

The plan must also provide for creating opportunities for developing public understanding and appreciation of heritage values associated with the koala population, which could include opportunities for sustainable visitor or tourist use and the development of educational programs about the conservation of koalas. Like in the case of the plan of management, the secretary is required to publish the draft transition plan and invite the public to make comments and submissions for a period of 28 days that must then be considered. As this is the Legislative Council, I am unable to include a provision outlining compensation for forestry workers impacted by the change of land tenure. Instead, part 15 introduces a recommendation for the appropriation of funds out of the Consolidated Fund to support the implementation of the transition plan and compensation for relevant workers.

By combining 52 State forests and State conservation areas with 42 national parks, the protected area will connect hundreds of thousands of hectares of habitat at risk of fragmentation and create the largest and only koala protected area in Australia. That protected area has been the dream of many ecologists, activists and community members for many years. Incredible amounts of time and effort have gone into the creation of the protected area to ensure that the bill will deliver the greatest good for koalas. I give a shout-out to people on the mid North Coast, who have gone to the trouble of establishing a Great Koala National Park visitor centre, which is a wonderful place to visit and find out more about koalas and this proposal. Volunteers staff that centre every day and it makes us realise what we could be doing to promote this incredible animal that the world loves so much. I am sure it will be a tourist drawcard.

In fact, that is what the research has found. A report from the Hunter Research Foundation Centre and the University of Newcastle found that the establishment of the protected area and the ongoing protection of koalas, other threatened species and nationally significant biodiversity will bring \$1.18 billion to Australia in the next 15 years, a net addition of 9,135 full-time equivalent jobs and an additional total value-add of \$531 million to New South Wales over the next 15 years. The research also found that the area is projected to attract an additional one million visitors to the region, who will spend an additional \$412 million by 2036—that is if the area is protected. The areas of native forest to be included have been selected based on data from the former NSW Office of Environment and Heritage, along with independent studies that indicate that those areas contain the highest concentration of koalas in the region.

The north-east of New South Wales, the mid North Coast, is one of the last refuges for our koalas. It contains 76 per cent of OEH-identified koala hubs in the State. The proposed protected area, which comprises land across the North Coast, contains 44 per cent of all identified koala hubs. There is no other area like it in New South Wales. We absolutely must protect the koalas in Campbelltown as well, but the area outlined in the bill is a vast tract of land where koalas are at risk. Fundamental to the survival of koalas in New South Wales is the protection of their habitat, which, after the Black Summer bushfires, is under attack from logging and due to be logged any day. The Government cannot meet its commitment to double koala numbers by 2050 if it continues to log core koala habitat in New South Wales. It just does not compute that they think they can do this.

The bill is the action that koalas need now. In future years, hopefully when our koalas are recovering and beyond the risk of extinction, it is my hope that the history books note the establishment of the great koala protected area as the turning point in koala protections in the State. That is the vision of every person who has worked tirelessly to develop the great koala protected area proposal, and it is the hope of millions of others who want the Government to do what it takes to ensure that koalas do not become extinct in New South Wales on our watch.

I acknowledge all those who have helped realise this vision, including former CEO of the National Parks Association Kevin Evans, Greens mayor of Bellingen Dominic King, Ashley Love of the National Parks Association, Paula Flack, Caitlin Hockey, Lynn Oreggo, Caroline Joseph, Jonathan Cassell and Gumbaynggir leaders Michelle and Michael Donovan. Many others have worked tirelessly for the creation of a great koala protected area. I know they will not stop until they see their vision realised, and I know the majority of people across New South Wales and the world are behind this proposal. I urge all members of this place to support the bill. I will bring the bill up for debate at some stage, and I commend it to the House.

Debate adjourned.

Motions

STRONGER COUNTRY COMMUNITIES FUND

Debate called on and adjourned.

Bills

CLIMATE CHANGE (EMISSIONS TARGETS) BILL 2021 (SHARPE)

First Reading

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

Second Reading Speech

The Hon. PENNY SHARPE (11:13): I move:

That this bill be now read a second time.

Labor introduces the Climate Change (Emissions Targets) Bill 2021 with not just great hope but also great determination. The warnings that our planet is warming to unsustainable levels have been there for over 50 years. The impact of humans has upset the delicate balance of the natural systems our planet relies upon for stability and sustainability. Greenhouse gas emissions are trapped in our atmosphere, warming the earth and changing our climate. Governments, business and many in the community have been slow to act. That failure has led to increasingly unstable weather systems, record-breaking temperatures, longer droughts, more severe floods and—as we experienced in the summer of 2019 and 2020—catastrophic bushfires of an intensity we are yet to understand fully.

Without urgent action, our neighbours in the Pacific will lose their ability to live on their land and millions of people in low-lying areas of the world will become refugees. We cannot turn away from our neighbours in the Pacific, or indeed the other humans that we share the planet with. Climate change is not of their making, but they are living with the consequences. Without urgent action, the cost to communities will dwarf any government's ability to pay for the adaptation that is required. This is, of course, bad news, but the good news is that we know what is causing the change and we can act to turn it around. There is hope, and it is not too late.

Depending on what action we take now, the threat of climate change could represent one of two scenarios for New South Wales. Scenario one sees us having nothing in our law to ensure that we do not miss the window to act to prevent disaster for our climate, to halt the destruction of our biodiversity and to save entire sectors of workers in this State from being abandoned as the rest of the world moves toward climate protection and recovery. Scenario two sees us having passed this bill, entrenching its principles in law to achieve net zero carbon emissions by 2050 while protecting workers and local economies as well as ensuring intergenerational equity.

The bill provides the pathway for New South Wales to deliver on its commitments, which members on both sides of the House say they want to achieve. We hope that this commitment will continue long into the future so that it is not about who is in government or who is the Minister or Premier. My colleague the member for Lakemba, Jihad Dib, who has carriage of the bill in the other place, is in the gallery to see its introduction. The bill is about us jointly signing up to a commitment to save the future and to look after the people in this State.

Labor's bill reflects the urgency of the crisis we face and does what we must do to save our climate while grabbing the opportunities it offers with both hands: creating jobs and diversifying the economy, jumping headfirst into new high-growth sectors like renewable energy and carbon abatement, protecting local economies and jobs in communities and providing certainty for both industry and our environment into the future. If that is not enshrined in law, it cannot be guaranteed. While the rest of the world acts, the New South Wales Government talks—and Government members like to talk about this a lot. New South Wales workers, businesses and industries cannot plan a future on mere words. We cannot be reassured by insubstantial aspiration.

The people of New South Wales and the climate crisis we face deserve urgent, tangible and assured action that cannot be derailed by the whims of the Premier or the New South Wales government of the day. Our new Premier has a questionable track record on climate change, telling those who refute its existence that they are not sceptics. I know he has tried to turn that around in recent times, but we need to be sure. While I acknowledge the aspiration of the current environment Minister in the other place, time is running out on his tenure. We need to know where we are going and how we will get there, and for that pathway to be secure no matter who is holding the steering wheel. The bill paves the way for New South Wales.

Before I outline more details of the bill, I remind members of what we stand to lose without it. Leaving aside bushfires, cyclones, droughts, floods and loss of threatened species, modelling predicts entire parts of the New South Wales coast will be inundated with sea water without action on climate change. No part of the New South Wales coast will be spared. People born today will live to see homes, businesses and local ecosystems damaged irreparably unless we take action.

Labor also recognises the need to support landholders in the work that they do to keep trees in the ground, look after our forests and deal with land clearing so that we can continue to abate climate change. If we fail to do that, New South Wales stands to lose a number of our threatened native species forever. The NSW Threatened Species Scientific Committee states that the key threatening process of anthropogenic climate change would risk at least four mammal species, seven bird species, one reptile species, four amphibian species and a number of alpine vegetation communities at risk in this State. Let us not forget that Australia has the shameful reputation of having among the worst loss of biodiversity of any country in the world. Overall, doing nothing will mean that we are handing to our children a future world and natural environment that is much worse off than the one we have inherited. For all of us, the one responsibility that we have in our short time on Earth is to try to make it better for those that come after us. My colleague in the other place, whom I represent, the honourable Jihad Dib—he is not "honourable" yet, but he is honourable to me—

The Hon. Sarah Mitchell: And to everyone.

The Hon. PENNY SHARPE: And to everyone. The shadow Minister for Energy and Climate Change will go into some detail about what we stand to lose when it comes to our energy and manufacturing sectors in New South Wales if there is no plan in our law. Our mining, energy and manufacturing industries, which entire regional communities are built on, risk becoming isolated and left behind as the world and its investment moves elsewhere. We urgently need certainty for these communities so that we can plan an equitable future alongside them. Crucially, the industry that will be most impacted if we do not act on climate change is the farming industry. Farmers know the importance of climate change more than anyone in our community. Of any State or Territory in Australia, New South Wales farmers are the most vulnerable to climate change. They are beating the drums of the need for action and certainty, and we should be listening to them. Protracted drought has already had a catastrophic impact on farm profit for most of New South Wales over the past 20 years. Modelling from the Australian Bureau of Agricultural and Resource Economics and Sciences predicts it is getting even worse as climate change impacts grow.

I move to the details of the bill. The bill does three things. It delivers a set of principles to guide our pathway forward when addressing climate change; it legislates the 2030 and 2050 emissions targets already committed to by the New South Wales Government; and it establishes a net zero commission, which will oversee the plan to get to net zero and hold government accountable for changes and developments over time. The bill, under section 5, sets out a series of guiding principles that will underpin the way we move forward to address climate change in New South Wales. The principles state that there is a critical need to act to address climate change, which is a serious threat to the social, economic and environmental wellbeing of the State; that we must take action as soon as possible to minimise its cost and adverse impact; that action to address climate change should recognise principles of fiscal responsibility; that action to address climate change should take into account the

need to maximise job creation and employment transition opportunities, support local communities and the need for skills diversification, including education provided by TAFE; and that action on climate change should be consistent with the right of all individuals to clean air and clean water.

The principles also state that for current and future households, businesses, workers, communities and rural and regional New South Wales, action on climate change should ensure intergenerational equity and take into account social, cultural and economic differences; that action should maintain, conserve and enhance the health, integrity, biodiversity and productivity of the environment and natural ecosystems; that action to address climate change should involve appropriate and adequate consultation with affected persons, communities and stakeholders; and that the New South Wales Government is responsible for urgently developing strategies, policies and programs to address climate change and ensuring that energy use in the New South Wales government sector represents best practice in addressing climate change.

The bill, under section 6, then proceeds to set 2030 and 2050 greenhouse gas emissions targets, including a 50 per cent reduction in 2050 net greenhouse gas emissions by 2030 and net zero greenhouse gas emissions by 31 December 2050, both of which this Government has already committed to. We must understand that it has been a long path to get green consensus on the targets. A couple of decades ago we had a very fragile bipartisanship, but that was blasted open and we have not recovered since. In the lead-up to Glasgow we finally got there again, with every major political party agreeing and committing to net zero greenhouse gas emissions by 2050. We cannot let this fragile agreement go past without providing certainty for the future. That is why this bill is so important. This provision would ensure that the New South Wales Government has its targets legislated and in place, regardless of who is in power and their beliefs.

Finally, Labor's bill creates a New South Wales net zero commission, which will consist of at least five and no more than nine members, appointed by the Minister, who have knowledge and experience in climate change science, reducing emissions, adapting to climate change, and the social, economic and environmental effects of climate change, including its effects on public health. The functions of the net zero commission are also set out in the bill. They are to develop a plan for New South Wales to meet the 2030 and 2050 targets, to review and update this plan at least once every five years, to monitor and review the plan and make recommendations to the Minister and to report annually to the Parliament and require the Government to respond to its recommendations.

The way in which we have set up this commission is extremely important. We are drawing on science and putting it at the centre of our response. We want frank and fearless advice from a commission with the right expertise to make sure that we can deliver on the commitment that we have given to the people of New South Wales, which is that we will do what is necessary and pull our weight in the global project to reduce emissions to save our planet. The commission will provide accountability. It will develop, monitor and report on the plan. Importantly, it will provide an annual report to Parliament. We will not let this commission, as we see so often with other bodies, just drop a report into the Parliament which the Government ignores. We want the Government to report then and there on the advice that it is accepting, where it has diverged from the advice and any change that is needed to keep us on track. This bill is about accountability of the promise we have made to young people and communities in this State. We are going to reduce our emissions and be accountable for that.

I thank those who have helped us with the development of this bill. There is a whole range, including our union colleagues and our colleagues in the climate and environment movements. They have all said that this bill is important, that it gives certainty and that it is important for government to be accountable into the future. Taking action on climate change should not be a political-pointscoring exercise. It must be a joint priority to rescue the future. This bill provides certainty and the mechanism to take the action necessary to reduce greenhouse gas emissions into the future in order to turn around the catastrophic climate change. I commend the bill to the House.

Debate adjourned.

Motions

PERINATAL MENTAL HEALTH WEEK 2021

The Hon. SCOTT FARLOW: I move:

That private members' business item No. 1465 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. SCOTT FARLOW (11:27): I move:

(1) That this House note that:

(a) Perinatal Mental Health Week runs from 7 to 13 November 2021;

- (b) Perinatal Mental Health Week is a time to raise awareness in the community and educate parents who are in need that they are not alone; and
 - (c) one in five new mums and one in 10 new dads experience perinatal depression and anxiety every year.
- (2) That the New South Wales Government:
- (a) is committed to improving the mental health and wellbeing of all new parents across the State; and
 - (b) has a strong track record of supporting perinatal mental health including investment into a range of new initiatives.
- (3) That this House affirms its continued support for Perinatal Mental Health Week and encourages all parents and carers to seek help for their mental and physical health.

Perinatal Mental Health Week is a time to raise awareness and to collaborate to ensure that parents in need know that they are not alone. Parental mental health and wellbeing in the perinatal period can have a major impact on a child's mental health and wellbeing; therefore, it is vital for both government and community to support new and expecting parents during pregnancy and the postpartum period. With one in five new mothers and one in 10 new fathers experiencing perinatal depression and anxiety, Perinatal Mental Health Week is a timely reminder to all of us about how common this is and how imperative it is for all of us to reach out. The New South Wales Government has a strong track record in investing in perinatal and postnatal mental health. It is committed to universal and equitable education, prevention, screening and treatment for mental health conditions during the perinatal period.

Perinatal mental health problems can range from mild to severe, and the Perinatal & Infant Mental Health Service caters to those with the highest needs, while women with lower intensity needs can access self-help, primary care or Better Access psychological services. A small number of women—around four for every 1,000 births or up to 470 expectant or new mothers—will require psychiatric hospital admission for very severe or acute perinatal mental illnesses, such as postpartum psychosis, bipolar affective disorder or severe anxiety or depression. The New South Wales Government has committed to establishing two public, statewide mental health mother-and-baby units, located at Royal Prince Alfred and Westmead hospitals. Those units will be the first of their kind in New South Wales. The two eight-bed dedicated units will provide specialist perinatal psychiatric care for mums, while providing joint accommodation and care for their bubs and co-parent. That care keeps families together during a challenging time and is critical for maintaining bonds during the early days following birth. Together, the units will provide specialist hospital care for up to 240 women and their babies annually. Both are scheduled to open in 2022.

The SAFE START program provides statewide, routine mental health and psychosocial screening, which is integrated as part of the comprehensive, universal prenatal and postnatal assessment process for perinatal women attending public maternity departments, and child and family health clinics. SAFE START provides early identification of psychosocial and mental health needs so that expectant and new parents can receive early prevention or intervention. Care is integrated across a stepped-care range of services, from universal, primary care through to secondary services like Karitane and Tresillian, and tertiary specialist services like specialist mental health services.

Over the past five years the New South Wales Government has spent more than \$120 million funding vital perinatal health services Karitane, Gidget Foundation and Tresillian. I commend Karitane for the work it has done in south-west Sydney. A couple of years ago I was fortunate enough to be able to see its programs linking in intensive care support. Each of those organisations provides vital services to new parents and operates in close partnership with its local health district. Collaboration is at the centre of Perinatal Mental Health Week. The New South Wales Government is proud to deliver services in both community and acute settings for new mums and dads.

By way of personal reflection on the importance of Perinatal Mental Health Week, I know many people of my generation who have experienced perinatal mental health issues. My wife was and continues to be very engaged in her work. She put a lot of the issues that she experienced during the postnatal period down to separation from her work. On reflection, she definitely looks back at that as a form of postnatal depression, particularly after the birth of our second child, our daughter Colette, when she was off work for a prolonged period of six months. We have friends who are still going through those challenges of perinatal depression. During Perinatal Mental Health Week, which was last week, it is important for us to reflect on these important issues, to debate them in this House and, of course, to raise awareness in the community.

The Hon. TARA MORIARTY (11:32): On behalf of the Opposition, I speak in support of the motion. I thank the Hon. Scott Farlow for bringing the motion to the House. I know he is passionate about perinatal mental health. This year Perinatal Mental Health Week ran from 7 to 13 November. It is a time to raise awareness and collaborate to ensure that parents in need know that they are not alone. One in five new mums and one in 10 new dads, which is around 100,000 Australian parents each year, experience perinatal depression and anxiety.

I acknowledge that the Government has done a lot of work in the area in recent years. In particular, the specialised services that have opened are very welcome.

It is important to catch mental health issues in new parents—both mums and dads—as early as possible, either before a new baby arrives or in the period immediately afterwards, to ensure that parents get through it and that kids have the best possible start in life. All support in the area of perinatal mental health is welcome. A number of organisations do great work in this space. In particular, I give a shout-out to the Gidget Foundation, which does terrific work. I acknowledge the presence of the Minister for Mental Health, Regional Youth and Women, who has a particular focus on this area. Any kind of support, any way to catch mental health issues early, particularly when parents and new babies are involved, is very welcome. The Opposition supports the motion.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (11:33): I congratulate the Hon. Scott Farlow for bringing the motion to the House. It is important that we talk about mental health issues in this place, particularly given the high number of women, men and families who experience perinatal depression and anxiety. I acknowledge my good friend and colleague the Minister for Mental Health, Regional Youth and Women for the amazing work she has done in this space. I also acknowledge some organisations. I have had the opportunity to get to know a bit about the work of Gidget Foundation and Tresillian and to visit some of their services in the regions. Their work makes a huge difference to families that need support. All people who are parents in this place can tell stories about struggling when becoming parents, particularly for the first time. It can be hard. New parents are sleep deprived and do not know what they are doing. It is normal to need to ask for help.

I might be oversharing slightly, but I had terrible trouble breastfeeding my eldest daughter. A lot of anxiety went with that, which I do not think I fully appreciated at the time. It was not until I got through that rough patch that I was very grateful to friends and family who helped me out. It is a common experience. Of course, a lot of women have more serious issues. Good friends of mine have been through it and have got through it. That is the point: There are plenty of great services out there to support new parents and their families. It is very normal to struggle, and it is good that we are talking about it in the Chamber today, not only to raise awareness of Perinatal Mental Health Week but also to have an open and honest discussion about some of the trials and tribulations that come with parenting and that it is okay to ask for help. No-one should be ashamed because there are a lot of great people out there to support them.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (11:35): I thank all members who have contributed to debate on the motion for their terrific contributions. I also thank the Hon. Scott Farlow for bringing forward the motion. I give a shout-out to my counterpart, the Hon. Tara Moriarty, the former shadow Minister for Mental Health. She is extremely well respected in the sector, which was sad to see her go after the shadow ministry reshuffle. I thank the member for being a strong advocate for and supporter of mental health. Although I do not miss her all the time as my shadow, I am sure the sector misses a lot of her advocacy. Having a baby can be stressful, but it is also a wonderful time. We are more open to talking about perinatal mental health now, which is important.

As I alluded to yesterday, in all areas of health care our best chance for obtaining good health outcomes is early intervention. Whether it is cardiac health, mental health or a cancer diagnosis, early treatment produces better outcomes. In New South Wales we are fortunate to have terrific organisations. We have Tresillian, headed by CEO Associate Professor Robert Mills. He is a terrific fellow and runs a great organisation. We also have Karitane, which does wonderful work. I give an accolade to Karitane's CEO, Grainne O'Loughlin. It is a terrific organisation. We also have the Gidget Foundation.

Two staff members in my media team, who have recently left, are Gidget Foundation ambassadors. A lot of people would know Brigid Glanville, a former ABC journalist in the Parliament. She was open in talking about her postnatal depression, which has helped so many others. The other member of my media staff who has recently moved on is Richard Shute. He is a dad who had postnatal depression. As the mental health Minister, I have found that it has been absolutely incredible to be able to talk to them about these issues. I commend them both for talking about it. We know we must have a multidisciplinary team approach to mental health. We also know that we must continue to talk about it and to provide the services.

I am pleased that we have centres with a footprint in regional New South Wales now. Other members have spoken about their own stories today. My early childhood nurse at the clinic in Nimmitabel was fantastic with my youngest child, who was extremely challenging—and remains so but she is so worth it. It is important to have those services, but it is even more important to talk about it. I commend the Hon. Scott Farlow, who has a passion for mental health, for bringing forward the motion. I thank all members who contributed to debate.

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

Motion agreed to.

Documents

SOUTHERN HIGHLANDS REGIONAL SHOOTING COMPLEX

Production of Documents: Order

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

That private members' business item No. 1381 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK BANASIAK (11:39): 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 the following documents created between 1 July 2016 to 30 June 2021 in the possession, custody or control of the Department of Premier and Cabinet, the Department of Communities and Justice, the Department of Planning, Industry and Environment, the NSW Police Force, the Premier, the Minister for Police and Emergency Services, and the Minister for Sport, Multiculturalism, Seniors and Veterans relating to the Southern Highlands Regional Shooting Complex:

- (a) all documents and correspondence relating to financial information and operating budgets;
- (b) all documents and correspondence relating to the number of days open per year, including documents which identify:
 - (i) the number of days open for general sighting-in; and
 - (ii) the number of days open for approved matches.
- (c) all documents and correspondence regarding the number of competitions held;
- (d) any document which discloses a list of all shooting clubs involved the Southern Highlands Regional Shooting Complex;
- (e) all documents and correspondence regarding range licence approvals;
- (f) all documents relating to promotional material; 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 Southern Highlands Regional Shooting Complex at Hill Top in the Southern Highlands has been a labour of love for many dedicated and passionate volunteers over many years. My dear friend David Cook was there at the beginning of the project over 10 years ago and worked tirelessly with others from the legacy clubs to see the complex through to completion in 2018. Over the years they have battled ridiculous levels of bureaucracy and unfounded and vexatious complaints regarding noise as well as onerous and often borderline moronic decisions by bureaucrats with no understanding of range use or safety. That took a toll on the legacy clubs, and several years ago they passed the baton to the Office of Sport to manage the facility.

Despite promises that this world-class facility would be open regularly and draw in State and national competitions under the stewardship of the Office of Sport, it has not fulfilled its potential. It is only open on limited days. The legacy clubs that helped build this fantastic facility are hamstrung and hindered in their ability to promote their club events and build patronage at the range by decisions that make no sense from a range safety perspectives or a business perspective. The Shooters, Fishers and Farmers Party is aware that the Office of Sport has recently discussed the idea of trying to take ownership of club-run competitions. If those at the Office of Sport knew anything regarding firearm regulations and legislation pertaining to shooting matches, they would know that is not legally possible.

We are also aware that the Office of Sport has expressed the view that "the facility needs to be profitable", without any further elaboration to clubs on that point. This has caused the clubs concern that they are somehow being judged and assessed on the financial performance of a facility that they no longer have direct management of. Given the significant efforts by volunteers and the investment of money by shooting clubs within the Illawarra and the Southern Highlands, as well as government funding, it is important that the Office of Sport is running this facility to the maximum benefit of the community. I commend the motion to the House.

The Hon. TAYLOR MARTIN (11:41): The Government does not oppose the motion.

The Hon. JOHN GRAHAM (11:41): The Opposition does not oppose the motion.

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

Motion agreed to.

TRANSPORT ASSET HOLDING ENTITY OF NEW SOUTH WALES ASSETS

Production of Documents: Order

The Hon. MARK BUTTIGIEG: I move:

That private members' business item No. 1526 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK BUTTIGIEG (11:43): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Premier, the Treasurer, Minister for Finance and Small Business, Minister for Transport and Roads, the Department of Premier and Cabinet, Treasury, Transport for NSW, Sydney Trains, NSW TrainLink or the Transport Asset Holding Entity of NSW relating to TAHE assets since 2015:

- (a) any document, including asset registers, which records any asset transferred to TAHE;
- (b) any document, including asset registers, which records any assets agreed to be transferred but not yet to be transferred to TAHE;
- (c) any document, including asset registers, which records any assets identified for sale or lease, or potential sale or lease;
- (d) any document, including asset registers, which records any assets identified for commercialisation or potential commercialisation; 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 is asking for asset registers for the Transport Asset Holding Entity of New South Wales, which we are all well aware of given the last few months of exposure that this issue has had thanks to the work of my colleague the Hon. Daniel Mookhey. Aside from it being important that the legislature has oversight of exactly what and how many public assets have been handed over to TAHE—that is, a comprehensive list—it is also important we understand if any of those assets have been slated for sale or lease or commercialisation, which the call for papers goes directly to. Given this Government's track record, the Opposition has concerns about the Government's motives for making such asset transfers. For example, the Opposition has become aware of a program called the Transport Asset Revitalisation Program [TARP]. Appendix 1 of a report we have come across sets out the background. It states:

The Transport Asset Revitalisation Program (TARP) is exploring opportunities to transform underused Transport land into vibrant urban places—creating value to reinvest in future transport infrastructure.

TfNSW sought Cabinet approval in late-2019 to formally establish TARP. The works program for TARP is currently being development and a governance structure has been established. This will enable continuity in providing active support, guidance and oversight in meeting TARP's planned outcomes.

Entities with the TARP governance structure will be responsible for achieving the following outcomes:

- Transport infrastructure improvements to deliver transport and community outcomes across metropolitan and regional NSW;
- A new source of revenue for the Transport Cluster to deliver on transport infrastructure projects;
- Where relevant, vibrant places to better connect local communities with integrated public transport opportunities; and
- Deliver against Transport Cluster and whole-of-Government strategic objectives ...

Then it goes on to talk about a Property Asset Utilisation Taskforce, principles of financial sustainability, a Movement and Place Framework and a Greater Sydney Services and Infrastructure Plan. So we have a situation where this entity is being set up potentially to look at the sale of property and then finance other government projects. The Opposition thinks the public should be made aware of that. The only way to do that is to get the asset register to see exactly what is being transferred to TAHE and what is on the hit list for potential privatisation, potential leasing and potential commercialisation. If the Government is going to transfer a whole heap of publicly owned assets off the books to a holding entity, surely the public needs to know what it is doing with the assets and what is planned for them. As I said, we only need to remember the litany of things that we have heard about TAHE over the past couple of months, where the Government's handling, quite frankly, has been appalling. Full transparency is therefore needed.

The issues with TAHE have been caused by current Premier Perrottet and former Premier Berejiklian, along with the former transport Minister, Mr Andrew Constance, so they could effectively move billions upon billions of dollars off our State's budget. TAHE owns over \$40 billion of our State's rail assets. The entity takes the cost of maintenance of the assets off the budget and it goes onto its own balance. However, it is all bogus

because it does not pay any taxes or impose fees on Transport for NSW to use the assets and it has no real financial benefit. It was set up to artificially inflate the State budget by billions of dollars. I am aware of this little trick because at the advent of State-owned corporations in the 1990s, I think it was, effectively the same accounting trick was used. They would get government assets off the books and load them up with debt so that it did not show on the budget and the budget actually looked better than it was.

The Hon. Shayne Mallard: Are you talking about Michael Egan?

The Hon. MARK BUTTIGIEG: Yes, sure, and it was—

The Hon. Shayne Mallard: Your side started it.

The Hon. MARK BUTTIGIEG: What Labor is saying is that the Government is now using that same accounting trick to artificially inflate the budget position, and the people of New South Wales have a right to know exactly what the Government has planned for public assets. That is what this call for papers does. We need to see the asset register.

The Hon. TAYLOR MARTIN (11:48): The Government opposes the motion. The matter of the establishment and operation of the Transport Asset Holding Entity [TAHE] has already been prosecuted countless times. There is no value in expending more taxpayers' money prosecuting the same issue time and time again. That is not to mention the diversion of public resources that could, and should, be directed at delivering services and infrastructure for the people and communities of New South Wales. Delivery of transport infrastructure projects on this scale requires contemporary operating models with clear objectives and mandates. That includes ensuring that customers and communities remain the focus of our strategies, plans and service delivery. The Transport Asset Holding Entity was established as a statutory State-owned corporation on 1 July 2020 and assumed ownership of RailCorp's entire asset base, including rail infrastructure, rolling stock, stations and facilities, plant and equipment, and real property.

TAHE was created to strengthen governance as a dedicated asset manager. Other jurisdictions have dedicated entities that hold their public assets, such as the Australian Rail Track Corporation, Queensland Rail, VicTrack and Australia Post. This is not new. A suite of legal agreements have been executed between Transport for NSW, TAHE, Sydney Trains and NSW TrainLink to implement the TAHE operating model across rail operations, track access, licensing, agency maintenance, project and property development, and corporate services. The New South Wales Government has reiterated over and over that safety remains the number one priority across transport operations, and I reiterate that again. It is enshrined in the Act. It is supported by the Rail Safety National Law. The operators remain the accredited safety managers. Senior public servants from across the government sector have, under oath, given evidence that the TAHE establishment has been designed to ensure that there is no impact on transport operations and maintenance activities.

TAHE's assets will continue to be safely operated and maintained by Transport for NSW, Sydney Trains and NSW Trains. As the accredited rail transport operators of their respective operations under the Rail Safety National Law, Sydney Trains and NSW Trains will continue to play the lead safety role, even where assets are owned by TAHE. The Office of the National Rail Safety Regulator will continue to have oversight of the regulatory arrangements for all rail assets in New South Wales. TAHE is required to operate within the remit and scope of an operating licence, which ensures that safety continues to be a number one priority for the TAHE board. It really needs to be noted that decisions about assets since the establishment of TAHE, including maintenance and delivery, will be subject to the same asset safety assurance regimes that existed prior to 1 July 2020. There is currently a Legislative Council parliamentary committee inquiry into TAHE at which many hours of evidence have already been given. Not much more needs to be said on this subject. Safety is the priority.

Mr DAVID SHOEBRIDGE (11:51): On behalf of The Greens I indicate that we will be supporting this Standing Order 52 motion. I heard the Hon. Mark Buttigieg and the Hon. Taylor Martin addressing this call for the papers that show the registers of the assets transferred to the Transport Asset Holding Entity [TAHE]. Our reading of this SO 52 is that it would include TAHE's current asset register as well. I think this is essential because we heard very disturbing evidence in the Public Accountability Committee's inquiry into TAHE. Notwithstanding Treasury's assumptions, which were taken to Cabinet and, I assume, were part of the rationale under which Cabinet agreed to the creation of TAHE and the transfer of the State's rail assets into TAHE commencing 1 July last year, Treasury said in its assumptions that there would be no change to the basis upon which assets were valued.

In the hands of the transport agency the assets used to be valued on the basis that they provide public transport services to the people of New South Wales; for the purpose of being train assets; and on the accrual basis, or what it would cost to replace them. Treasury said that valuation would continue when the assets moved into TAHE; that ended up being radically different to the truth. We found out through questioning the TAHE board that within six months of TAHE getting its hands on \$40 billion worth of public rail assets, it went through a

radical revaluation of them. Valuing them in the hands of TAHE simply for the amount of profit it felt it could squeeze out of them, TAHE revalued the assets and cut more than \$20 billion from the value of the public rail assets. We are deeply anxious to see what has happened to those transport assets. I know that there are members of The Nationals who are perfectly okay with a \$20 billion writedown in the public rail assets.

The Hon. Walt Secord: They don't care.

Mr DAVID SHOEBRIDGE: I accept that interjection. They don't care about public transport.

The Hon. Wes Fang: Of course we don't care about public transport. We don't have public transport where we are.

Mr DAVID SHOEBRIDGE: They don't even care that TAHE is responsible for the country rail link, which is the least profitable part of the rail network and the one that is going to face the most vicious cuts going forward because it can never turn a profit. But the erstwhile never happening member for Wagga Wagga, who is prattling from the back of the Chamber, probably doesn't care that the most vicious attack on these assets will be on country rail assets. [*Time expired.*]

The Hon. JOHN GRAHAM (11:54): I make a couple of brief observations on the motion. The Hon. Mark Buttigieg, who moved the motion, and Mr David Shoebridge have outlined the contents very clearly. If it is true that the scale of the writedown is \$20 billion, that has an impact not just on the users of public transport but also on the budget. That will impact on every citizen of New South Wales, regardless of where they live—whether they live in Albury, the Tweed or Broken Hill—and whether they have access to public transport or not. This has a massive impact on the State budget. I hope the member is right that only \$20 billion has been written off these assets. I call on the Government to make clear just how big the scale of this writedown is at the moment. If the member is right then it is a massive hit on the budget, but it could be bigger.

The Hon. MARK LATHAM (11:55): One Nation very much supports this Standing Order 52 motion on the basis that the Parliament and the public should look at the asset register for the Transport Asset Holding Entity [TAHE]. TAHE is one of the great accounting rorts in the history of the New South Wales Government. Clearly the Government has tried to get it off the books to improve the notional budget bottom line. In terms of the value of the assets, if they are on the budget bottom line they are valued at purchase price; but once you take them into a commercial entity and try to pretend that it can be a State-owned corporation and has some commercial viability, they are then valued at the commercial rate. Of course the railway in New South Wales, whether suburban or country, is not a going commercial concern, even less so in recent times because the Government has driven passengers away with its COVID scare campaign.

There are very few people on the city trains. There are no trams running to Dulwich Hill at all, so the commercial entity is becoming less commercial by the day. The loss of passengers in the city, and also on country trains, will be enormous because of the COVID impact. There has not been a single COVID transmission on public transport in Sydney, and the Government should make that plain. It is safe for people to go back on the buses, ferries and trains, but trains are running with very few passengers and light rail lines have no rolling stock to Dulwich Hill. The pretence about TAHE gets worse by the day. We should look at the asset register. There should be a full examination into this. I think it is getting to the point where we need an independent inquiry, building on the work of the Public Accountability Committee [PAC], to have a look at the rort.

Mr David Shoebridge: We haven't finished yet.

The Hon. MARK LATHAM: You haven't finished yet, but it is probably getting to the point where it might go past the PAC. The Auditor-General should be fully commissioned to undertake her inquiries into it. It is a shameful abuse of sound accounting practice in New South Wales for the political purpose of trying to pretend that the budget deficit is \$19 billion instead of its true amount of \$29 billion. It is a political and accounting rort that reflects very badly on those who have been part of it, going back to former Premier Berejiklian, former transport Minister Constance and those in Treasury who have been involved. We should have a good look at the asset register under this SO 52. It will make a very fine addition to the Mookhey library upstairs. I am sure the eponymous librarian will make very good use of the material and tell us much more about this shameful accounting rort on the books of the New South Wales Government.

The Hon. DANIEL MOOKHEY (11:58): With some enthusiasm I support the Standing Order 52 motion that has been moved by my colleague the Hon. Mark Buttigieg. To put this in perspective, when the Transport Asset Holding Entity [TAHE] was created it was given \$40 billion worth of the public's assets, of which rail is a small component.

The Hon. Damien Tudehope: Depending on how you count it.

The Hon. DANIEL MOOKHEY: I accept the interjection from the Minister for Finance and Small Business, who has presided over one of the biggest writedowns in Australian history. That is true, it does depend on how you count it. The point is that in creating the Transport Asset Holding Entity, they themselves induced the circumstances that led to a shocking writedown. We as a House need to get to the bottom of this. The starting point is to get the complete asset register so that we can find out precisely what this secretive corporation owns, for how long it has known that this has been coming and what is the consequence of this massive destruction in public wealth that has precisely hit the State's net worth. I support the motion.

The Hon. MARK BUTTIGIEG (11:59): In reply: I thank all those who contributed to the debate. Let us understand that this is about the public not being allowed to know what public asset is being transferred to another entity. I commend the motion.

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

Questions Without Notice

TRANSPORT ASSET HOLDING ENTITY OF NEW SOUTH WALES

The Hon. Wes Fang: Penny!

The Hon. PENNY SHARPE (12:00): Nice try, Wes.

[A Government member interjected.]

You shouldn't be interrupting. Aren't you in enough trouble? My question is directed to the Minister for Finance and Small Business. Is the Transport Asset Holding Entity [TAHE] able to provide taxpayers with a return greater than inflation without the exemption from land tax, which the Minister gave it and which is worth more than \$100 million a year?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:00): TAHE is a well-established organisation—

Mr David Shoebridge: No, it is not.

The Hon. DAMIEN TUDEHOPE: Those opposite keep saying this because they want to take every step they can to talk down the strength of the New South Wales economy. It has been a concerted campaign. It is like the extravagant motion for a call for papers under Standing Order 52 that the House is currently debating. One of the things that really impressed me was—

Mr David Shoebridge: Point of order—

The PRESIDENT: I think the moment has passed, but Mr David Shoebridge may proceed.

Mr David Shoebridge: The question is about the \$30 billion bin fire that is TAHE and not a generic—

The Hon. DAMIEN TUDEHOPE: Sit down.

Mr David Shoebridge: That is not your place, my friend. It is not an opportunity for a generic chat on the state of the economy.

The PRESIDENT: The Minister was indulging in a few introductory comments and was moving to the substance of the question.

The Hon. DAMIEN TUDEHOPE: Questions in relation to TAHE ought to be addressed to the transport Minister.

The PRESIDENT: Order! I warn the Hon. Daniel Mookhey to cease interjecting.

The Hon. DAMIEN TUDEHOPE: If the Leader of the Opposition has a question about the operational status of TAHE, she should address it to the transport Minister.

The Hon. DANIEL MOOKHEY: Point of order: It is on direct relevance. The question was not about the operations of TAHE. It was specifically about whether this organisation can earn a profit without the exemption this Minister gave it. The question is about his responsibilities. What is not appropriate is for him to refer it to the portfolio Minister. The question is directly to him on matters that concern his portfolio.

The PRESIDENT: The Minister has finished his answer.

The Hon. PENNY SHARPE (12:03): I ask a supplementary question. Will the Minister elucidate his answer in relation to TAHE's plans? Does TAHE's planned ability to turn a profit rely on billions of dollars from property development?

The Hon. Don Harwin: Point of order: What is very clear from the honourable member's supplementary question is that she is seeking an opinion, not established information. She has in her question directly asked the Minister for an opinion. That is out of order.

The Hon. PENNY SHARPE: To the point of order: I do not know what the Leader of the Government was listening to. There is no requirement in the question for an opinion. It is a yes or no answer.

The Hon. Shayne Mallard: You said, "Do you think".

The Hon. PENNY SHARPE: No. I said, "Does TAHE's planned ability to turn a profit".

The Hon. Don Harwin: That was not what you said, Penny. That is not your whole question.

The Hon. Daniel Mookhey: To the point of order: This question does not involve an opinion. What the honourable member has asked is whether or not TAHE's plans to turn a profit depend on property development. The reason why that does not depend on an opinion is because it relates to the shareholder agreement that this Minister signed with that organisation.

The PRESIDENT: I have a copy of the supplementary question. I do not believe that it is seeking an opinion. It is in relation to TAHE's plans. The Minister has the call.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:05): You don't know, do you? You don't know. The reality is that the decision to give a land tax exemption is the sole responsibility of the Treasurer.

The Hon. Daniel Mookhey: No.

The Hon. DAMIEN TUDEHOPE: Yes. That is what you do not know. It is on the application of the transport Minister. The application is made and is approved by the Treasurer. To the extent that there is any suggestion about the viability of whether or not land tax exemptions are given, there is a whole heap of issues that are being considered by the Auditor-General. Have you forgotten that?

The Hon. Penny Sharpe: No. We know well. We are paying very close attention. We are not the ones who are sweating on this, my friend.

The Hon. DAMIEN TUDEHOPE: The Auditor-General is currently assessing all those things. When considering the financial viability of the organisation, the appropriate thing to do is to ask the chair of TAHE, when you have an opportunity of having the chair before you in those circumstances. You have had plenty of opportunity to do that. You have had the CEO there. You have had plenty of opportunity to do that. In many respects what I would suggest you do is you have the Auditor-General, you have the chair of the board, you have the CEO of the organisation.

The Hon. Penny Sharpe: We've got you. You're the boss. You're the big kahuna.

The Hon. DAMIEN TUDEHOPE: To the extent that the Treasurer has made a decision to give a land tax exemption—

The Hon. Penny Sharpe: You're the big kahuna. That's why we want to know. Take it on notice.

The PRESIDENT: Order! The Minister will direct his comments through the Chair rather than to members on the other side. By doing so, he is encouraging interjections. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: Mr President, I am a sensitive soul. The level of yelling that I have to experience is quite damaging and verges on bullying. If they want to keep engaging in that conduct, so be it. *[Time expired.]*

Mr DAVID SHOEBRIDGE (12:07): I ask a second supplementary question. I ask this of the Minister in a gentle manner. Given the Minister signed the tax exemption on 29 June, did he do so under direction from the then Treasurer, now Premier? If so, what direction was given?

The Hon. John Graham: This seems to be going well.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:08): It is going really well. To the extent that an application is made by the transport Minister and approved by the Treasurer—

The Hon. Daniel Mookhey: No, that is not what was asked.

The PRESIDENT: Order! I call the Hon. Daniel Mookhey to order for the first time.

The Hon. Penny Sharpe: I am backing the Hon. Daniel Mookhey on this one.

The Hon. DAMIEN TUDEHOPE: Don't be so quick. To the extent that the transport Minister has made an application and it has been approved by the Treasurer, in those circumstances it may have come to me, but I have no recollection of the document in question. But I am sure when it came to me, it came to me in accordance with the proper process for approving an application for an exemption. Those opposite want to be able to say that this organisation will fail. This is an organisation set up to deliver a safe transport system.

Mr David Shoebridge: Point of order: My question was about the conversations with the Treasurer that which led to the Minister signing the exemption. I do not believe that the Minister is being responsive.

The PRESIDENT: The Minister has directly answered that part of the question. Perhaps now he is moving into other subject matter. I draw him back to the question. If he has nothing further to add, then perhaps it is time for him to sit down.

The Hon. Penny Sharpe: He needed a note.

The Hon. DAMIEN TUDEHOPE: No, I do not need a note. The note says, "Damien, you are entirely right. Mookhey has got it wrong."

The PRESIDENT: I am not sure that has helped the situation, Minister.

The Hon. DAMIEN TUDEHOPE: I can tell them that they are barking up the wrong tree. I ask them to please stop bullying me.

SCHOOLS RAPID ANTIGEN TESTING

The Hon. WES FANG (12:10): My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister outline how the New South Wales Government is ensuring the continuity of education through the use of rapid antigen home testing?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:11): I thank the honourable member for his question. I know that the use of rapid antigen tests in schools has been a topic of interest in this place lately and something I have been working on very diligently. I am happy to inform the House that today we announced the statewide expansion of rapid antigen home testing for New South Wales schools.

The PRESIDENT: Order! The Minister has the call.

The Hon. SARAH MITCHELL: As I have noted in the House previously, the Department of Education and NSW Health have been trialling the use of rapid antigen home testing in Albury since tests were approved for home use by the Therapeutic Goods Administration earlier this month. NSW Health has led the surveillance approach across the community, while the Department of Education has led our targeted close contacts approach in specific primary schools that have had a COVID case on site. Under NSW Health advice, close contacts of COVID-positive cases can return to school after seven days, rather than 14, provided they receive a negative PCR test result on day seven of their exposure date and consistent negative rapid antigen test results from day eight until day 14. Our pilot at Albury North Public School has shown that the tests are effective in reducing the amount of time close contacts spend learning from home. There we had 38 students able to return to the classroom after seven days.

The success of the Albury trial has shown that these tests have an important role to play in ensuring continuity of education, which is why starting today they will be rolled out statewide. Schools currently using tests under this approach include Queanbeyan West Public School, William Stimson Public School, the Lakes Christian College, Henschke Catholic Primary School, Randwick Public School and a few others. Our statewide rollout will leverage the more than 500,000 tests that we have available to continue our targeted close contacts approach. I am pleased to inform the House that an order for an additional 500,000 kits was placed earlier this week. I am also pleased to say that the Government is including both government and non-government primary schools in the rollout. The testing kits will be deployed rapidly to any primary school that records a positive case. They will be used at home to reduce the time close contacts are required to learn from home, allowing them back to school sooner.

Our rollout will focus on primary schools because, as our youngest learners, they are not eligible yet for vaccination and are more likely to be identified as close contacts if there is a COVID exposure at school. Our high school students have overwhelmingly embraced the opportunity for vaccination; over 86 per cent of 16- to 19-year-olds are fully vaccinated. However, there are still some unvaccinated high school students and instances where they might be close contacts, so we are exploring the opportunity to also use the tests in high school settings as well. Rapid antigen testing is now an additional measure added to the raft of COVID-safe protocols that we have in our schools. Every step of the way, the Government has done the research and the work to understand how we

can minimise disruption to our schools and students while keeping them safe. This approach is the most effective way of reducing the impact of COVID-19 by using rapid antigen testing.

TRANSPORT ASSET HOLDING ENTITY OF NEW SOUTH WALES

The Hon. DANIEL MOOKHEY (12:14): My question is directed to the Minister for Finance and Small Business. Yesterday the Minister told the House that the record \$20 billion-plus writedown in value for the Transport Asset Holding Entity was reflected in the 2021-22 budget. Was the Minister's answer accurate?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:14): If the member is asserting that I misled the House, let him say so.

The Hon. Daniel Mookhey: No, I am asking, not asserting. I might assert.

The Hon. DAMIEN TUDEHOPE: He asserts.

The Hon. John Graham: He is raising this politely.

The Hon. DAMIEN TUDEHOPE: That is okay. I never deliberately mislead this House, and he should know that. If there is a suggestion that I have inadvertently misled the House, I am happy to correct it. But to the best of my knowledge the answer I gave was correct.

The Hon. DANIEL MOOKHEY (12:15): I ask a supplementary question. Will the Minister elucidate the part of his answer when he suggests that I should put to him whether he has misled the House? Will the Minister respond to the fact that the public non-financial corporate sector balance sheet contained in this year's budget shows an improvement in the value of assets held by public corporations, nothing like a \$20 billion writedown?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:16): I rely on the budget papers.

IMMIGRATION AND UNEMPLOYMENT RATE

The Hon. ROD ROBERTS (12:16): My question is directed to the Minister for Finance and Small Business in his own capacity and representing the Treasurer. Bearing in mind his fragile state today, I will not yell or point. Why is the Government bringing in 55,000 low-wage Pacific Islander workers, 5,000 teachers from New Zealand and the United Kingdom and advocating for big overseas immigration numbers to flood the New South Wales labour market when the State has 200,000 people unemployed and unemployment rates up to 40 per cent in some places? Why has this Government been so ineffective in getting the State's unemployed into jobs now being taken by foreigners?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:17): That is a great question. There is no-one in this place who does not believe that the greatest issue confronting business at the moment is sourcing employees. Wherever you go in this State there are issues, whether it is seasonal workers or whether it is the accommodation industry. My brother is the general manager of the Radisson in Hunter Street. I was talking to him the other day about the challenges of getting the accommodation and hotel industry going again. He said, "We can't get people to come and work for us. We are going to have to close whole floors of the hotel just to continue to operate, because we can't get the people to come and work."

The suggestion that we are going to source labour from wherever we can source it is, in many respects, supportive of small businesses, and large businesses. Anyone with a modicum of common sense would know that anyone who wants a job in this State at the moment can get one. There is no suggestion that there is any reason why someone should not be in a job at the moment. To the extent that we are supporting seasonal workers, we will be doing it because the alternative is having fruit and crop rot on the ground. Are we truly saying that that is what we want?

The Hon. Rod Roberts: Point of order: I have allowed the Minister to set a foundation for his answer, but I ask that he be drawn back to the question. The question was: Why has the Government been so ineffective in getting the State's unemployed into jobs? It is about the State's unemployed, not bringing people from overseas. I have asked what he is doing about the unemployed people in New South Wales.

The Hon. Catherine Cusack: To the point of order: The member spoke extensively and made numerous points when he was asking his question, which he is entitled to do. The Minister therefore is entitled to respond to all aspects of the question of the member. If the member wanted to ask just that question, he should have restrained himself, but he did not. He raised all of the additional points that the Minister has been responding to.

The PRESIDENT: The Minister was being directly relevant to the context of the question. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: It is worth repeating that the Government does not shy away from participation in the seasonal worker program. Farmers and people in regional New South Wales are seeking this program and will make the best utilisation of it towards the recovery of the economy. To the extent that the Government has participated in a program that the Commonwealth has reactivated, we embrace it. To the extent that the Hon. Rod Roberts is saying we should not do that, I say to him: Why aren't you out there actively pursuing opportunities for those businesses rather than talking them down?

MENTAL HEALTH SERVICES

The Hon. CATHERINE CUSACK (12:21): My question is addressed to the Minister for Mental Health, Regional Youth and Women. Will the Minister update the House on how the New South Wales Government is building a web of support within our communities?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:22): I thank the honourable member for her question. The New South Wales Government has announced a record \$130 million to provide access to help for anyone whose mental health has been impacted by what we have seen during the COVID-19 pandemic. As part of this package, there is \$3 million to assist New South Wales sporting clubs to deliver mental health and wellbeing initiatives that suit their communities. Collectively, sporting clubs have thousands of members across New South Wales and are a great vehicle to promote mental health and wellbeing in local communities, particularly at a grassroots level, which is very important at the moment. The New South Wales Government will allocate grants to sporting bodies following a competitive tender process. Funded projects will aim to decrease stigma, increase help seeking and resilience, and build connections between community sporting clubs and mental health organisations through ongoing referral and support pathways. Sporting bodies will be required to partner with established mental health organisations. This will ensure that projects are appropriate, evidence based and delivered by accredited organisations.

The benefits of funding sporting bodies to deliver mental health initiatives has been demonstrated very clearly through recent funding to the National Rugby League [NRL]. The New South Wales Government invested \$280,000 in the NRL's flagship wellbeing initiative, the State of Mind program. The program provides education and ongoing support to grassroots clubs to help reduce the stigma around mental illness and encourage those who need help to reach out. The investment enabled the NRL to expand the reach of the program, with a focus on young people in rural and remote areas. The program connects rugby league communities, including participants, fans and volunteers, with key mental health partners and local service providers. The NRL will deliver 60 workshops to grassroots clubs, which have a potential reach of 8,700 people.

Since July 2021 the State of Mind program has delivered five education sessions to senior grassroots clubs in New South Wales, with 211 participants; seven workshops for people aged 13 to 17 years, with 194 participants; and another five workshops for children, with 354 participants. To date, 96 per cent of adult participants agreed that they had learnt new strategies for supporting others who may be experiencing mental health issues and 88 per cent of youth participants said that they had gained tools to cope with their stress. Similar initiatives funded by the newly announced grants will similarly strengthen the web of mental health support for those who require it in our communities. These are fantastic initiatives. I commend the sporting clubs around the State for the role they play in reducing the tragedy of suicide. I was very fortunate to attend one of these sessions in the upper Hunter. It was incredible to see legends of rugby league running these programs and making a real difference at a local level.

ABORIGINAL CULTURAL FISHING

Mr DAVID SHOEBRIDGE (12:25): My question is directed to the Leader of the Government in his capacity as the Aboriginal affairs Minister. What steps has the Minister taken to ensure that section 21AA of the Fisheries Management Act 1994, which was passed in 2009, finally comes into effect to protect Aboriginal cultural fishers from repeated unjustified prosecutions under the Act?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:25): I thank the honourable member for his question and offer him the following information. The Minister for Agriculture and Western New South Wales is responsible for the management of fishing in New South Wales. The Government acknowledges the need to better recognise and protect Aboriginal people's rights to cultural fishing. Aboriginal people have harvested resources from New South Wales rivers and oceans for many thousands of years and continue to do so. That is, of course, why the Parliament passed the particular provision that the honourable member is referring to quite some time ago, which authorises an Aboriginal person practising cultural fishing to take fish for family and cultural purposes, with bag limits. During the past decade, Fisheries NSW has worked with Aboriginal stakeholders to develop cultural fishing management plans that outlined these limits.

Although section 21AA has not yet commenced, Aboriginal people are allowed to take fish for cultural purposes. The New South Wales Government recognises the customary significance of the aquatic environment for Aboriginal people and the importance of fishing for the economic wellbeing of many communities. In support of this, we are developing cultural fishing management plans supporting fishing-related economic opportunity for Aboriginal businesses and delivering projects to protect cultural values and to support communities to fulfil their roles as custodians of New South Wales waters. Interim access arrangements allow for extended take-and-possession activities as well as the shucking of shellfish adjacent to waters where the resource is being taken. Cultural activities sought to be undertaken outside of prescribed rules may be able to be supported under a special permit or order. The Minister for Agriculture and Western New South Wales, the responsible Minister, is advised on cultural fishing matters by the Aboriginal Fishing Advisory Council, which is made up of Aboriginal people including representatives of the Aboriginal Land Councils and native title bodies.

Mr DAVID SHOEBRIDGE (12:28): I ask a supplementary question. I thank the Minister for his considered response. If it is true, as he notes, that Aboriginal people are allowed to take fish for cultural purposes, how is it that dozens and dozens of First Nations peoples have had prosecutions brought against them in the last two years by Fisheries NSW for engaging in Aboriginal cultural fishing?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:28): I appreciate the question, but I remind the honourable member that it really should be referred to the Minister for Agriculture and Western New South Wales, who has responsibility for the matter. I strongly support the right of Aboriginal people to continue cultural fishing and I support the work that the New South Wales Department of Primary Industries is doing to enable Aboriginal cultural fishing. I understand that a local management plan approach is currently being explored to address in greater detail the specific needs and aspirations at a community level, and I urge all parties to support this approach.

The Hon. MICK VEITCH (12:29): I ask a second supplementary question. Will the Minister elucidate both answers with regard to section 21AA of the Fisheries Management Amendment Act by advising the House whether he will now advocate on behalf of Aboriginal people for the commencement of section 21AA with the agriculture Minister?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:29): As the Minister responsible for Aboriginal affairs, I always do whatever I can to advocate for Aboriginal people to all my colleagues. I appreciate the suggestion from the Hon. Mick Veitch but, ultimately, it is a matter for the Minister. I will, of course, continue to advocate to him about all matters that are relevant to Aboriginal people, just like I do with other Ministers.

CREATE NSW AND EVENT SAVER FUND

The Hon. JOHN GRAHAM (12:30): My question is directed to the Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Why has it been reported that Create NSW is tasked with developing an insurance scheme for major entertainment events impacted by COVID, like Bluesfest? Was it because Minister Stuart Ayres failed to do so?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:30): No, it is just because Create NSW does such a good job. I am happy to tell the House about what a good job it has been doing about COVID-19 and the—

The Hon. Walt Secord: The arts community does not say that.

The Hon. DON HARWIN: I beg your pardon? I heard the Hon. Walt Secord say something.

The Hon. Walt Secord: I said that the arts community does not feel that way.

The Hon. DON HARWIN: That is most certainly not the case, but the honourable member will hear more about that at the end of question time.

The Hon. Walt Secord: That is what they are telling me.

The Hon. DON HARWIN: I don't think so. I would be happy to get out all the letters and read them onto the record, but I don't have to. The member could just go to a Musica Viva concert on Monday to hear the artistic director stand up before a thousand people and say that the New South Wales Government has supported the arts during COVID more than any State Government in the country. You can say what you like, Walt.

The Hon. Walt Secord: Point of order—

The PRESIDENT: Order!

The Hon. DON HARWIN: You can bloviate it as much as you like, Walt.

The Hon. Walt Secord: My point of order is that the honourable member is misleading the House.

The PRESIDENT: There is no point of order.

The Hon. DON HARWIN: That is not a point of order.

The Hon. Walt Secord: In western Sydney—

The Hon. DON HARWIN: That is not a point of order. Sit down!

The PRESIDENT: Order! The member will resume his seat. I call the Hon. Walt Secord to order for the first time. Has the Minister concluded his answer?

The Hon. DON HARWIN: At this stage, yes.

The Hon. JOHN GRAHAM (12:32): I ask a supplementary question. Will the Minister elucidate on the good job that Create NSW is doing? Given that the former Treasurer promised this on the Easter weekend when the Government cancelled Bluesfest, when will it happen?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:32): Is the honourable member referring to the festivals funding that we have already announced?

The Hon. John Graham: No, the insurance scheme.

The Hon. DON HARWIN: Good, thank you. On 17 October 2021 I announced that the New South Wales Government is establishing an Event Saver Fund that will provide support to major festivals and events—

The Hon. John Graham: Point of order: My point of order is about direct relevance. That is an entirely different fund and the Minister does or should know that. I am asking about the insurance scheme that the Government has repeatedly referred to.

The PRESIDENT: I did not get a flavour for where the Minister was going. The Minister will continue his answer.

The Hon. DON HARWIN: The Hon. John Graham was a bit quick off the mark. The Government is establishing an Event Saver Fund that will provide support to major festivals and events that are impacted by COVID-19 cancellations or postponements in 2022. We know that insurers are not providing coverage for COVID-19-related event cancellation, which may affect event organisers' confidence to schedule major events. The affordability and availability of insurance is a national issue, with affected businesses largely operating in all States, and in many cases across multiple States. Further, key policy levers and regulatory responsibilities related to insurance lie with the Australian Government.

I am advised that New South Wales Treasury is currently assessing all those issues and exploring ways to address them as relevant, including at interstate forums. The Event Saver Fund is only a temporary measure that will act as a precursor for a COVID business interruption insurance package that is being considered by Treasury. The New South Wales Government is consulting with the industry on the development of guidelines for the Event Saver Fund. Details of the insurance package will be announced shortly.

The Hon. WALT SECORD (12:34): I ask a second supplementary question. Will the Minister elucidate the part of his answer where he said that Treasury is working on a COVID insurance scheme? What is the timetable for providing details on that scheme?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:35): I answered that in my previous answer.

THE ROCKS ALFRESCO DINING

The Hon. LOU AMATO (12:35): My question is addressed to the Minister for Finance and Small Business. How is the New South Wales Government helping recovery in The Rocks through its new approach to alfresco dining?

The Hon. Daniel Mookhey: Is that where we are having our date?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:35): Are you going to join me?

The Hon. Daniel Mookhey: Where's my invite?

The PRESIDENT: Order! The Minister has the call.

The Hon. DAMIEN TUDEHOPE: The streets are alive post-lockdown, with alfresco dining and outdoor activations getting people out spending money with CBD businesses. As part of our CBDs Revitalisation Program the Government is collaborating with the hospitality industry to present Sydney's Open for Lunch on Friday 3 December. The Hon. Daniel Mookhey and I will be there. Parramatta Square, South Eveleigh, the York, Clarence and Kent Laneways precincts and George Street will all welcome diners back to the CBD for a very long lunch. Tickets went on sale this morning at 10.00 a.m., and I look forward to seeing the shadow Treasurer at the table. The President might join us. We will all be there. Let's get a big, long Legislative Council table together. It is all part of our push to get customers back to supporting businesses through alfresco dining.

The New South Wales Government is changing the planning rules permanently so that pubs and bars can more easily welcome customers outside in the open air. One of the key locations where we are seeing the results of alfresco dining is in The Rocks. By allowing only southbound traffic on George Street, we have provided more public space for local food and beverage businesses to trade outdoors. How has it gone? Restaurants and bars have been trading at well above pre-pandemic levels, even without international tourists. Businesses credit the boost in trading to the increase in alfresco dining, with up to 70 per cent of revenue generated from outdoor spaces alone.

Due to the success of that trial, we are looking for feedback from the community on a proposal to make this revitalised public space on George Street, between Globe Street and Jack Munday Place, a permanent feature. It would expand the public space in The Rocks, enhance the local economy, improve amenity and bring new life back to one of Sydney's iconic locations as we recover from the pandemic. Consultation is open until 6 December. There are many ways that members opposite can participate. I can see the Hon. John Graham taking notes. Get online, make a submission and complete the survey at therocks.com/developments, or drop into a pop-up on George Street behind the Museum of Contemporary Art on Sunday 28 November between 10.00 a.m. and 1.00 p.m. to participate. This is good news, but Opposition members do not want to hear about it. Let us make this city the greatest city on the planet. Members opposite want to talk it down; I happen to love it.

GOVERNMENT FISCAL POLICY

The Hon. MARK LATHAM (12:38): My question is directed to the Minister for Finance and Small Business, in his own capacity and also representing the Treasurer. I draw the Minister's attention to section 6 (a) of the Government's own Fiscal Responsibility Act 2012, which requires:

The annual growth in general government expenses of the State is less than the long-term average general government revenue growth of the State.

At budget estimates it was revealed that this legal commitment has been breached for the past two budget years, will certainly be breached for a third year and most likely a fourth. When will the Government bring its spending back under control to comply with its own fiscal responsibility laws? Will the Government out of fiscal embarrassment now seek to repeal the Act, which clearly has no impact on Government fiscal policy?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:39): It may have escaped the member that we had a pandemic, and the Government hopefully saved most of the businesses that operate in this State. We kept people in jobs. We developed spending programs for making sure that people put a meal on the table and families were kept together, and we will never apologise for that. Yesterday those opposite talked down the economy and developed a narrative that the Government should not have been spending this money because of the impact on the economy. I tell the Hon. Mark Latham that the Government makes no apology for that spending because we owed it to the people of this State to make sure we got them through the pandemic, and the State is coming out of it strongly. Last week we had the Triple-A Perrottet rating from Moody's. They forgot about that and did not want to talk about it.

The Hon. John Graham: Point of order: I cannot remember the relevant standing order, but we will settle for double-A and a half.

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

The Hon. DAMIEN TUDEHOPE: To the extent that we are talking about credit ratings and their impact on the State, it is worth going to the commentary. S&P Global Ratings slashed—sorry—Victoria's credit rating.

The Hon. Mark Latham: Point of order: The question was about this Government's own Fiscal Responsibility Act, not credit agencies. The Government needs to answer the question: Why have a Fiscal Responsibility Act if they completely ignore it?

The PRESIDENT: I uphold the point of order. The Minister has the call, and I draw him back to the question.

The Hon. DAMIEN TUDEHOPE: The member is right. In a pandemic, circumstances obviously arise where the provisions of that Act call on the Government to take drastic measures. It is important that we talk about the obligation of governments to make sure that they keep people in jobs and businesses going. To the extent that the member raises breaches of the Fiscal Responsibility Act, I say to balance that against our responsibility to make sure that we handled the economy in circumstances where we faced a pandemic and owed an obligation to the people of New South Wales. But I am happy to get back to Triple-A Perrottet.

The Hon. John Graham: I think you will find it is Double-A Perrottet.

The Hon. DAMIEN TUDEHOPE: We call him Triple-A Perrottet because of Fitch and Moody's.

The PRESIDENT: The Minister is not being directly relevant. He has nothing else to add and will resume his seat.

The Hon. DAMIEN TUDEHOPE: I do have more to add on the triple-A credit rating.

The PRESIDENT: It is not relevant to the question.

The Hon. MARK LATHAM (12:43): I ask a supplementary question. Will the Minister elaborate on his answer and reflect on the Government saying at the end of every lockdown that the economy is roaring back to full strength? If that is the case and COVID has had an 18-month impact on the economy, why would the Government breach its own Fiscal Responsibility Act for four years and ignore its legal obligation to ensure that spending is less than revenue growth?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:44): The budget is put together every year by the Treasurer, and I am sure the Treasurer would be happy to—

The Hon. Penny Sharpe: You don't like the new Treasurer as much as you liked the old Treasurer, let's be honest.

The PRESIDENT: Order! The Minister has the call.

The Hon. Penny Sharpe: You like the old guy better than the new guy.

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

The Hon. DAMIEN TUDEHOPE: I like all Treasurers. The Government runs a great economy, but the question is specifically about how the budget and the analysis are done in relation to the budget. I stand behind the Government's economic management of the State against that of those opposite every day of the week. I stand behind the decision-making, which gives the best outcomes for the people of New South Wales. Any questions about breaches of the Fiscal Responsibility Act and the reason for any breaches should be directed to the Treasurer. I would be happy to pass those questions on to the Treasurer. I will reflect on my relationship with the Treasurer, since it has been raised. Both the Treasurer and I are on one plane; we both have our attention focused on delivering for the people of this State. The former Treasurer, the current Treasurer and I are as one.

COVID-19 AND ABORIGINAL COMMUNITIES

The Hon. ROSE JACKSON (12:46): My question without notice is directed to the Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Given the double-dose COVID-19 vaccination rates for First Nations peoples are 20 per cent behind the rest of New South Wales and given the crucial role Aboriginal-controlled health organisations play in rolling out public health measures in Aboriginal communities, what steps has the Minister taken to repair the relationship with New South Wales' peak Aboriginal health body, the Aboriginal Health and Medical Research Council of New South Wales [AHMRC]?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:46): I am rather perplexed by the latter part of the honourable member's question, about repairing the relationship.

The Hon. Rose Jackson: Brad Hazzard would not even meet with them.

The Hon. DON HARWIN: I have an extremely good relationship with the AHMRC. In fact, head of the AHMRC Robert Skeen is a co-chair with me on the NSW Joint Council on Closing the Gap. We have been working exceptionally well together. I also take issue with the Hon. Rose Jackson's characterisation of the gap. On many occasions earlier in the pandemic, at about the beginning of the lockdown period, the gap was unacceptably large and may have even been larger than 20 per cent. I do not think it is 20 per cent anymore. If I correctly remember the briefing I had earlier in the week, the actual figure is narrower than that, but I will see if I can update the House with the exact figures by the end of question time. I would be happy to do that.

At my direction, Aboriginal Affairs NSW intervened at the beginning of the lockdown to ensure that the immediate and emerging needs of Aboriginal communities were being looked at more closely by the Government, the Aboriginal community-controlled sector and community members. It has done a good job of trying to close the gap in vaccination rates between Aboriginal communities and the overall population. It has also quickly and effectively responded to outbreaks in Aboriginal communities and has taken defensive actions to mitigate the impact of future outbreaks.

We were given an allocation of an additional \$18.7 million to address the impacts of COVID-19 on Aboriginal communities, which was largely distributed through Aboriginal community controlled organisations via partnership agreements to deliver tailored local support and programs to increase vaccinations and respond to community needs. I am happy to try to get the actual figures for the honourable member by the end of question time. In some communities in New South Wales, it has been unacceptably wide and considerably greater than 20 per cent, which has been very distressing. We have concentrated on place-based partnerships to ensure that we close those gaps and that we get the level of Aboriginal double vaccination up as high as possible as quickly as possible.

COMMUNITY PARTNERSHIP ACTION PROGRAM

The Hon. PETER POULOS (12:50): My question is addressed to the Minister for Sport, Multiculturalism, Seniors and Veterans. Will the Minister advise the House on what the New South Wales Government is doing to safeguard social cohesion against hateful and divisive influence?

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (12:51): I thank the honourable member for the question and for his interest in this very important area. As the multiculturalism Minister, I firmly believe that New South Wales sets the example for the rest of the world as a peaceful, harmonious and multicultural society. We cannot take our social cohesion for granted. Unfortunately, there are hateful and divisive influences in the world who do not believe in peace, democracy or diversity, who want to drive a wedge through our community by inciting hatred and fear. That is why all of us must continue to stand united for our peaceful and harmonious way of life.

This is why Multicultural NSW is delivering the flagship Community Partnership Action Program, or COMPACT, as it is more commonly known. COMPACT aims to inspire and empower young people to stand united as champions for community harmony against the divisive forces of hate and fear. COMPACT has been independently evaluated as a first-of-its-kind initiative that has made significant progress towards its aims of building social cohesion and community resilience in a short time. The New South Wales Government has committed \$13.4 million over four years to expand the proven program until at least mid-2024. COMPACT partnership grants are supporting 15 youth engagement projects involving more than 60 partner organisations. The initiatives support young people to stand up to social injustices, become active volunteers, take charge of issues in their communities and improve social cohesion.

On 17 November I announced a new \$1 million round of COMPACT grants for six-month projects valued up to \$50,000. The new round has a focus on social cohesion and community resilience projects for community-led initiatives, to strengthen our community bonds and support our recovery after the recent Delta COVID-19 outbreak. The package also includes \$800,000 over four years to expand and strengthen the online communications initiative Remove Hate from the Debate. Keeping our young people safe is more important than ever as we continue to see concerning levels of hateful and harmful materials online. It is vital that we empower them with the tools and resources to speak out against online hate and utilise their voices to promote positive messages of community harmony.

We know that our young people are magnificent at calling it out online. They are proactive, they are responsive and they want to support social cohesion in this magnificent multicultural State that we live in. We want to protect everything we have, so we are getting behind them to empower and support them to do so. The New South Wales Government is proud of our record in this area of multicultural policy. I am privileged to carry that on and continue to work with those before me, and we will continue to work with our communities to maintain a peaceful and harmonious society in New South Wales.

DUCK HUNTING

The Hon. EMMA HURST (12:54): My question is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Agriculture and Western New South Wales. Many people are not aware that duck hunting still occurs in New South Wales through the Government's Native Game Bird Management Program. In the past year there has been a dramatic increase in the number of birds killed. According to reports from the Department of Primary Industries [DPI], 6,405 were killed in 2020-21, compared with 712 in

2019-20. Will the Minister explain why there has been such a large increase in the killing of native birds in New South Wales?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:54): I thank the honourable member for her question. I am advised that recreational duck hunting has been banned in New South Wales since 1995. The Native Game Bird Management Program was developed to reduce the impact of damage caused by ducks on the State's agricultural sector. Ducks are known to eat or destroy crops, particularly rice crops in southern parts of New South Wales. The program ensures that the State's landholders can sustainably manage the impact of duck species on their land. The legislative framework sets out that birds can be killed only for sustainable agricultural management purposes. The program is controlled within a defined State-wide quota set by the best available scientific knowledge of populations, which are regularly surveyed. Within that quota, the program employs strict controls on landholders and hunters over how many ducks can be harvested. Landholders must apply for an owner/occupier licence from the New South Wales Department of Primary Industries and engage volunteer hunters, who must also hold a New South Wales game hunting licence and must have passed the nationally-recognised Waterfowl Identification Test.

With regard to the specific numbers of harvested birds, which is at the heart of the question, I am advised that during 2019-20, due to the severe drought conditions, the impact of ducks on our crops was minimal. As the drought conditions eased during 2020 and crops such as rice, which sustain most of the impact from ducks, grew ninefold on the previous year's harvest, so too did the duck population. In real terms, I am advised that during that time, year on year, the State's rice harvest grew from an estimated 44,914 tonnes to 417,285 tonnes. That is a great increase. While our farmers welcomed the improved seasonal conditions and subsequent increased crop yields, those conditions also led to an increase in duck populations. As a result, more effort was required to manage the impact of ducks on our crops, which is reflected in the increased numbers of harvested birds.

ROXY THEATRE, PARRAMATTA

The Hon. WALT SECORD (12:57): My question is directed to the arts Minister. Given the Minister's enthusiasm for acquiring the Minerva Theatre at Potts Point, why will he not acquire the State heritage-listed Roxy Theatre at Parramatta and protect it forever?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:57): The honourable member is completely misinformed, as was *The Daily Telegraph* in the article it wrote that the honourable member was quoted in. Interestingly, the journalist was told specifically by the Premier's office that it was untrue. Nevertheless, they wrote the story.

The Hon. Walt Secord: That's a big call.

The Hon. DON HARWIN: I'm very happy to make it. The Roxy Theatre is listed on the State Heritage Register, and its heritage values are protected under the Heritage Act 1977. Currently the theatre is publicly owned. The Government is working with the City of Parramatta Council and the owner regarding any future use or development of the Roxy Theatre site. That is the reality. The Minerva Theatre, also known as the Metro, is also listed on the State Heritage Register, and its heritage values are protected under the Heritage Act 1997. The New South Wales Government is also working with the City of Sydney and the owner regarding any future use or development of the Minerva Theatre site.

Previously I told the House that in the \$86 million of further funding for COVID relief for the arts that was announced a couple of weeks ago, \$5 million was set aside specifically for the conclusion of the work that Create Infrastructure has been doing for some time on Sydney's need for more performance spaces. I have made it clear publicly that we are looking at the Minerva Theatre and whether there is a role for the State Government. I am happy to confirm that we are doing the same for the Roxy Theatre at Parramatta. As the honourable member may know, I have personally discussed that with Mr David Borger, the head of Business Western Sydney. I have also discussed it with the general manager of the City of Parramatta Council, Mr Brett Newman. The fact is that Sydney does need more theatres. Too many governments in the past let them go, but not this one. On 2 December the curtains go up on the Theatre Royal Sydney. The Government has shown that we are prepared to do it. We will step in and correct the—

The Hon. Walt Secord: Point of order—

The Hon. DON HARWIN: Mud all over his face!

The Hon. Walt Secord: It goes to relevance. My question was specific. It was about support for the Roxy Theatre. The Minister has only talked about the Minerva Theatre and the Theatre Royal.

The PRESIDENT: Order! The Minister has the call.

The Hon. DON HARWIN: That is just garbage. I made it very clear, and most of my remarks have been directed towards the Roxy Theatre. [*Time expired.*]

The Hon. WALT SECORD (13:01): I ask a supplementary question. Will the Minister elucidate his answer in regard to his claim that the article is wrong? What part of the article is wrong and how much of the \$5 million that he mentioned in his answer will go directly to protect the Roxy Theatre?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (13:01): All of it is going towards a strategy that is designed to increase the number of performance spaces in Sydney. In fact, all of it is going to the Roxy, just as all of it is going to the issue of finding other performance spaces.

The Hon. ANTHONY D'ADAM (13:01): I ask a second supplementary question. Will the Minister elucidate his answer where he spoke about working with the owners? Will the Minister elaborate as to whether "working with the owners" includes possible purchase of the Roxy Theatre by the Government?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (13:02): As I said, the current work under the auspices of the \$5 million that has been announced is to finalise a strategy. I can confirm to the House that I have had discussions with David Kingston, the owner of the Roxy Theatre, with the Abacus Group, which currently owns the Minerva Theatre, and with Central Element, which has exchanged but not settled and also has a development application in relation to the Minerva Theatre.

COVID-19 AND ARTS AND CULTURAL SECTOR

The Hon. TREVOR KHAN (13:03): My question is addressed to the arts Minister. Will the Minister update the House on how the Government has supported the arts and cultural sector during COVID-19?

The Hon. Penny Sharpe: Point of order: Question time is supposed to finish at 1.00 p.m.

The Hon. Shayne Mallard: So a Dorothy Dixier gets called out, but not yours.

The Hon. Penny Sharpe: Yes, absolutely. Why has the Leader of the Government allowed another question?

The Hon. Scott Farlow: The Opposition wants to cut short question time.

The Hon. Rose Jackson: Yes, we do. Your dixers are boring.

The PRESIDENT: For the information of members, there is nothing specific in the standing orders that prescribes how long question time goes for. It is at the discretion of the Leader of the Government. The Minister has the call.

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (13:03): The Government can be immensely proud of the nearly quarter of a billion dollars that we have allocated since the outset of the pandemic in direct support to the arts and cultural sector. Our initial \$50 million Rescue and Restart package provided financial stability to arts organisations vulnerable to collapse when COVID-19 first hit. Thanks to that package, to our knowledge not a single New South Wales arts organisation became insolvent as a result of financial losses due to COVID, and the arts successfully restarted and relaunched over the summer. The Rescue and Restart package supported over 370 organisations, ranging from our State's major arts organisations to small community bands. It supported over 200 arts projects, with approximately 40 per cent of those taking place in regional New South Wales—

The Hon. Walt Secord: What about western Sydney?

The Hon. DON HARWIN: —and 21 per cent taking place in Western Sydney. Some 3,400 jobs were supported or created as part of that funding, including 327 arts workers engaged directly in regional arts and cultural activity and 846 arts workers supported to create new artistic work. Earlier this year the \$24 million live music support package delivered by Destination NSW provided stabilisation funding to 162 venues identified as critical to the live music scene. The recipients of the \$25 million in support of our State's large and small festivals will be announced soon. As at 15 November 2021, our \$125 million in performing arts support has supported over 1,600 performers, musicians, crew, producers, promoters, venues and arts organisations who had been engaged in cancelled performances scheduled from 26 June to 18 September 2021.

It is expected that by 31 December 2021 arts organisations that had more than 10,000 performances cancelled, rescheduled or significantly impacted across New South Wales will have been supported by our performing arts packages. That includes the return to Sydney of *Hamilton* and *Come From Away*, which otherwise would have shut, and an initial Sydney season of *Jagged Little Pill* at the Theatre Royal. However, it also includes

performances like *Hotel California - The Eagles* by tribute artists who were scheduled to perform on 28 August. They have been compensated. As a result, that tribute band will be performing on 28 January at Griffith Regional Theatre. There are hundreds if not thousands of stories like that right across western Sydney and regional New South Wales.

The time for questions has expired. If members have further questions, I suggest they place them on notice.

TRANSPORT ASSET HOLDING ENTITY OF NEW SOUTH WALES

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (13:07): Earlier in question time I was asked questions in relation to exemption from land taxes. It was suggested that I had responsibility for the —

The Hon. Mick Veitch: He's got his iPad out. Table it.

The Hon. DAMIEN TUDEHOPE: No. On the conversion of the Transport Asset Holding Entity [TAHE] to a State-owned corporation, TAHE was granted an exemption from State taxes for a period of 12 months for land owned by or leased to TAHE and used primarily for railway purposes. Under the Transport Administration Act 1988, "State tax" is defined to mean:

... duty under the Duties Act 1997 or any other tax, duty, rate fee or other charge imposed by or under any Act or law of the State, other than payroll tax and the fire and emergency services levy ...

The Hon. Daniel Mookhey: If this is meant to be the hit back, this is terrible. You're clobbering me with wet lettuce.

The Hon. DAMIEN TUDEHOPE: Listen up because you got it wrong. Schedule 7, part 30, clause 227 (4) to the Transport Administration Act 1988 authorises the further exemption of TAHE from State taxes beyond the initial 12-month period with the recommendation of the Minister for Transport and Roads and with the approval of the Treasurer—full stop, end of story. I will read it so that those opposite understand. Subclause (4) states:

- (4) The regulations under this Act may, on the recommendation of the Minister and with the approval of the Treasurer, provide that State tax is not chargeable in respect of any matter or thing, or classes of matters or things, prescribed by the regulations and done by TAHE in the exercise of its functions after the end of that period. It is not the shareholding Minister. In fact, the member should know that I collect the tax. So if the Hon. Daniel Mookhey has done his homework—

The Hon. Daniel Mookhey: I will.

The Hon. DAMIEN TUDEHOPE: —he would know that.

The Hon. Daniel Mookhey: Just sit down and I will move the take note and we will check it out.

The PRESIDENT: Order! This is an opportunity for the Minister to give a supplementary answer, not for a debate. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: I make this further observation. I note that this topic was canvassed during evidence given before the Public Accountability Committee by the chair of TAHE, Mr Bruce Morgan, who was in agreement with the Hon. Daniel Mookhey that the land tax should be paid at an appropriate time. That was the evidence that he gave. But I will further confirm it by saying this: The Transport Administration (General) Amendment (State Tax Exemption) Regulation 2021 extending the exemption from land tax on land used primarily for railway purposes until 1 July 2023 was made by former Minister Constance and published in the *NSW Government Gazette* on 16 July 2021.

The Hon. Daniel Mookhey: So it is Constance's fault? It is his fault.

The Hon. DAMIEN TUDEHOPE: Those opposite can form whatever view they like, but they should just acknowledge that the law is the law and to the extent that it was suggested that I had a role in approving—

The Hon. Daniel Mookhey: I will be getting up and telling you.

The Hon. DAMIEN TUDEHOPE: Good on you. The second part of this is a reflection on the Opposition's ability to read budget papers. I was asked if, and it was suggested that, I had misled this House in relation to an answer which I gave. As has been made clear, TAHE is a State-owned corporation that sits in the public non-financial corporations [PNFC] sector. I am advised that this change in the State's total financial assets was reflected in the 2021-22 New South Wales budget, specifically in *Budget Paper No. 1* on page 90 of that document. Under the heading "Financial assets included in net worth" and shown in chart 6.6 it is explained:

The State's total financial assets are projected to decline to \$154.7 billion at June 2021 driven by a decrease in investments in other public sector entities, due to a change in an asset valuation in the PNFC sector, consistent with accounting standards.

Financial assets are forecast to reach \$202.8 billion by June 2025 due to the growth in the NGF, the forecast performance of the State's other investment funds, and the increase in the PNFC sector assets.

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

The Hon. DAMIEN TUDEHOPE: I am advised by NSW Treasury, and satisfied, that this change in valuation was captured in the budget papers.

ROXY THEATRE, PARRAMATTA

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (13:12): In relation to the Hon. Walt Secord's question, I think either during my answer to his first question or maybe to a supplementary question I might have said that the Roxy Theatre was in public ownership. But by my subsequent answer I made very clear that it was in private ownership and even discussed the owner. I ran out of time when answering the Hon. Anthony D'Adam's question to make it clear that, while I did mention that I had spoken to both of the theatre owners, no offer to purchase the theatres was made on either occasions. All I have authorisation to do at the moment is to complete the strategy. Just so that there was—

The Hon. Walt Secord: So the Telegraph article is right?

The Hon. DON HARWIN: No, *The Daily Telegraph* article is not right.

COVID-19 AND ABORIGINAL COMMUNITIES

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (13:13): The Hon. Rose Jackson also asked me a question and I undertook to get her the figures she asked for by the end of question time, particularly on the issue of what she asserted was a 20 per cent gap between vaccination rates in the general population and in the Aboriginal population. I am very pleased to say that in fact the gap in vaccination rates is now considerably lower than 20 per cent. That is thanks to the very effective work that Aboriginal Affairs NSW has been doing with Aboriginal community controlled organisations including the Aboriginal Health and Medical Research Council of New South Wales, with the Centre for Aboriginal Health within NSW Health, and with local health districts.

As at 8.00 p.m. on Tuesday 16 November 2021—which is the most recent information I have available to me at the moment—the double vaccinated rate for the general population was 91.4 per cent, and 79 per cent for Aboriginal people. It is still a 12.4 per cent gap, but it is certainly far less than 20 per cent. Very pleasingly, on first dose figures, the general population is at 94.3 per cent and for Aboriginal people it is at 84.3 per cent. So it is in fact half what the Hon. Rose Jackson asserted in her question—it is a 10 per cent difference. While any gap is unfortunate, the work that has been done in closing what was for some time a stubborn 20 per cent gap has been admirable and I pay tribute to everyone who has worked so hard on that, particularly my deputy secretary, Kate Foy, and the Head of Aboriginal Affairs, Lil Gordon.

There still remains some local government areas of concern. They are mainly on the North Coast and that is why the place-based strategies are largely directed towards those particular areas. I have to say, the place-based approach has been very effective. It has worked exceptionally well in western Sydney, where Aboriginal Affairs sponsored the opening of a vaccination centre at Kimberwalli. That is a facility that Aboriginal Affairs worked hard on, but which is now within the portfolio of the education Minister, in the old Whalan High School. Vaccination rates amongst Aboriginal communities in western Sydney are particularly high. After the very regrettable outbreak of COVID at Wilcannia, the work of Aboriginal Affairs was exceptionally good, as was its work in Dubbo and other western New South Wales communities. There is more work to do, but it has certainly been a very good effort so far.

Supplementary Questions for Written Answers

TRANSPORT ASSET HOLDING ENTITY OF NEW SOUTH WALES

The Hon. DANIEL MOOKHEY (13:16): My supplementary question for written answer is directed to the Minister for Finance and Small Business. Will the Minister elucidate his answer about Transport Asset Holding Entity of New South Wales profits by identifying what is TAHE's current projection for its net profit after tax each year for the next three years?

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. DANIEL MOOKHEY: I move:

That the House take note of answers to questions.

TRANSPORT ASSET HOLDING ENTITY OF NEW SOUTH WALES

The Hon. DANIEL MOOKHEY (13:17): Once upon a time, the New South Wales Liberal Party took great pride in being the feral abacus of Australian economic management. The problem is, whilst the Liberals remain feral, their ability to count like an abacus is well and truly out the door. That was revealed today in question time when the Minister for Finance and Small Business continued to dig himself further into a hole when it comes to the Transport Asset Holding Entity [TAHE] of New South Wales. What was even more surprising was that he came back to the well to double down on his error at great length in the past 10 minutes. I cannot resist the opportunity to point out again why his first answer was wrong and why his attempt to repair his damage was wrong too.

Let me go to the very first error that the Minister made—that is, whether or not the Minister himself gave TAHE the exemption from land tax. The Minister was very happy to explain the responsibilities under the Transport Administration Act, but he seemed to forget the responsibilities under the commercial framework that he has to administer. The truth is, for TAHE to get its exemption from land tax, worth more than \$100 million, it has to have it approved under the Transport framework but it also has to have it approved under the commercial framework. That is why when the brief went to the Minister on 29 June 2021, he signed it and when it went to the Treasurer on 30 June 2021, he signed it. Without the Minister's signature on that brief, the exemption was not possible.

That is a slight red herring in the debate, nevertheless, because the core question the Opposition has is why an organisation that is meant to return a profit well above inflation to the taxpayers of New South Wales cannot do it without an exemption from land tax. That is the core matter here. This is another example of the lengths to which the Government has gone to prop up the fiction that somehow the Transport Asset Holding Entity is going to provide this State with a dividend and a real profit. It is not; it is an accounting sham designed to hide the true cost of operating the rail network from the budget books. What is worse is that when the Minister was given the note from Treasury to come back into this place and save himself from an accusation that he misled, Treasury gave him the wrong advice again.

The Minister was very eager to explain to the House how this record writedown—the biggest writedown in Australian history of any business or government, as far as I can tell—was somehow disclosed in the budget. The problem that he does not seem to understand, which is slightly worrying for the finance Minister, is that there is a difference between financial assets and non-financial assets. Again he came into this place to try to defend himself by pointing out an entirely separate \$20 billion loss the Government suffered on its financial assets, not understanding that the writedown was for property, plant and equipment, which are non-financial assets. I accept the Government pleading guilty to two massive losses in this year's budget. [*Time expired.*]

SCHOOLS RAPID ANTIGEN TESTING

The Hon. WES FANG (13:21): I am proud to take note of the answer given by the education Minister to my question about rapid antigen testing. The Department of Education is utilising rapid antigen testing as part of a targeted and localised suppression strategy where outbreaks occur. Under NSW Health advice, close contacts of positive COVID cases can return to school after seven days, provided they receive a negative polymerase chain reaction [PCR] test on day seven of their exposure date and consistent negative rapid antigen test results from day eight until day 14. The school will distribute rapid antigen home testing kits to any student who is a close contact, allowing them to return to school faster.

It is important to note the rapid antigen tests do not replace the need for PCR testing. Rapid antigen tests only indicate the likelihood of a COVID-19 infection, which tells people if they should get a subsequent PCR test. The targeted rollout will include more than half a million rapid antigen home testing kits ready for rapid deployment to any primary school that records a positive case. That provides parents with the option to use the rapid antigen testing kits at home and send in the negative results before the start of the school day. It allows us to reduce students' time at home while ensuring the safety and wellbeing of everyone at school. I congratulate the Minister for her good work in this space and her continued focus on ensuring that kids get a fantastic education through the wonderful staff at the NSW Department of Education.

ABORIGINAL CULTURAL FISHING

The Hon. MICK VEITCH (13:22): I take note of the answer provided by the Aboriginal affairs Minister in regard to the question about cultural fishing posed by Mr David Shoebridge and the supplementary question that I posed. This is a substantial area of public policy that can only be deemed a failure for the Government. Clause 21AA of the Fisheries Management Amendment Act went through both Houses of this Parliament in 2009. It has not commenced. The Government has not commenced the cultural fishing requirements of that Act. That is

a failure for multiple primary industries and agriculture Ministers. What does that mean on the ground? It means that there are people in breach under the current arrangements for doing nothing more than what they have done for thousands of years. They are fishing to feed their mob—just ask them. There are young fellas who have subsequent breaches and cannot get a driver's licence. In regional New South Wales that means they cannot get a job, the spiral continues and they finish up in the prison system.

This is a failure. Each and every Government member should be asking the current agriculture Minister why he has not commenced clause 21AA. It has been 12 years; that is not acceptable. The local Indigenous fishers on the South Coast in particular are appalled, and so am I. Every member of this House should be. Local Indigenous fishers are not going out and hoovering the floor of the ocean. They are people who fish from the shore. There was footage of a great-grandfather being chased into the water by Fisheries compliance officers because he had 10 abalone. He was in tears in front of the TV cameras; there were TV cameras there. That is not what the Government should be doing. I implore the Minister to advocate on behalf of Indigenous people in New South Wales and speak to the agriculture Minister. Commence clause 21AA. Do it.

COVID-19 AND ARTS AND CULTURAL SECTOR

The Hon. BEN FRANKLIN (13:25): I take note of the answer given by the arts Minister, the Hon. Don Harwin, about the extraordinary support that the Government has provided for arts and cultural organisations throughout COVID and throughout the entire State. The Government knows that things have been very challenging for arts and cultural organisations but, as a result of what it has done and the support it has provided, as far as I know, there has not been a single arts organisation in this State that has become insolvent as a result of COVID-19. That is because the Government has spent almost a quarter of a billion dollars in direct COVID support for that sector. That includes \$125 million in performing arts support, which has supported an estimated 1,600 venues, artists and organisations.

It includes \$50 million for the Rescue and Restart package, providing funding for more than 370 organisations, numbers of which I spoke to all over New South Wales, including numerous organisations in regional New South Wales. It supported or created over 3,400 permanent, casual and contract roles. There was \$24 million put into the live music venues package, which the Hon. John Graham is passionate about. I was so thrilled to be at the launch of that and speak to a number of the key people in that industry, who were so delighted and so thankful for that package. They provided enormous support and validation for what the Government is doing, supporting 162 contemporary venues across the State. The Government has given \$25 million to relaunch festivals throughout New South Wales and stabilise those organisations which present critical cultural festivals across the State. No other State in this country has offered that level of financial support.

The Government has supported the industry, individuals and organisations in a way that they desperately needed. When I said to my staff member, "Can you please print out the media releases over the last few months about the support the Government has given to the arts?" she came back with a ream of papers. It surprised me; I thought there were only a few. The media releases had titles such as "\$86 million injection to kickstart arts, screen and culture in NSW", "Funding boost for regional arts and culture", "\$60 million to make NSW creative capital", "Record funding to take the show on the road to regional NSW", "Targeted emergency support for artists and arts and cultural organisations" and "Lifeline for performing arts and live music". The Government takes this very seriously. In Sydney, western Sydney and regional New South Wales, the Government knows that arts and culture defines much of what it is to be Australian. It will continue to support them in this space for many years to come.

GOVERNMENT FISCAL POLICY

The Hon. ADAM SEARLE (13:28): I take note of the answer given by the finance Minister in which he spoke about the State Government's adherence to fiscal responsibility rules and the pandemic. It is a matter of record that the Government was noncompliant with its own fiscal responsibility rules well before the exigencies created by the pandemic came along. No more egregious transgression is able to be pointed to than the scam that is the Transport Asset Holding Entity [TAHE] and the way the Government has implemented it. The evidence given to parliamentary inquiries recently by Mr Brendan Lyon, former partner at KPMG, about the extraordinary campaign of attack and the bullying and discrediting that was waged upon him by the current secretary of Treasury is a matter of record. It is just remarkable.

Evidence was given by Mr Rodd Staples, the former secretary of the transport department, about the concerns he had about the way the Government had implemented TAHE. As a result of his views, he was relieved of his position by the Government. They were chilling bits of evidence that went to the heart of the true nature of this Government and the way in which it treats impartial advice given to it by professional experts. All citizens should be concerned. I take note of the part of the finance Minister's answer in which he talked about the need for drastic measures to keep businesses going. I think he said that it is something the Government owed to the people

of New South Wales. Where were the measures necessary to protect those engaged in insecure and vulnerable work in western and south-western Sydney during the pandemic?

Some measures in that region have caused the loss of a quarter of a million jobs during the pandemic, or certainly more than 200,000. That means one in 10 people in that region has lost a job. We saw a downturn of nearly 33 per cent in the accommodation and food services sectors and a 23 per cent downturn in the construction sector during the pandemic this year. The retail sector decreased by 11.4 per cent. The decline in retail and construction jobs has accounted for nearly half of all the jobs lost in New South Wales and in Australia. New South Wales has seen a 4 per cent decline in jobs, but in Greater Sydney the decline is nearly 9 per cent.

The vast majority of people working in those most affected industries come from western and south-western Sydney. That calls for a special and bespoke response to support that economically and socially crucial region. This Government has failed western and south-western Sydney. Perhaps the reason for that is that eight of the 10 areas in western and south-western Sydney most affected by COVID-19 are represented by the Labor Party. Eight of the 10 areas least affected by COVID-19 are represented by the Liberal Party. The way in which this Government has approached the matter has led to a tale of two cities.

COVID-19 AND ARTS AND CULTURAL SECTOR

TRANSPORT ASSET HOLDING ENTITY OF NEW SOUTH WALES

IMMIGRATION AND UNEMPLOYMENT RATE

MENTAL HEALTH SERVICES

The Hon. CATHERINE CUSACK (13:31): As a Government backbencher I felt under threat today because it seemed that there were moments in question time when the Opposition was asking more Dorothy Dix questions of Ministers than we backbenchers were. We heard the excellent contribution by the Hon. Ben Franklin about the answer to the question on how the Government is supporting the arts. That is a magnificent story on the part of this Government.

We heard Minister Tudehope patiently explain to the Hon. Daniel Mookhey—to the point of giving him page numbers in the budget papers—the member's chronic misunderstanding of how basic accounting works, particularly in relation to capital works. The Minister does this, day after day, while the member sits opposite, frantically going through his budget papers, wasting the time of this House because he has come obtuse misunderstandings. He then feeds questions out to his fellow members and the finance Minister is forced to stand here and give a year 11 economics lesson to the member to try to get him back on track. It got to the extraordinary point, which I think is almost unprecedented in Westminster democracy, where the Leader of the Opposition took a point of order and tried to shut down question time. I have seen many things in this place over the decades. I have never seen that one before.

The Hon. Rod Roberts asked a question about unemployed people and why the Government is getting overseas workers in. This is an important matter. I thank the Government and the Premier—Triple-A Perrottet, as we heard today—for their work on this, because this is not just about getting workers in, seasonal or otherwise. These programs are very important for Australia. The Pacific Islanders rely very heavily on the income and their engagement with these programs. Everybody in the CBD relies on international students and backpackers coming in and staying in accommodation. The money this distributes through regional communities is phenomenal. My son was recently in hospital in Germany for some time. All the medical staff had worked as seasonal workers, picking fruit in Australia. These relationships and putting us back into the world again are very important. I thank Minister Taylor for her excellent response about how mental health support is being provided to our communities. I encourage all organisations and all sporting codes to apply for that money. I thank the Opposition again for their awesome Dorothy Dix questions today.

ROXY THEATRE, PARRAMATTA

The Hon. ANTHONY D'ADAM (13:34): I take note of the answer given by the arts Minister in relation to the Roxy Theatre. I was in Parramatta not so long ago and happened to walk past the Roxy Theatre. It is in a very sad state of disrepair, boarded up, its Spanish-mission-style facade peeling. It is a very sad state of affairs. In my drive into Parramatta I came over the bridge that sits on the eastern side of the proposed new Powerhouse Museum site. There I could see the sad remnants of Willow Grove, standing as a reminder of how these Government members treat our heritage assets in this State. Willow Grove is mouldering there, reminding us that they do not really care about heritage at all.

It took me back to a time when I was a lot younger, when another theatre was under threat, the Regent Theatre. It was a beautiful theatre in Sydney. I remember the public debate at the time. The Greiner Government was saying that we had too many of these theatres, that we could have either the Capital or the Regent. We had to

choose. But, in the dead of night, the Greiner Government lifted the permanent conservation order on the Regent Theatre. When daylight came, the bulldozers had already gone in and demolished it. That is how these Coalition Government members treat heritage in our State. They do not care about preserving our heritage. They do not care about the heritage of western Sydney, as Willow Grove demonstrates. The only way in which the Roxy Theatre will be saved is by it being taken into public ownership. The Government needs to take that step, find the money and acquire the Roxy urgently.

THE ROCKS ALFRESCO DINING

The Hon. SCOTT FARLOW (13:36): I take note of the answer given today by the Hon. Damien Tudehope about Sydney's longest lunch and the activation of our CBD. I commend the Minister, the Premier and the Deputy Leader, Minister Ayres, for the wonderful initiative. I reflect on this because, over a year ago, Luke Mangan wrote to the Government advocating about some of these issues. I commend Luke Mangan for his foresight. The Hon. Walt Secord, who sits at the other side of the table, was part of the sessions at the Sydney CBD summit.

The Hon. Walt Secord: Very good sessions.

The Hon. SCOTT FARLOW: They were very good sessions. They involved the City of Sydney, the New South Wales Government and the Opposition. Mr Mangan wrote last year, in August, advocating for outdoor dining and initiatives such as this, saying, "With Sydney streets all but empty, there is an opportunity for businesses to expand their services with outdoor dining and music. Along with the economic benefit this change will provide, there is also an argument to be made: that it would also improve the mental state of many people during this difficult time." That was over a year and a half ago. We know how difficult the times have been since then.

It is so important to activate our CBD and to get people back into the city, because the Sydney CBD has done it hardest throughout the COVID-19 pandemic, as people have worked from home. As the Hon. Catherine Cusack said, we are not seeing the tourists and the international students who would usually be here and all the seasonal workers who would come. The city is finding it very difficult at the moment. So events like the Premier has announced will do a great job of getting people back to their offices and back to enjoy everything the CBD has to offer. I commend Luke Mangan for his role in that and for his advocacy throughout this period. He has been a great friend of Sydney in advocating for initiatives such as this.

Prior to coming to question time today, I was meeting with Jennifer Westcott, Tony Shepherd and the Business Council of Australia, who have put their Sydney revitalisation strategy together. I commend the City of Sydney for its work, in concert with the New South Wales Government, to continue to deliver for the city. I pay tribute to all the businesspeople who are working as part of that program and to Business Sydney and its new executive director, Paul Nicolaou. They are very committed to getting the city back open, getting people back to the CBD and running wonderful programs like Sydney's longest lunch. Those things will get people back into the city and back to work.

ROXY THEATRE, PARRAMATTA

The Hon. WALT SECORD (13:39): As the shadow Minister for the Arts and Heritage, I take note of the answer of the Minister to my question on the Roxy Theatre and his refusal to protect that theatre. I also comment on his attacks on *The Daily Telegraph*, his claim that the Premier's office had contacted the journalist and made comments that they were going to protect it. No assurances were made. In fact, it was extraordinary that he would attack *The Daily Telegraph*, which I deem to be called the "people's paper".

Unfortunately, this is the latest example of a tale of two cities. We see hundreds of millions of dollars going into the CBD—Walsh Bay, the Australian Museum, the Macquarie Street precinct, the Sydney Modern, the Sydney Opera House upgrade and the Minerva at Potts Point. The Minister in his answer claimed that he was putting \$5 million into studies related to promoting, acquiring and expanding musical theatre in Sydney. That was his way of trying to give the impression that he was going to do something involving the Roxy Theatre. The Roxy Theatre is a gem in Parramatta. It has operated as a cinema and live theatre venue since the 1930s. In fact, it was the first cinema in New South Wales to show "talkies". To give a further illustration, the Minister wants to plough \$30 million into the refit of the Minerva Theatre at Potts Point but he is absolutely silent on the Parramatta Roxy.

Community champions like Parramatta City Councillor Donna Davis, who represents the Epping ward, have been fighting to protect the Roxy for years. I remember her raising the matter with me in 2018. She shares the views of the entire Revive the Roxy campaign. They know, as everyone knows, that once the Roxy is gone, there will be little chance of having a workable theatre in the area. I have seen the Roxy and have actually had a little peek inside. It is a beautiful piece of architecture and its location would be perfect for a live theatre venue.

It has everything—transport links, a population base and a possibility of 1,600 seats. It has everything. But the arts Minister would rather hobnob with American stars than invest in the Roxy Theatre at Parramatta.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. NATASHA MACLAREN-JONES (13:42): Throughout today's question time we have heard a number of questions and answers in relation to our COVID recovery response. In particular I touch on the Government response in relation to supporting the health and wellbeing of Aboriginal communities, which has been a priority throughout this pandemic. I draw the House's attention to the New South Wales Government's Aboriginal COVID-19 vaccination communication and engagement strategy, which was developed in consultation with an Aboriginal agency, 33 Creative. The strategy's aim is to not only communicate directly with Aboriginal and Torres Strait Islander communities but also look at how the vaccination is rolled out and address some of the cultural challenges that have become apparent.

I highlight that on 30 August we also announced the COVID-19 Aboriginal Community Response Program, which is providing grants of up to \$10,000 to support Aboriginal communities to reduce the risk of being exposed to COVID-19 and also managing the impacts. Furthermore, the New South Wales Government has been working with the Commonwealth Government—which is responsible primarily for the vaccine distribution—and also the local health districts and local Aboriginal community controlled health services to ensure that all Aboriginal and Torres Strait Islander people have access to the vaccine. I highlight that under the New South Wales Liberal-Nationals Government, direct funding for Aboriginal community controlled health services has increased from \$19.2 million in 2014-15 to \$29.5 million in 2021-22.

As I said, today we heard a number of answers in relation to the significant investment by the New South Wales Liberal-Nationals Government supporting the people of New South Wales to recover from the impact of COVID-19. In particular, we heard from the Hon. Damien Tudehope about the CBD's revitalisation program, where we are seeing the Sydney's Open for Lunch event, with over 600 people who will be dining for lunch along George Street. There is the significant investment in mental health, as part of the \$130 million mental health recovery package. I commend the work of the Hon. Bronnie Taylor in delivering an extensive package to support all people across New South Wales, including investing in critical workforce, where we are seeing approximately 60,000 psychiatrist consultations and a further 85,000 consults across New South Wales. They will be working with people of all ages to address any concerns and issues in relation to mental health. We are also seeing \$14 million being invested over two years to train 275,000 people to provide suicide prevention training. I also commend the Minister for her recent announcement in relation to supporting those who have experienced a family member or friend who has suicided. I commend the motion to the House.

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

Motion agreed to.

Written Answers to Supplementary Questions

TRANSPORT ASSET HOLDING ENTITY OF NEW SOUTH WALES ASSET VALUE

In reply to **the Hon. DANIEL MOOKHEY** (17 November 2021).

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

I am advised that the Transport Asset Holding Entity moved to an income approach at 30 June 2021 when the new commercial Track Access Arrangements with Sydney Trains and New South Wales Trains were executed.

Any further question about the timing of specific decisions by the Board of the Transport Asset Holding Entity should be directed to the Minister for Transport and Roads.

ENVIRONMENTAL DEBT

In reply to **the Hon. MARK LATHAM** (17 November 2021).

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

The Budget Papers for 2022-23 will be prepared and tabled in accordance with the provisions of Division 4.1 of the Government Sector Finance Act 2018 and Section 8 of the Fiscal Responsibility Act 2018.

The PRESIDENT: I will now leave the chair. The House will resume at 2.45 p.m.

*Bills***CIVIL LIABILITY AMENDMENT (CHILD ABUSE) BILL 2021****PAYROLL TAX AMENDMENT (PAYROLL TAX WAIVER) BILL 2021****CHILDREN'S GUARDIAN AMENDMENT (CHILD SAFE SCHEME) BILL 2021****Assent**

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I report receipt of messages from the Governor notifying Her Excellency's assent to the bills.

*Private Members' Statements***TASMANIAN DEVIL**

The Hon. LOU AMATO (14:47): Since the discovery in 1990 of the fatal devil facial tumour disease, also known as DFTD, the world's largest surviving carnivorous marsupial, the Tasmanian devil, has reduced in numbers by over 75 per cent. DFTD is of particular concern as it is a contagious cancer. Tasmanian devils display aggressive behaviour that involves biting between individuals. Cancer cells are transmitted directly through biting to the face of Tasmanian devils. The transfer of cells between humans and other animals is considered as foreign genetic material and is rejected by the body's immune system. Human transplant recipients require daily doses of powerful immunosuppressants such as cyclosporine to inhibit immune response and the rejection of the transplanted organ.

Scientific tests investigated whether Tasmanian devils' genes lacked the ability to recognise foreign cells. Laboratory tests were performed by mixing lymphocytes from different devils, which should initiate an immune response and the subsequent destruction of the introduced lymphocytes. The studies clearly showed that a Tasmanian devil's immune system failed to recognise cells introduced from other devils. There is strong evidence that a lack of genetic diversity has resulted in devils becoming genetically similar. This means that the transfer of DFTD from one devil to another will not be detected as foreign biological material and will fail to initiate an immune response. Therefore, the cancer cells are easily transmitted.

Presently we have no cure or treatment options available to save the Tasmanian devil, although work is underway to see if it is possible by way of immunisation to initiate an immune response against DFTD. Due to the nature of the disease, scientists are not hopeful. DFTD has also evolved into two distinct strains known as devil facial tumour disease strain 1 and devil facial tumour disease strain 2, which have spread across the entire island of Tasmania. It is expected that the Tasmanian devil will become extinct in its native Tasmania. Thankfully, New South Wales has come to the rescue of the Tasmanian devil. Many members would have heard of the "Devil Ark", which is located at an altitude of 1,350 metres in the Barrington Tops. The area provides Tasmania-like vegetation and the cool, wet and snowy conditions perfect for the breeding of Tasmanian devils.

The Devil Ark was founded in 2011 from 44 healthy individuals, which has resulted in over 300 healthy joeys. Careful selection of mating pairs ensures the best possible genetic diversity. Devil Ark enclosures contain a small number of individuals over one to two hectares. Human interference is limited to ensure that all devils bred in the enclosures retain their wild behavioural traits. The Devil Ark is possibly our only hope of repopulating Tasmania with healthy devils after extinction in their native Tasmania. The Devil Ark requires community support by way of donations to keep the program running. I wholeheartedly support the program and look forward to an end to DFTD.

DR GARY FOLEY

The Hon. SHAOQUETT MOSELMANE (14:50): I am delighted to report to the House that the winner of the 2021 Jerusalem (Al Quds) Peace Prize is First Nations Gumbaynggirr intellectual, activist, academic, writer, storyteller and actor, Dr Gary Edward Foley. Dr Foley, a lifelong activist for Aboriginal rights and currently professor of history at Victoria University, was a key member of the Aboriginal self-determination and Black Power movement that established the first Aboriginal legal and health services in the early 1970s. He was also a key figure in establishing the famous Aboriginal Tent Embassy protest of 1972 and has been at the centre of major political activities in Australia for more than 50 years. In particular, he saw the power of theatre and film as a way of highlighting the political challenges facing his people and in 2015 he was awarded the Australia Council for the Art's Red Ochre Award for lifetime achievement in the arts. More recently, at Victoria University Dr Foley's Aboriginal History Archive, comprising a lifetime's collection of documents on Aboriginal political activism, is being built into Australia's first and only online digital archive on the Australian Black Power, land rights and self-determination movements.

As the struggles of Indigenous peoples became more visible in settler states, it was only natural that Foley and others would find inspiration in the Palestinian struggle for self-determination. In the late 1970s he worked with the Palestine Liberation Organization's former representative for the Oceania region, Ali Kazak, to establish the Black-Palestinian solidarity movement in Australia. They both saw the Palestinian and Aboriginal struggle as part of the same fight for justice against settler-colonial occupation. This led to Foley, Kazak and University of Melbourne academic Suzannah Henty organising the historic first Black-Palestinian Solidarity Conference in Australia in November 2019, which was focused around Indigenous resistance against settler-colonial occupation in Australia and Palestine.

The right of people to resist all forms of oppression is enshrined in the Charter of the United Nations and, under international conventions, is one that continues to safeguard the right of people to self-determination. Australia's First Nations peoples and the Indigenous people of Palestine have traversed a parallel history of colonisation, occupation, dehumanisation and de-legitimisation. Both are peoples with inalienable rights globally recognised and celebrated by the United Nations and by people of conscience. I congratulate Dr Foley, Australians for Palestine and the Australia Palestine Advocacy Network on the announcement of this most worthy winner.

TRANSGENDER AWARENESS WEEK

Ms ABIGAIL BOYD (14:52): Transgender people are at the forefront of the battle to unpick gender norms, playing a critical role in the struggle to smash the patriarchy. The term "patriarchy" can be misunderstood, perhaps deliberately by many on the right. Patriarchy is a system of society in which men hold the primary power and predominate in roles of political leadership, moral authority, social privilege and control of property. Patriarchal ideology acts to explain and justify this dominance and attributes it to inherent differences between men and women. Our patriarchal society has long held men up as the norm and women as the exception. Smashing the patriarchy is not about bringing down men; it is about discarding the gender norms that support men's power in our society.

It is absolutely true to say that we have come a long way in the past 100 years to provide more opportunities for women and to share at least some of the power traditionally held by men with women. But it has come largely without shifting society's overall focus on men as the norm. Masculinity continues to be closely associated with authority, superiority and power. In terms of feminist progress over the decades, we have reached a slow point, bogged down in this battle to dismantle gender norms. It is made all the slower by the fact that not only people on the right but also, more disappointingly, people on the left want to hold onto the myth of the biologically determined binary and sex-based politics that exclude our transgender allies. Equality for women does not mean allowing women to act like men. It means allowing everyone to live within our own skins, and to be as masculine or feminine as we choose, when we choose.

Cisgender women must stand side by side with transgender people in that struggle to break down gender norms to allow all of us to freely be who we want to be, to rebuild our society in an inclusive and accepting way that lets all of us thrive, not just those who live up to outdated masculine ideals. Transgender Awareness Week celebrates the incredible contributions that transgender people make to our society. It also highlights the disproportionate and widespread stigma, discrimination, violence and other barriers to society that transgender people face. Today I celebrate the crucial role that unapologetic trans visibility plays in dismantling the gendered oppression of everyone.

Transgender people face hate speech and prejudice from all sides. They are some of the most vulnerable people in our community, and are at high risk of suicide, self-harm, bullying and murder. They need our support. I am not going to convince the right-wing politicians in this place, or those engaged in gawking at grotesque Murdoch media stories, so I will focus instead on the so-called progressives. This Transgender Awareness Week, I say to them specifically: You cannot be a feminist and be an anti-trans activist. You cannot be a progressive while ignoring scientific facts and persisting with binary and sex-based politics. You cannot dismantle your own oppression by entrenching fictitious ideas of what it means to be a woman. Trans liberation is women's liberation, is queer liberation, is everyone's liberation.

AUSTRALIAN OF THE YEAR AWARD RECIPIENTS

The Hon. CATHERINE CUSACK (14:55): Professor Veena Sahajwalla, the founding director of the UNSW Centre for Sustainable Materials Research and Technology, SMaRT, has been named the 2022 NSW Australian of the Year. The award ceremony was held at Luna Park on Monday, and attended by the Governor of New South Wales, Her Excellency Margaret Beazley, and the New South Wales Premier, Dominic Perrottet, whose nickname we learned today is triple-A Perrottet. Fifty-six-year-old Professor Sahajwalla is a materials scientist, engineer and inventor.

She is a pioneer of research into waste transformation technologies. Professor Sahajwalla is known for her invention of Polymer Injection Technology, or "green steel"—using high-temperatures to transform waste tyres and plastics into a new generation of green materials and products. In 2018 she launched the first of many micro-factories, which transforms the components of e-waste items, such as discarded smartphones and laptops, into valuable materials. Professor Sahajwalla then launched the first plastics micro-factory the following year, which turns plastic waste into high-quality 3D printing filaments. She leads two national research and industrial transformation hubs, the Australian Research Council's Microrecycling Research Hub and the National Environmental Science Program's Sustainable Communities and Waste Hub.

President of the Islamic Women's Welfare Association [IWWA], 72-year-old Abba Kadous, is the 2022 NSW Senior Australian of the Year. Ms Kadous helped establish the country's first welfare service for Muslim women after moving to Australia from Egypt. IWWA offers anti-discrimination forums, school-readiness programs, youth camps, cooking classes and also provides food and other essentials to people in need. Her generosity has seen her volunteering for more than 35 years while also raising her five children and overcoming many obstacles when creating IWWA.

Founder of Street Side Medics, Dr Daniel Nour, is the 2022 NSW Young Australian of the Year. Dr Nour identified a gap in health care for vulnerable people in New South Wales, and as a result of his leadership his not-for-profit GP-led mobile medical service for people experiencing homelessness has changed the lives of more than 300 patients. Its clinics treat many communicable and non-communicable illnesses, and detect conditions that would otherwise go unnoticed. Founder and CEO of Sober in the Country, Shanna Whan, is the 2022 NSW Local Hero. After almost losing her own life to alcohol addiction, she established a one-woman grassroots campaign to create radical social impact and change around how people discuss and use alcohol in rural Australia. I congratulate all of those recipients.

QANTAS HEALTH AND SAFETY

The Hon. DANIEL MOOKHEY (14:58): Theo Seremetidis was an aircraft cabin cleaner employed by Qantas Ground Services for seven years. He was a trained, qualified and experienced health and safety representative [HSR] for his work group. In late January 2020 Mr Seremetidis began raising concerns about the inadequate work health and safety procedures that applied at Qantas Ground Services [QGS] in relation to aircraft arriving from China, when the COVID-19 pandemic was in its infancy. At that time at QGS, cabin cleaners were required as part of their duties to handle wet and/or used tissues, face masks and soiled nappies, and to clean vomit, blood and other fluids from surfaces of the aircraft. When those concerns about safety practices were being raised, Qantas Ground Services was not mandating the use of personal protective equipment by cabin cleaners, and was only using water to clean surfaces rather than alcohol-based sanitisers.

Qantas told its cabin cleaners that COVID-19 could not be caught from surfaces, and that the health risks associated with COVID-19 were "negligible". The day after the Federal Government banned foreign flights from mainland China, Theo arrived at work and was asked by workers he represented who were concerned about the risks of contracting COVID-19 what they should do about the two aircraft arriving from mainland China that day. Given Qantas had not responded to his concerns, Mr Seremetidis stood up for his crew, and did what any good HSR should do: He directed workers in his group to stop work on planes arriving from China, due to the risk it posed to their health and safety, until they were satisfied they could do the job safely. His actions may have saved workers and their families from the horrors of developing COVID-19.

Sadly, Qantas stood down Mr Seremetidis that day, claiming he was causing anxiety to workers by issuing the instruction to cease unsafe work. Theo never went back to work. He remained stood down for more than a year, before being made redundant along with thousands of other ground crew in February of this year in place of lower paid workers from labour-hire firms, a move that has since been ruled unlawful by the Federal Court. On 6 October 2021 SafeWork NSW finally filed charges in the District Court against Qantas Ground Services for its failure to follow the Work Health and Safety Act as it applied to flights arriving from mainland China at the beginning of the pandemic. It is of course illegal to fire a health and safety representative for exercising their powers. Sadly, Theo has lost his job, which he still cannot get back, despite SafeWork making that prosecution decision. Theo deserved better and all HSRs in New South Wales deserve better.

MILTON-ULLADULLA SCHOOL PLANNING

Mr JUSTIN FIELD (15:01): I put on record my concerns about the planning for future education facilities in the Milton-Ulladulla area, including the use of the former Anglican school site at Milton. I declare a conflict of interest: Banjo, my son, is due to start big school next year, something we are all excited about. It has certainly sharpened my mind to some of the issues with education. I am not the only one, because the State Government recognised the need to purchase the former Shoalhaven Anglican School site in 2018. The community has been left somewhat frustrated about the planning around the use of that site. I acknowledge the

decision to move the Budawang Special School to that site, which is an important upgrade and expansion that will be well used and is needed in our region. The parents of the Milton-Ulladulla area remain frustrated that the need for additional education facilities has gone largely unanswered.

In the middle of this year I wrote to the education Minister outlining my concerns after I became aware of just how substantially enrolments were growing in the region and how far over cap they were. The Milton Public School enrolment cap is 555. In 2021 enrolments were 728, which is 173 students over cap. The enrolment cap at Ulladulla Public School is 509 and in 2021 enrolments were 749. That is 240 over cap, 47 per cent. Ulladulla High School is only 27 over cap but we can see what comes next if the other primary schools are so far over their caps. Across those three schools we have nearly 30 temporary buildings, most of them encroaching on the kids' play areas. This is not an original story. It is an issue across New South Wales but it is particularly acute on the South Coast.

I was frustrated to get an answer back from the Minister saying, "The department has assessed the needs for the Milton-Ulladulla area and has determined that based on current planned population projections and existing schools available, potential growth can be serviced with existing assets." The existing assets are not even keeping up with the growth that we have had over the past five years, and we are expecting more. Not enough is being done. The community is asking the Minister to engage with them on a strategic plan for the use of the Shoalhaven Anglican School site. They have been unsuccessful at getting the Minister's attention up until now. We will miss the opportunity to ensure that that site is strategically developed for the best interests of our whole region. I support the Ulladulla Area Schools Expansion Action Group in raising the issues in the House and I ask the Government to take more notice of the desperate need for education facilities in the Milton-Ulladulla region.

ARMENIAN GENOCIDE

The Hon. WALT SECORD (15:05): As Deputy Chair of the NSW Parliamentary Friends of Armenia and the Deputy Chair of the NSW Parliamentary Friends of Israel, I speak on moves in Israel to recognise the Armenian genocide. I do so as a friend of the Armenian community, a member of the Jewish community and a son of a First Nations Canadian. My history of studying and commemorating genocide events in Australia and internationally is a matter of record. I believe it is only by acknowledging history truthfully that we can help prevent acts of genocide from happening again. That is why I am cautiously optimistic about a move on 9 November by six Israeli parliamentarians, including former Speaker Yuli Edelstein, to officially recognise the Armenian genocide and to establish an annual memorial day on 24 April.

Previously there have been several unsuccessful attempts in Israel to officially recognise the Armenian genocide. On 24 April 1915 Ottoman authorities arrested some 250 Armenian intellectuals and community leaders, beginning the Armenian genocide. Over the next four years 1.5 million Armenians, the majority of the total estimated population, were systematically murdered. I bring this matter to the attention of the House as I am aware that it is of great interest to the Armenian and Jewish communities in New South Wales, which enjoy strong links and have worked in partnership on anti-racism issues through the NSW Jewish Board of Deputies and the Armenian National Committee of Australia. In April and May this year representatives of the Australian Jewish community including the Executive Council of Australian Jewry, the Zionist Federation of Australia and the NSW Jewish Board of Deputies called for recognition of the Armenian genocide. Words matter, and I draw the House's attention to the Federal Government's current position, expressed in June 2014:

The Australian Government acknowledges the devastating effects which the tragic events at the end of the Ottoman Empire have had on later generations and on their identity, heritage and culture. We do not, however, recognise these events as 'genocide'.

Respectfully, that position needs to change. Australians should call it what it is—genocide—and Australia would be in good company if it did. Just last year United States of America President Joe Biden formally recognised the Armenian genocide, as has the US Congress. I hope that Australia and Israel both formally recognise the Armenian genocide and that, in my lifetime, Turkey does too. On a positive note, despite very few survivors of the Armenian genocide being alive today anywhere in the world, I believe more Australians now know of the Armenian genocide than they did 10 years ago due to the efforts of the Armenian National Committee of Australia and its executive, and I commend them for that.

NEW SOUTH WALES CREDIT RATING

The Hon. JOHN GRAHAM (15:08): It previously came to my attention that I might have upset the Leader of the House in a speech, and I said to him, "Don't be upset yet; I am only halfway through. Wait until you hear the full speech." I continue with just a couple of observations. At the time I was making the common sense factual observation that under the now Premier, then Treasurer, New South Wales lost its triple-A rating. That is just a common sense fact. I put on the record the views of the Treasury Secretary, Mr Pratt, who said the following on 8 March 2021 about the factors that led to the downgrade:

S&P, on a number of the key factors, gave us very positive markings in terms of the latest rating result. Where they marked us down was on debt and the increase, as you know, in debt projected over the forwards. That was the issue.

The budget itself is very plain on the matter. It recollects the facts as this:

On 7 December 2020, S&P lowered the State's rating by one notch from triple-A to double-A plus. At the time, S&P indicated large operating deficits and a sharp rise in debt was the driving factors of the downgrade ...

For those who are interested, there is much more detail in box E.1 of the budget. They are commonsense observations. I was simply observing that of the 15 Treasurers since ratings of the State jurisdiction have been produced, this is the first time that has happened—not under double-A Wran, not under double-A Greiner, not under double-A Egan, not under triple-A Egan, not under triple-A Morris Iemma and not under triple-A Mike Baird. It is only now that New South Wales is in that situation: double-A under Perrottet. I raise my concerns about the net worth of the State, which has collapsed this year from 37.9 per cent net worth as a percentage of gross state product to just 35.9 per cent.

The Hon. Daniel Mookhey: Why was that? What was the writedown?

The Hon. JOHN GRAHAM: I think the shadow Treasurer is getting to why that might have occurred, but it is a massive writedown in the wealth and the net worth of the State—something we hear so much about. I place those concerns on the record. I will talk more at a future opportunity about the collapse in the real gross state income per capita. That is the real crime here: wealth not growing for each citizen in the State as we have moved from the nineties to the most recent period. It has absolutely collapsed in the 2011-12 to 2018-19 period. I am grateful to the member for pointing out that when it comes to Perrottet, there is a double-R and a double-T, but there is also a double-A.

SOUTH-WEST SYDNEY PARKLANDS

The Hon. MARK LATHAM (15:11): There has been a lot of talk about parklands in Sydney. We know that the legislation in the other place addresses a Greater Sydney Parklands Trust proposal that would take over authority for the inner-city parklands of Moore Park, Centennial Park and Callan Park. We know of Parramatta Park, in the demographic centre of Sydney. There is the Western Sydney Parklands, west of Fairfield. Just yesterday the Minister for Planning and Public Spaces announced an expansion of the parklands in the north-west sector at Rouse Hill. That raises the question: Where are the State-run, State-managed and State-funded parklands for south-west Sydney—the great metropolis of the Liverpool, Campbelltown and Wollondilly local government areas? There are none. I hope the bill, when it finally reaches this place and the Minister can give it administrative intent, will overcome that enormous oversight.

It is a shame on the State Government and the parkland distribution in our city that so much of it has been concentrated in inner Sydney. I am very glad the Minister is now walking away from the foolhardy proposal to get rid of the essential overflow car parking for the Sydney Cricket Ground [SCG] and the new Sydney Football Stadium at Moore Park. The land is not of any garden or open-space value, but the car parking convenience at the SCG in particular has provided relief for people. That needs to come out of the bill, but I hope that we will find proper expression in the bill of new parklands in south-west Sydney.

One proposal for State management is to take the Chipping Norton Lakes scheme on the Liverpool side of the Georges River and combine it with Lake Gillawarna on the Bankstown side of the Georges River, and perhaps a pedestrian footbridge would link the two. That would be a substantial State-run and State-funded regional parkland for south-west Sydney. There is currently inadequate funding and administration by the two councils. Let us combine it and develop a regional parkland for an important part of Sydney that other parts of Sydney take for granted.

The other proposal is to do something about a wasted resource in the Australian Botanic Garden Mount Annan, because the management there of nature therapy walks and other botanical opportunities is not maximising use. I would like to see some examination of turning that botanic garden, a wasted resource, into another south-west Sydney parkland where one can have picnics and the family can enjoy it. To have a picnic at the botanic garden there at the moment, you need to fill out a four-page form and sign an indemnity for having a picnic and the use of a barbecue—and you cannot even take your dog. I am in unison with the Animal Justice Party in saying we need animal-friendly and human-friendly parklands, maximising use. I hope to advance those two magnificent proposals for south-west Sydney.

CONCORD HIGH SCHOOL

The Hon. ANTHONY D'ADAM (15:14): I draw the attention of the House to the sad state of affairs at Concord High School. Yesterday I received some correspondence from a member of the P&C. She had written directly to the member for Drummoyne and to the Premier, seeking assistance to provide seating for the kids at the high school. Unfortunately, seating at the school is 50 per cent below that required for the kids. Because there

is no appropriate provision for seating, they are unable to eat their lunch sitting down, which is a pathetic situation for the children at the school. I urge the Premier and the education Minister to take steps to urgently address the very poor state of facilities that it appears are provided for the children at Concord High School.

CAMDEN AND HEATHCOTE ELECTORATE FIRE STATIONS

The Hon. MARK BUTTIGIEG (15:15): I put on record a couple of visits I made regarding the practice of temporarily offlining, or TOLing, fire stations in the areas of Camden and Heathcote. In case members do not understand, the arrangement is that when those fire stations drop to below four members of staff they are put on an online system that is based on a risk analysis that says that, if they have not got the staff, they can get them from another station. I give the emblematic example of the electorate of Heathcote, where, if Bundeena fire station, which is located in a beautiful spot in the middle of dense bushland in the Royal National Park, falls below four staff members, they put it online.

The problem is that the next two nearest stations—Helensburgh and Scarborough—go on the same list and, in the event of a fire, the nearest station is Sutherland or Revesby, which is up to half an hour away. When I asked the question at budget estimates, the Minister said, "We have done the risk analysis. I would like to have a fire station on every corner." The poor people of Bundeena, who are living in that beautiful spot surrounded by bushland, have had a number of fires in the past and do not want their fire station put online. It is something that the Minister should take notice of and restore for the benefit of that community.

Documents

TRANSPORT ASSET HOLDING ENTITY ASSETS

Production of Documents: Order

Debate resumed from an earlier hour.

The Hon. MARK BUTTIGIEG (15:17): In reply: I want to wrap this up and address some of the things that the Hon. Taylor Martin said in the debate about the safety aspects and how it is all good. The former New South Wales Auditor-General, Tony Harris, described TAHE as a vehicle for deception and a "financial mirage". The current Auditor-General is scrutinising TAHE and has delayed signing off on the Government's accounts because of "major outstanding matters". The former transport secretary, Rodd Staples, said at the inquiry into TAHE that he was deeply worried about the safety of the State's rail network and that he raised it in a meeting with former Premier Gladys Berejiklian. Mr Staples discussed how he had endeavoured to alert our State's highest figures to the gigantic hazard that TAHE presented to the long-term integrity of our State's rail network. As we all know, three months after that he got the bullet without any sufficient cause.

The call for papers goes to asset registers. We have reason to believe that there are ulterior motives, because we are in possession of a list of assets that have already been slated for sale through the asset recycling program, including the Large Erecting Shed at Eveleigh and assets at McMahon's Point in North Sydney and North Eveleigh. There is surplus land that has been identified for sale in Parramatta, the Blue Mountains, the Bayside area of Rockdale, as well as lots in the Georges River area and the inner west. The Government wants to put shutters up on the public knowing where its assets have gone, what its assets are, who is controlling them and what the plans are. We have leases in place for cafes, newspaper shops and all the rest. We have income streams going to TAHE as a result of earnings from the public's assets, and I think the public has a right to know where those assets are, who controls them and where the money is going. If the Government has nothing to hide, it will hand over the registers so that we can get a log of what it is up to and what it is intending to do. I commend the order for papers to the House.

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

The House divided.

Ayes22
Noes15
Majority.....7

AYES

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

Houssos
Hurst
Jackson
Latham
Mookhey
Moriarty

Pearson
Primrose
Roberts
Secord
Sharpe
Shoebridge

AYES

Field
Graham

Moselmane

Veitch

NOES

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

PAIRS

Searle

Fang

Motion agreed to.**SCHOOL EXCELLENCE POLICY****Production of Documents: Order****The Hon. COURTNEY HOUSSOS:** I move:

That private members' business item No. 1515 outside the order of precedence be considered in a short form format.

Motion agreed to.**The Hon. COURTNEY HOUSSOS (15:30):** 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 2017 in the possession, custody or control of the Minister for Education and Early Childhood Learning or the Department of Education relating to the School Excellence policy:

- (a) all ministerial briefings relating to the School Excellence policy, including:
 - (i) school improvement and excellence;
 - (ii) executive use of funding and resources;
 - (iii) enhancing teacher capabilities;
 - (iv) situational analysis; and
 - (v) implementation and progress monitoring.
- (b) all internal department briefings relating to the School Excellence policy; and
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This call for papers under Standing Order 52 relates to the School Excellence policy, which is the key plank of the Government's response to declining education standards in our schools. We have canvassed that issue many times in this place. When the Labor Party was last in government, New South Wales topped the world. In 2019 we failed to meet the OECD average for the first time. The School Excellence policy is the Government's response to that decline. The Opposition is seeking ministerial briefings in relation to that policy. The motion outlines the specific details that we seek.

It is important to understand how schools are being supported by the Government to improve and excel, and how teacher capabilities are being enhanced through the School Excellence policy. Strong accountability measures are needed to track progress on the policy. The public must have confidence that the policy is working in the best interests of students and is being modified, where necessary, as feedback and outcomes are reviewed. The Hon. Mark Latham has foreshadowed moving an amendment to seek additional documents relating to a number of specific schools. The Opposition will be supporting that amendment. I commend the motion to the House.

The Hon. MARK LATHAM (15:32): I move:

That the question be amended by inserting after paragraph (b):

- (c) all documents relating to the negotiation and development of the Strategic Improvement Plans, baseline data and performance targets for the following schools:

- (i) Maitland High School;
- (ii) Ashcroft High School;
- (iii) Pennant Hills High School;
- (iv) Lindfield Learning Centre;
- (v) Chatswood High School;
- (vi) Lithgow High School;
- (vii) Kirrawee Public School;
- (viii) Denison College of Secondary Education; and
- (ix) Albion Park High School.

One Nation supports the motion calling for papers under Standing Order 52 relating to the School Excellence policy. We support the intention of the Hon. Courtney Houssos in that regard. However, the information would be more useful and enhanced by a deep dive into case studies. The amendment seeks all documents relating to the negotiation and development of the Strategic Improvement Plans, baseline data and performance targets for nine specific schools. The Government is hiding behind a provision in the Education Act 1990 to say that the baseline data right across the New South Wales school system cannot be made public. It could have no objection to accessing baseline data for only nine out of 2,200 schools to look at just how ambitious their targets are. Without the baseline, we have no idea. We are flying blind as to how meaningful the targets could be.

Those targets could seek a one per cent improvement in school performance over 12 months or a 50 per cent improvement. We have no idea in substance how the processes were negotiated and, in particular, why there is so much variability among some of the schools in the way in which the targets have been developed. For instance, Maitland High School has 20 objectives, more than most schools, but they are three years down the track. There is no target for 2022. How did that come about? What is the negotiation process by which Maitland landed in that spot? The Ashcroft High School material is notable for its density, to put it kindly. How was that material allowed to go forward for parents in what is a very low-income area when the parents themselves would have greater clarity about the sort of things they want the school to target in performance?

How is it that, on the website at least, Kirrawee Public School has no published Strategic Improvement Plan? How is it that the other schools listed here have got a whole range of objectives over different time periods? What were the negotiations by which the department arrived at that place? Access to this information will greatly enhance our understanding of the policy, of the Strategic Improvement Plans and, most importantly, give some clarity to parents about the process and an understanding of how it all unfolded—because at the moment we just do not know. There was a very strong expectation, particularly out of the Portfolio Committee No. 3 - Education, that there would be uniform targets, that they would be ambitious, that they would be across New South Wales and that there would publication of baseline data. None of those things have happened. It has been quite the dog's breakfast. We can take these nine case studies, have a deep dive into the material, draw some conclusions across the education system and, hopefully, inform future governments how to do it much better.

The Hon. Trevor Khan: Point of order: I take this point of order whilst the Hon. Mark Latham is still in his speaking time because I want him to have the opportunity to address it. This is not a criticism of the Hon. Mark Latham and it is not a criticism of the substance of his amendment. I want to make that quite plain. My point of order is this: In truth, we know that sometimes there is negotiation between when notice of a motion is given and when it is moved. That is not a criticism of individual members; that practice has developed recently. In fact, it happened last week and, indeed, you were involved, Madam Deputy President. The same thing happened last week and is happening this week. A member will move a motion relating to a discrete Standing Order 52 and then other members will move amendments to the motion that, in essence, do not deal with the substance of the motion but piggyback onto it. In essence, separate motions are being moved because of the convenience of a motion that is an SO 52. As was the case last week, the motion and the amendment might not even involve the same department. The developing practice seems to be that because it is an SO 52, "We'll bung it on."

My concern is that the standing orders provide that notice of motion is to be given of a SO 52 and, by its very notice, it essentially has to deal with a particular subject. However, if we allow an amendment that introduces new material to be moved—in essence, a discrete motion simply to be added on—it offends the very practice of this House of requiring that notice be given and that it deal with a particular subject. We are seeing a breakdown of the procedures of the House and an abuse of the practices of the House. Again, I am not criticising any member. A member could move one SO 52 at the start of a Wednesday and then other members could jump up and move amendments. As a result, we could end up with dozens of SO 52s loaded into one SO 52. The danger of that—

The DEPUTY PRESIDENT (Ms Abigail Boyd): You are giving them ideas.

The Hon. Trevor Khan: No, this has been an issue of discussion with some other members.

The Hon. MARK LATHAM: To the point of order: Is this a point of order—

The Hon. Trevor Khan: Yes, indeed it is.

The Hon. MARK LATHAM: —or a speech eight foot longer than the SO 52 speeches? It is coming up to three minutes. I think the point has been made and I would like to respond to it.

The Hon. Trevor Khan: I would like to finish.

The DEPUTY PRESIDENT (Ms Abigail Boyd): The Hon. Mark Latham will resume his seat. If the Hon. Trevor Khan can refer to the standing order issue, that would be useful.

The Hon. Trevor Khan: The point of order is that the practice is an abuse of the standing orders. Let me go back to the example I was using. If this occurs, we may have one Standing Order 52 motion to which will be added multiple, quite discrete amendments. We will end up with a system that is unable to be dealt with by the Executive and the Clerks. The practice is not consistent with the standing orders.

The Hon. MARK LATHAM: To the point of order: To clarify, I bitterly resent the suggestion that it is an abuse of the standing orders and that I am the abuser. I have studied these issues at length, as has Portfolio Committee No. 3 – Education. I am fully aware of the contents of the School Excellence policy and what I have moved by way of an amendment is not a tangent. It is not disconnected from the main motion that has been moved by the Hon. Courtney Houssos. It is a subset of that information. It is directly a subset of that information.

While the main motion is looking at 2,200 schools across the system, I am saying let us have a deeper dive into just nine of those schools to access documents relating to the negotiation and development of the Strategic Improvement Plans, the baseline data and the performance targets of the nine schools. So it is a subset of the motion that has been moved and is completely in order. In fact, this is the quintessential way to do an amendment in the Chamber—to say that the motion can be improved and the focus of the information in the SO 52 can be sharpened by a deep dive further into nine schools. It is directly related. It is a subset. I do not know what happened in the House last week—was it the omnibus resolution brought by the Hon. John Graham that has got Government members' knickers in a knot?

The Hon. Penny Sharpe: Yes, the grants.

The Hon. MARK LATHAM: Right—and we added a few things to it. That may be and those grants might have been distinctly separate, but I can assure you that these nine schools are all part of the School Excellence policy and the data and information I am seeking is directly related to the main motion. The suggestion that it could be in any respect out of order is ridiculous. What is more, I went to the trouble of notifying the Hon. Courtney Houssos, who moved the motion, that I would be moving this amendment and circulating the material—which does not always happen in the Chamber. I feel like I have fulfilled exactly the parliamentary obligations of a member moving an amendment that is in order.

The DEPUTY PRESIDENT (Ms Abigail Boyd): Before the Hon. Mark Latham resumes his seat, could he confirm that his amendment directly relates to the School Excellence policy.

The Hon. MARK LATHAM: Yes, this is the School Excellence policy. It adds a part (c). It does not take anything out of the motion, it adds a part (c).

The Hon. Courtney Houssos: To the point of order: In regard to whether the amendment relates directly to the motion that has been moved, it is seeking—to use terminology that we use at other times in this House—an elucidation of the policy. The School Excellence policy relies on the baseline data, which this amendment is seeking. I respect the Hon. Trevor Khan and his point of order, but it is well within members' rights to move amendments to motions that are being debated. The amendment seeks an order for information that is a direct subset of the information relating to the policy area that the Opposition is seeking from the Government.

I accept that might not be convenient for the Government, but it is certainly within the practices of this House to be able to move an amendment on a motion that is being debated, especially when it directly relates to the information that the Opposition is seeking. The Opposition is seeking general information around the School Excellence policy and ministerial briefings in relation to that. The amendment moved by the Hon. Mark Latham seeks specific information from schools in relation to that policy. Therefore, I think the amendment is in order. I also think the broader policy of being able to amend Standing Order 52s should stand in the same way that members can amend any motion that is before the House.

The DEPUTY PRESIDENT (Ms Abigail Boyd): Thank you. I have heard enough on the point of order.

The Hon. Ben Franklin: To the point of order: I make no comment about this specific issue. It may well be that the amendment is an appropriate add-on. But I make the point that Standing Order 183, about private members' business, states:

183. Notice given

Any member may give notice of an item of private members' business for debate during the session.

This implies that notice needs to be given, and so if it is deemed to be a separate motion then the fact that notice was not given implies that it is, therefore, out of order. I am not commenting on this specific issue. It may well be that it can be considered part of the same SO 52. But if not that is another reason why it is out of order and why this issue is worthy of further consideration.

Mr David Shoebridge: To the point of order: Thankfully, the *New South Wales Legislative Council Practice* neatly summarises what needs to be considered, on page 434:

The main rules concerning the content of amendments are:

- An amendment must be relevant to the motion it proposes to amend (SO 109(4)). This rule is interpreted liberally so as not to unduly restrict members seeking to amend a motion. If an amendment relates to the subject matter of a substantive motion or a closely related subject matter it is acceptable. Nevertheless, the rule has on occasion been invoked and upheld. **It then states:**

An amendment must not be a direct negative of the question ... as the proper course of expressing outright opposition to a motion is to vote against it.

It continues:

An amendment should be framed so that, if agreed to, the amended motion is intelligible and internally consistent.

I think it has been discussed in debate. Clearly the amendment relates to the motion or is, in the words of *New South Wales Legislative Council Practice*, "closely related subject matter". I think it satisfies those tests. On that basis, it is not a fresh matter and it is not a fresh motion; therefore, the standing order from Mr Franklin is not applicable.

The Hon. Damien Tudehope: To the point of order: The point that Mr David Shoebridge has just made really makes out the point. The whole rationale behind a motion like this is that notice be given. One of the compelling problems in relation to Standing Order 52 issues is that Ministers are given the opportunity of assessing the extent of the material that needs to be produced or, alternatively, are given proper notice to be able to respond to the motion. The argument made by the Hon. Trevor Khan is that by tacking things on, members deprive the Executive of an opportunity of getting proper instructions to respond; they have to do it instantly.

For the proper working of notices of motion, they should only be amended so that they absolutely relate to the existing subject matter, so that members can be satisfied that the Minister has had a proper opportunity to assess the material. As a matter of principle, if a motion is moved on the day without proper notice to the relevant Minister for the purposes of making an assessment of the material required to be produced, the *prima facie* position ought to be to reject the amendment unless the House can be satisfied that the Minister had proper notice of the material and was given a proper opportunity of responding in the Chamber to the material which is being asked to be produced.

The Hon. Daniel Mookhey: To the point of order: I do not want to detract by entering the substance of the amendments. What I would say is that perhaps the Hon. Trevor Khan made the wrong point of order. If Mr Khan had made a point of order that the amendment was not substantially related to the motion, then the Chair would be required to rule on that. If the Chair had ruled that it did not relate to the substance of the motion, only then would the notice requirements that have been alluded to by other members arise. Madam Chair, you only need to rule on whether or not notice was adequately given if you consider this to be a separate motion; otherwise, there is no relation. There is no bearing between the two arguments. The truth is that the first question you have to answer is whether or not there is a substantial connection between the amendment that Mr Latham has moved and the motion of the Hon. Courtney Houssos. If you conclude that they are substantially connected, then no further consideration is required.

The Hon. Trevor Khan: Further to the point of order: I think the Hon. Daniel Mookhey and I are in agreement. What occurred last week and, quite frankly, why I am taking point of order—

Mr David Shoebridge: You were a week late, Trevor.

The Hon. Trevor Khan: I was upstairs. I came running down and it was all over. The concern is that amendments are moved on unrelated matters. If the Deputy President rules that they are appropriately connected, then I have wasted 10 or 15 minutes. I am no education expert; Mr Latham is. The point is that I think the House has something to protect here; that is, that we do not turn the place into a shambles.

The DEPUTY PRESIDENT (Ms Abigail Boyd): I think I have heard enough. The amendment that has been moved by the Hon. Mark Latham is relevant to the question being proposed. Standing Order 109 (4) reads:

An amendment must be relevant to the question it is proposed to amend and must not be a direct negative of the question.

Under that standing order, it is quite clear that the amendment is in order. I remind members that, if there is a concern about the way this has come about, there is a sessional order allowing the variation of Standing Order 52s that can be used to continue negotiation after the SO 52 has passed. That could be utilised in this instance. The advice I have received and the direct reading of Standing Order 109 (4) requires me to rule this amendment in order.

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (15:49): I thank the House for the opportunity to contribute briefly to this debate. I will turn first to the substantive motion moved by the Hon. Courtney Houssos. It was a motion that we discussed. Members would probably realise that when there are calls for papers under Standing Order 52, we often have that conversation. Normally our time is quite brief, so we have sort of extended our batting average through this debate, but it was a worthwhile debate to have. The Government is not opposed to the original motion moved by the Hon. Courtney Houssos and, in principle, is not necessarily opposed to the amendment moved by the Hon. Mark Latham. There is no issue with the Government providing the documents that he is seeking. Obviously it will need to go and speak to all of those schools and principles in order to get that information.

More broadly, even though I am aware of the Chair's ruling, the practice of how we have generally managed SO 52s in this House, given the large volume that we are seeing, has been quite good. As a Minister, it makes me a little apprehensive to have been handed an amendment literally minutes before this debate took place. Had it been more complex or needed further advice, for instance, from my agency—as a Minister, not having the ability to do that is not ideal. I would like to put that on the record because I respect the Chair's ruling in relation to this matter, but as a Chamber I think we need to be aware of precedent and what that means and the position that it puts Ministers and agencies in. They are the ones who collate this data. The Government will not be opposing the amendment but, as I said, I have reservations about the process that we have seen. I am happy to be transparent and provide the information that has been sought by both the Hon. Mark Latham and the Hon. Courtney Houssos.

The Hon. MARK BANASIAK (15:51): The Shooters, Fishers and Farmers Party will support the original motion and the amendment. I think the amendment is a welcome addition. It is good to see that we will get a bit of a cross-section and see what is happening on a deeper level in terms of those Strategic Improvement Plans. I will not further ventilate my views that I outlined in the matter of public importance debate, but I note that when the general public and members looked at the Strategic Improvement Plans on the website they noticed that it is very much a Mr Sheen view of what is happening with those plans. It is very surface level, so it will be interesting to dive in and see where those goals are coming from and what is driving them. That can only improve decision-making at the school level.

The DEPUTY PRESIDENT (Ms Abigail Boyd): The Hon. Courtney Houssos has moved a motion, to which the Hon. Mark Latham has moved an amendment. The question is that the amendment be agreed to.

Amendment agreed to.

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

Motion as amended agreed to.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

Mr DAVID SHOEBRIDGE (15:53): According to sessional order, I move:

That standing and sessional orders be suspended to allow private members' business item No. 1529 relating to a reference of the provisions of the Workers Compensation Legislation Amendment Bill 2021 to Portfolio Committee No. 1 – Premier and Finance to be called on forthwith.

I move this motion by way of contingency for two reasons. One is that otherwise it will be moved tomorrow during Government business, and I know that there is a lot of Government business that needs to be done. We want to be cooperative if at all possible rather than move it tomorrow during Government business. The other reason is that there is a substantial degree of urgency in relation to this matter. It is a matter of substantial concern across the Chamber and in the community. We think it is appropriate it be dealt with now.

The Hon. PENNY SHARPE (15:54): I indicate that Labor supports this referral.

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

Motion agreed to.*Committees***PORTFOLIO COMMITTEE NO. 1 - PREMIER AND FINANCE****Reference**

Mr DAVID SHOEBRIDGE: I move:

That private members' business item No. 1529 outside the order of precedence be considered in a short form format.

Motion agreed to.

Mr DAVID SHOEBRIDGE (15:55): I seek leave to amend private members' business item No. 1529 outside the order of precedence for today of which I have given notice by omitting "Tuesday 23 November 2021" and inserting instead "Monday 21 February 2022".

Leave not granted.

Mr DAVID SHOEBRIDGE: I move:

That the provisions of the Workers Compensation Legislation Amendment Bill 2021 be referred to the Portfolio Committee No 1 – Premier and Finance for inquiry and report by Tuesday 23 November 2021, and that the bill be referred to the committee upon receipt of the message on the bill from the Legislative Assembly.

This motion is proposing that the provisions of the Workers Compensation Legislation Amendment Bill be referred to Portfolio Committee No. 1 – Premier and Finance and that, on receipt of a message from the other place, the bill itself also be referred to the committee. I will briefly explain the rationale for this. As members will recall, last year, as a raft of emergency legislation was being put through the House, one of the primary concerns was for frontline workers—nurses, doctors, firefighters and the people stacking grocery shelves—who were exposed and continue to be exposed to a significantly elevated risk of COVID-19.

We needed them to go to work, and we still need them to go to work, to keep us safe and to keep our cities and towns running. Being exposed to COVID-19 in the workplace like that, those frontline workers still need the protection of workers compensation if they contract COVID-19. Indeed, right now we are seeing tens of thousands of teachers returning to the workplace, with hundreds of thousands of students who are not vaccinated, being exposed to significantly elevated risks of COVID-19, doing the job we all want them to do, teaching our kids. They are in the front line with a very elevated risk of exposure to COVID-19.

For those workers, if they contract COVID-19, the question repeatedly raised by unions and the legal fraternity is: How does a frontline workers prove that they got COVID-19 in the workplace rather than on a journey to or from work or at home or mixing in a social or other setting? It is next to impossible to prove. If it does come down to being proved, it is very time intensive—an analysis of hours spent and face-to-face contact in work as against the balance of the life. It is an extremely fact-intensive, legally expensive case to prove and disprove on both sides, most often only for a closed-period claim of some three weeks. If somebody who is double-vaccinated and contracts COVID-19, they have approximately three weeks off or they wait to recover, they get a negative test and then they are back at work. The idea that we would be spending, say, \$3,000 on the legal claims for that on either side in order to pay a three-week closed-period claim is plainly nonsense and very damaging to the scheme.

The Government now says the cost of the provision that we put in at the end of last year will be some \$600 million. That number is plainly false and wrong. When we sought the initial response from the Government's actuaries on this—the State Insurance Regulatory Authority's and icare's actuaries—their initial assessment for the cost of this provision was between \$3 billion and \$8 billion. It was so laughably inaccurate that even the Government realised it should be given no serious analysis and not be dealt with. We are now told by the same actuaries who came out with that farcical assessment last year that they think the cost will be some \$600-odd million. For the basis of that they have used Doherty modelling based upon 80 per cent vaccination rates, which is months old and has a grossly inflated assessment of the amount of COVID in the community. Using that modelling, the Government has gone to the same actuaries who got it broken last time and come up with this farcical \$600 million.

The Hon. Mark Latham: How can you tell?

Mr DAVID SHOEBRIDGE: It is because we have been told in Government briefings that that is what happened. Instead of coming here and trying to change the law, the Government should go to the actuaries and get the right figure. The actual cost of all COVID-19 claims in the workers compensation system to the end of September was not \$600 million or \$3 billion or \$8 billion. The total cost is \$20 million. This Government is moving here. It is out there with inflated premium costs to employers, totally based on nonsense numbers—and

we have seen the nonsense numbers out of icare before now. Now Government members want to come in here and attack workers' rights. They should do their job and, over the next few months, get a proper costing of what this is. That is what this three-month period for an inquiry will allow us to do. I commend the motion to the House.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:00): The Government urges the House to oppose referring the Workers Compensation Legislation Amendment Bill 2021 to the committee as it is an unnecessary delay to the passage of this bill. Urgent consideration of this bill is required to ensure the ongoing efficiency, effectiveness and viability of the workers compensation scheme for the injured workers and employers in New South Wales. The amendments proposed by this bill will ensure the future sustainability of the workers compensation scheme by minimising premium increases for employers and ensuring a more consistent customer experience for policyholders, workers with an injury and other stakeholders of the workers compensation scheme.

Overseas experience shows that, as nations ease restrictions, some are seeing record numbers of COVID-19 cases. Should this international experience be replicated in Australia, we will see an increase in cases and, as a result, an increase in workers compensation claims—as a result of the presumption. If action is not taken now, it may be too late for many of the small businesses of New South Wales. If the projected influx of small claims for workers compensation due to COVID-19 is received, it is likely to have a disproportionate effect on insurer operations by doubling claim numbers over a period of time. Insurers will struggle to meet their legal obligations and claims management obligations, resulting in poorer outcomes for injured workers. This will be seen in delays across all claims in terms of liability decisions, approval and calculation of weekly payments, approval of treatment and care, and further deterioration in return to work rates.

This bill needs to proceed to ensure that workers compensation premium increases are minimised and that New South Wales businesses in frontline industries such as cafes, restaurants and retail do not have to bear a disproportionate cost of the COVID-19 health impacts. Without these certainties not only will the cost of their services rise; we may lose some of these businesses and the services they provide. Without change, we will see a serious negative impact on the workers compensation system for both the injured workers it is designed to protect and the employers who fund it. Importantly, the bill does not seek to remove the right of a worker to make a workers compensation claim where they have contracted COVID-19 because of their employment; it simply ensures the ongoing viability of the system for injured workers and employers.

The Hon. DANIEL MOOKHEY (16:03): At the outset I can say that Labor will be supporting the motion. Before I get into the substantive reasons, I offer two reflections. The first is about what took place last year which led to the presumption in favour of COVID claims. The second is about the conduct of the Government since then, especially the conduct of the Government that has arisen since Sunday of this week. I note that the amendment was put into the COVID-19 legislation last year as a result of the direct dialogue between Mr David Shoebridge and Minister Dominello in the other place. There was actually an agreement reached by The Greens and the Government that led to it.

At the time, of course Labor supported it, as Labor supported the other emergency legislation. But, to be very clear, the Government agreed to this presumption last year and in doing so made a promise to all the workers in the essential industries that if they were to contract COVID at work they would not have to fight icare or others for coverage as well. The Government itself acknowledged the reason last year when it did it. Labor was not party to those discussions at all. In fact, from memory, we had some discussions after the substance of the agreement was reached. We are not walking away from the fact that we supported it.

On the actual substance of what has taken place since Sunday last week, this legislation was effective. It provided protection for 2,000 workers who have contracted COVID since the pandemic broke out. But in response to the concerns that the Minister made reference to, I note that the first we heard about this—as did everybody else—was when the Government issued a gerrymander on Sunday by way of press release attacking everybody about this, including the Opposition, which is not what you would expect if you were to take the Government at its own word that it was serious about dealing with the matters to which it referred.

The Government has turned this into a political football—no-one else. It has done this deliberately because it is responding to the concerns of certain constituencies. In truth, the best way to handle such a matter is through an inquiry. That is a sensible way forward in which the concerns that the Minister has referenced—the concerns that are shared especially by specialist insurers—can be treated seriously and worked through in a manner that ideally could lead to some form of a consensus that provides protection and coverage to all residual workers as they currently stand, in a way that allows us to deal with the funding implications. I seek leave for an extension of time.

Leave granted.

The Hon. DANIEL MOOKHEY: We say on this side of the House that we do not need to take away coverage or the presumption from any of these workers in order to deal with the funding concerns that certain employers have reached. If the Government were serious about fixing the implications, it would have already started the work of talking with unions and employers about how it is possible. What is most regrettable is that the union movement would have participated in those conversations. No worker should lose a benefit, and we can deal with the funding complaints. We should have had this inquiry process before this ambush came from the Government.

The Hon. MARK LATHAM (16:07): One Nation's view on this is that we were curious about it when it was rushed through in all that COVID emergency legislation in April last year. It was a very rushed time in the Chamber. Recognising that there was an agreement between Government, Opposition and The Greens on the amendment, we did not directly raise concerns as I recall, but it did appear to be a risky proposition that might be unworkable and put excessive burden on small business in particular. So we have waited to see the outcome and projections on that.

There is now a debate about whether the actuarial cost estimates are going to be accurate for the workers compensation impact of COVID with this presumptive section 19B. I listened carefully to Mr David Shoebridge on this. It is true that New South Wales is not operating under the estimates of the Doherty report, which had an 80 per cent double dose vaccination rate for opening up to everyone in New South Wales. But that report also had a lot more extensive contact tracing than we have actually got in New South Wales. My understanding is the contact tracing system has been wound back. We are probably going to lose the QR codes shortly, and it is wound back to the point where if there is COVID in a household they will tell the household members. You would expect the person with COVID to say that anyway, so that is not much of a contact trace there. The second element of contact tracing now is so-called institutions of concern, such as schools and hospitals but not businesses, and they are not listed on the NSW Health website if they have had a COVID infection.

The Doherty report projections for where we stand in New South Wales are a mixed bag. It is true that bouncing around at about 200 COVID cases a day is way below the expectation of so-called academic experts, epidemiologists and former Premier Gladys Berejiklian, I assume acting on advice of the Chief Health Officer. At 200 cases, no-one expected it to be that low. But there should be a note of caution in that in Europe, which has been ahead of the curve and has lived more experience compared with New South Wales, they are going through a fourth wave. Highly double dose vaccinated nations are running into a fourth wave.

There is speculation about that. Is that the impact of winter, pointing to COVID now settling into a more seasonal pattern, where in the summer we will have low numbers but who knows what will happen next winter? In Europe, is it due to the vaccinations wearing off and the need for booster programs? That is a distinct possibility as well. But I do not think any of us here has a crystal ball to set out with any degree of accuracy what the COVID numbers might be in New South Wales next year. So these estimates put forward by the workers compensation bodies may well be accurate; they may not. I seek leave for an extension of time.

Leave granted.

The Hon. MARK LATHAM: What we do know is that there is a cost burden on small business, which is inconsistent with the economic policy you would want in the COVID recovery. We do not want to burden businesses, who have been to hell and back and closed down, with extra costs. Quite frankly, would they be deemed reasonable? Why should there be a presumption of COVID in the workplace when you can work out accurately through other forms of contact tracing what had actually happened? And it would be absurd, of course, that a business that had no staff and, to its knowledge, no customers with COVID—or one case—automatically qualifies when the case might have been picked up at the weekend at home or at a sporting or entertainment event or something else. The science is there to do this accurately. I think on balance it is better to take the cost burden off small business. We do not know what the numbers will be next year but I think err on the side of caution. I do not see the need for the committee and, quite frankly, we never saw the need for section 19B.

The Hon. PENNY SHARPE (16:11): I do not seek to extend the length of this debate other than dealing with moving an amendment that has the reporting date changed from Tuesday 23 November to Monday 21 February 2022. I move:

That the motion be amended by omitting "Tuesday 23 November 2021" and inserting instead "Monday 21 February 2022".

I am doing this because the Government would not provide leave to do so. I endorsed the comments of the Hon. Daniel Mookhey.

Mr DAVID SHOEBRIDGE (16:12): In reply: I thank all members for their contribution to the debate. To be clear, Labor supported these amendments and was provided with a substantial amount of time to consider them. I am not suggesting that they had any intelligent responses to the amendments, but they had more than

enough opportunity to do so. A number of matters have been raised by the Government in relation to this. One is the question of it being a disproportionate impact on small business. It is most unfortunate if the Government has not used the regulation-making power that was given with these amendments to spread the risk across all insurers and employers, because that was a matter discussed in detail in the negotiations for this.

This is largely a blameless claim. The employer who cops the claim is effectively blameless and doing the work that we want them to do—keeping businesses open and keeping nurses at work. It is effectively a blameless claim. That is why the regulation-making power was given to provide regulations about the use of employees' claims histories relating to COVID-19 claims in calculating premiums payable under the Act. I spoke to that in moving the motion and said that what we need urgently is regulations to say that the claims history could not be used against employers to bump up their insurance premiums because it is not their fault. That was the agreement from the Government.

If the Government has not put the regulations in place because of the total incompetence of SIRA, that is not the fault of employers. I urge the Government to urgently pass the regulations and to ensure that no small business is being whacked by a claims history, because that is the basis upon which this House and this Parliament adopted the regulations. We cannot be blamed if, 18 months later, the Government has still not put the regulations in place to protect employers as the Act allowed for. The second point is the question about unfair premium rises, because some sectors, particularly those front-facing sectors, will cop it and others will not. Again, it was discussed in the second reading debate. We put in a regulation-making power, which has been used previously, to allow for:

... the sharing of the financial risk arising out of COVID-19 between all insurers under the Act, including through the imposition and enforcement of risk equalisation arrangements for that purpose ...

The whole idea is that we all benefit from frontline workers going to work. We benefit from those businesses and those parts of the public sector remaining open, so we should spread the risk and share it. If the Government has failed to do that and failed to put a risk equalisation measure in, it should bang on the door of SIRA rather than come back to this Chamber to try to tear down workers' rights again. I cannot express the frustration I have about the historical incompetence and failure of SIRA that has brought us here again. Because of dodgy-bodgie assessments and actuarials, and the failure to put in place the regulations to protect small businesses, we are here again. The response from the Government is that, instead of doing its job, it wants to attack workers' rights. Those frontline workers were there for us when we needed them. We should be here for them now.

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.

The House divided.

Ayes21
Noes17
Majority.....4

AYES

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

NOES

Amato	Khan	Poulos
Cusack	Latham	Roberts
Farlow	Maclaren-Jones	Taylor
Farraway (teller)	Mallard (teller)	Tudehope
Franklin	Martin	Ward
Harwin	Mitchell	

PAIRS

Graham

Fang

Amendment agreed to.

The PRESIDENT: The question is the motion as amended be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.**The House divided.**

Ayes21
 Noes17
 Majority.....4

AYES

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

Field
 Houssos
 Hurst
 Jackson
 Mookhey
 Moriarty
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Pearson
 Primrose
 Searle
 Secord
 Sharpe
 Shoebridge
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NOES

Amato
 Cusack
 Farlow
 Faraway (teller)
 Franklin
 Harwin

Khan
 Latham
 Maclaren-Jones
 Mallard (teller)
 Martin
 Mitchell

Poulos
 Roberts
 Taylor
 Tudehope
 Ward

PAIRS

Graham

Fang

Motion as amended agreed to.*Bills***MODERN SLAVERY AMENDMENT BILL 2021****Returned**

The PRESIDENT: I report receipt of a message from the Legislative Assembly returning the bill with amendments.

The Hon. DON HARWIN: I move:

That consideration of the Legislative Assembly's message in Committee of the Whole stand an order of the day for the next sitting day.

Motion agreed to.*Documents***NATIVE FOREST MANAGEMENT****Further Return to Order**

The CLERK: According to the resolution of the House of 10 November 2021, I table documents relating to a further order for papers regarding forestry operations in public forests, received on 18 November 2021 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

COVID-19 HEALTH ADVICE**Return to Order**

The CLERK: According to the resolution of the House of 13 October 2021, I table documents relating to an order for papers regarding the health advice provided to the Public Accountability Committee, received on 18 November 2021, together with an indexed list of the documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received on 18 November 2021 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

*Bills***FISCAL RESPONSIBILITY AMENDMENT (PRIVATISATION RESTRICTIONS) BILL 2021****First Reading**

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

Second Reading Speech

The Hon. DANIEL MOOKHEY (16:33): I move:

That this bill be now read a second time.

I introduce the Fiscal Responsibility Amendment (Privatisation Restrictions) Bill 2021 to, in short, Perrottet-proof our public assets from any further sales. At the last election this Government was re-elected promising no further asset privatisations. Within a week of election day, the former Premier said to the electorate that there would be no further asset sales if the Liberal-Nationals Government was returned. The Government did not seek and was not given a mandate for further privatisation, yet this year it sold the remaining part of WestConnex and in doing so broke its promise. The worst aspect of that is that two weeks ago to the day when I confronted the now Premier and former Treasurer who sold WestConnex as to whether he intended any further privatisation and whether he intended to again break the promise that he made to the public, alongside Ms Berejiklian, he refused point blank to rule it out. At estimates two weeks ago to the day, he provided a rationale for why he felt he could continue to break the word he had given to the electorate. He said that the electorate understood at the time what the Government would do when it comes to WestConnex.

The point is that the public has to read the fine print when it comes to promises against further privatisation from the Government. That is Premier Perrottet's position. This broken promise requires Parliament to take steps to stop any further privatisation between now and the next election, hence my bill. Elsewhere in this second reading speech I will take us through the ins and outs of the bill. Before I do that, I will talk about the Government's known intentions about further privatisation. The issue will arise next year when the Sydney Harbour Tunnel concession expires at the same time the Government is developing a funding model for the Western Harbour Tunnel and the Northern Beaches Link. The two are related because the markets are aflutter with the suggestion that the Sydney Harbour Tunnel will be sold, potentially alongside the Harbour Bridge, in order to raise the finances required to build those two roads.

That is the first and most imminent risk of privatisation, but there are others as well. One risk is that the Government tries to rush the sale prior to the next election in order to raise the finances required to build a road that at this point experts think should not be built—at least as it applies to the Northern Beaches Link. That is one imminent risk of privatisation that the people of New South Wales should be aware of. When asked to rule out those forms of privatisation, far from affirming his Government's commitment at the last election, Premier Perrottet almost gleefully said that such an option would remain on the table. That is deeply disturbing given that the Government never sought a mandate for asset privatisations during this term. That is the first risk.

The second risk that we cannot divorce from consideration of the bill is that the Government's drive towards asset sales and privatisation is linked to its record on big infrastructure projects. The pattern that we have observed in the 10 years since the Government was elected is that whenever an infrastructure blowout drains us of the funds necessary to build roads, rail and schools, there is a drive to sell off more assets to plug the gap. That is a significant and serious problem. Part of the reason the Government had to bundle in the M5 and M8 when privatising WestConnex, despite no new construction on large sections of that road, was to pay for the blowouts in WestConnex.

As WestConnex costs climbed from \$10 billion to \$16.8 billion to upwards of \$21 billion, more roads had to be bundled in for sale to plug that gap. Every dollar that blows out on an infrastructure project is a dollar that the Government tries to offset through further asset privatisation. It is worrying that the blowouts in those projects continue. We hear about a bill coming for light rail assets that is much larger than the forecast bills for the new intercity fleet, which are late as well. That is part of the reason why, if the Government is true to its word that it will build those projects, it will be looking for further asset sales and further privatisation. That is the first issue. The second issue, as we have heard in the past few days, is that there is a wide gap between the road and rail assets the Government has promised to build and the money that it has.

Earlier this week *The Daily Telegraph* reported on a multibillion-dollar gap between the cost of building those projects and the finances that are available. That is before we get anywhere near the western metro, the big project that the Government promised the people of western Sydney it would build, for which there is no finance. It is before we get anywhere near the Parramatta Light Rail Stage 2, another big promise made at two elections to the people of Parramatta. The people of Melrose Park and Wentworth Point were told that they would be getting that connection, which was due to cost the State \$3.3 billion just a few years ago and for which only \$50 million has been put aside. That is a massive, multibillion-dollar funding gap.

That is part of the concern that the community has here. The Government has put itself into the somewhat absurd position that if it intends to keep its promises at successive elections and by-elections to build projects like the Western Harbour Tunnel, the Northern Beaches Link, Parramatta Light Rail Stage 2 or western metro then it will have to break its promise against privatisation. That is why the Opposition says it is necessary to put protections in place for the public's assets between now and the next election. If Mr Perrottet has the opportunity to sell the assets then he will, and he does not have a mandate to do so. In the absence of a mandate to do so, he should at least come back to this House and submit himself and the Government to proper parliamentary scrutiny when it comes to asset sales.

The Minister for Finance and Small Business, the Premier and the Treasurer often say that the best indication of future performance is past performance. The phrase is dear to the Minister for Finance and Small Business, and I agree with him on that particular point: When it comes to the Liberal-Nationals Government and privatisation, the best indication of future performance is past performance. Let us consider its past performance. Since the Government came to office 10 years ago it has sold \$93.5 billion of public assets. In 2012 it sold the desalination plant for \$2.3 billion. It sold Port Botany for \$4.3 billion and Port Kembla for \$760 million, and I pause on those two particular sales.

At the time that Port Botany and Port Kembla were sold, the Government never revealed the secret condition that was attached. Those opposites never said that in order to realise the \$4.3 billion from the sale of Port Botany and the \$760 million from the sale of Port Kembla it would have to cap the growth of the Port of Newcastle. It has taken years for the Labor Opposition to reveal in this place that the Government imposed a container cap, charging the Port of Newcastle any time it positioned itself for competition with Port Botany and therefore capping the growth of the City of Newcastle's economy in order to prop up the sale.

The reason I make special mention of that particular privatisation is that it was cited by the head of the Australian Competition and Consumer Commission [ACCC] as perhaps the worst in Australia's history. For someone like Rod Sims to look at this deal and reverse his position on privatisation is stunning. No-one will ever accuse the ACCC of being run by a bunch of Marxist socialists; they are pretty right wing by most standards. For someone like Rod Sims to say that this deal is so bad that he has reversed his 30-year belief in privatisation is an indictment of this Government and its record. The deal that it cut with the buyers of Port Botany and Port Kembla is arguably the worst anti-competitive deal struck by an Australian government in decades and was attacked by the ACCC.

The Hon. Damien Tudehope: What about the poles and wires? Do you reckon that was a good one?

The Hon. DANIEL MOOKHEY: The Minister for Finance and Small Business now wants to talk about electricity privatisation, which I am very happy to talk about because that is the next set of assets that were sold. The Government sold Eraring Energy for \$657 million and the Mount Piper and Wallerawang power stations for \$475 million. Let us talk about the big electricity transactions. Ausgrid and TransGrid sold for a combined \$26 billion, at a time when the nation is going through an immense energy transition. The ability to control the poles and wires is so important as we transition our power supply, and this Government sold them. The Government says that this is part of its so-called asset recycling and that without selling these assets, it would not have been able to build its projects. The problem with that argument is that we have now had five years to look at the Government's record on building. All the money that it remitted to projects has gone, in waste, in mismanagement and in blowouts. A CBD light rail that was supposed to cost \$1.5 billion has come in at double the cost, draining the State of necessary funds. Even worse, we still have massive transport gaps.

The Hon. Damien Tudehope: Which hospitals don't you want to build?

The Hon. DANIEL MOOKHEY: I acknowledge the low-level interjections that are coming from the Minister for Finance and Small Business. My point is that past performance is the best indicator of future performance. As the Minister is all but conceding now, in order to continue to meet the Government's commitments on road and rail infrastructure, it is going to have to sell more and more assets. That is of deep concern to the public, as it should be. To have lost \$93 billion worth of public assets is one thing, but the problem is that the dividend income that the State had earned from those assets was immense. That dividend income was a budget shock absorber. For example, during the global financial crisis, when certain parts of our revenue base came under immense pressure, the budget was offset by this alternative source of income and the State was able to continue to pay our nurses, doctors, hospital cleaners and police officers.

The Hon. Anthony D'Adam: Point of order: The Minister is repeatedly interjecting. He will get his turn to speak. I ask that he be called to order.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): I uphold the point of order. The Minister will cease interjecting.

The Hon. DANIEL MOOKHEY: Part of the reason the State lost its triple-A credit rating, according to S&P, is that we are now so dependent on these narrower revenue bases, compared to when the budget was offset by strong dividend streams coming from, for example, our electricity assets. This is a distinguishing aspect between the New South Wales budget and that of other States. Queensland still has its transmission lines in public ownership and derives the dividend income, which acts as a shock absorber on the revenue side. We cannot divorce the fact that the Government has sold these assets and, once these assets were gone, gross debt in New South Wales has turbocharged massively—\$100 billion this year. When we are talking about the fiscal balance sheet of this State and the firepower that we now lack, the reason why gross debt has risen, amongst other reasons, is because we no longer have these shock absorbers.

The Hon. Damien Tudehope: COVID.

The Hon. DANIEL MOOKHEY: The Minister—in not at all traversing your ruling and continuing to interject—whispers under his breath that he attributes the rise of gross debt to COVID. This would be true, except for the fact that the debt was skyrocketing well before anyone had heard of COVID. That is in his own budget papers, which I can see that he is reading.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): Order! I have been listening to the debate very carefully. The Hon. Daniel Mookhey will stop addressing and provoking the Minister. It raises the temperature in the Chamber, which causes a problem for me. I ask the member to stop doing it.

The Hon. DANIEL MOOKHEY: This brings me to the bill itself. It is straightforward. It says that if the Government attempts to break its promise again between now and the next election when it comes to State-owned corporations, such as Sydney Water, Hunter Water, WaterNSW, Endeavour Energy, Ausgrid, Essential Energy, icare, the Transport Asset Holding Entity of New South Wales, the Forestry Corporation of NSW, Landcom, the Port Authority of New South Wales, as well as our own assets, it first will have to come to the Parliament and submit itself to a review of the sale by a joint committee, which will make recommendations, including whether or not the sale should proceed. Equally, both Houses of Parliament would need to vote in support of the proposed privatisation. That is what the bill does, in short.

It is a necessary safeguard to hold the Government to its word, which it gave at the last election and which the Premier has already flagged his intention to break. He has made clear that he does not see himself bound by the words of the former Premier at the last election. That is why it is necessary for us to put in place a parliamentary hurdle. In the absence of the Government having a mandate, it should at least submit itself to the scrutiny of a committee of review and a vote in both Houses of Parliament. The only reason that the Government would object to a bill like this is because it considers itself above parliamentary scrutiny or because it intends to break its promise.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): The Hon. Daniel Mookhey will direct his comments through the Chair.

The Hon. DANIEL MOOKHEY: The bill does not preclude the Government from seeking to sell the assets. It still has the ability to go ahead and do that, if it so wishes, but it first has to come to the Parliament. If the Government is prepared to make a case to the Parliament and the public as to why it should sell, and if it is such a good deal, then it has absolutely nothing to fear by submitting itself to Parliament for scrutiny ahead of the election, especially as it has no mandate to sell any more of the public's assets. That is why the Government should have no reason to object to this bill. If the Government respects the electorate and the Parliament, and if it thinks

that by privatising these assets it is obtaining a good outcome for taxpayers, then there is nothing to fear from the parliamentary scrutiny that this bill would subject it to. Nevertheless, as optimistic as I might be that the Government will come on board, the realist in me suggests that it might not.

This Government has sold \$93 billion of the public's assets. It promised at the last election that it would stop, but it broke that promise when it sold WestConnex. Right now it is running out of money which is needed to build the transport projects it promised the electorate, and the Premier has refused to rule out further privatisation. As a result, there is an imminent and real risk that more of the public's assets will be sold and the public's wealth diminished before the next election and before the electorate has the opportunity to judge this Government for its broken promises and its 10-year record of privatisation, blowouts, waste and mismanagement. Labor brings this bill before the House because we think the responsibility of the Parliament is to restrain the Government and hold it to its word, on behalf of the electorate. For that reason, I commend the bill to the House.

Debate adjourned.

ENERGY LEGISLATION AMENDMENT BILL 2021

Messages

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): I report receipt of the following message from the Legislative Assembly:

MR PRESIDENT

The Legislative Assembly, having considered the message dated 21 October 2021 in which the Legislative Council requested the concurrence of the Legislative Assembly with amendments to the Energy Legislation Amendment Bill, informs the Legislative Council as follows:

Amendment No. 1: the Legislative Assembly agrees to the amendment.

Amendment No. 2: the Legislative Assembly agrees to the amendment with amendments indicated by the accompanying schedule, and requests the concurrence of the Legislative Council in the amendments.

Amendment No. 3: the Legislative Assembly agrees to the amendment with amendments indicated by the accompanying schedule, and requests the concurrence of the Legislative Council in the amendments.

Legislative Assembly
18 November 2021

JONATHAN O'DEA
Speaker

The Hon. DAMIEN TUDEHOPE: I move:

That consideration of the Legislative Assembly's amendments to the Legislative Council's amendments be considered in Committee of the Whole on the next sitting day.

Motion agreed to.

Documents

NEW INTERCITY FLEET

Report of Independent Legal Arbiter

The CLERK: I announce receipt of a report from the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated this day on the disputed claim of privilege on the New Intercity Fleet. The report is available for inspection by members of the Legislative Council only.

THE HON. BRAD HAZZARD

Production of Documents: Further Order

The Hon. MARK LATHAM: I move:

That private members' business item No. 1470 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK LATHAM (16:56): I move:

That, under Standing Order 52, there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents in the possession, custody or control of the Department of Premier and Cabinet, the Ministry of Health, the Premier, or the Minister for Health and Medical Research relating to the classification of the Hon. Brad Hazzard, MP, as a casual contact of the Hon. Adam Marshall, MP, when he tested positive for COVID-19:

(a) all documents, including communications, concerning:

- (i) all requests for reclassification of the Hon. Brad Hazzard, MP, as a proposed or actual casual or close contact of the Hon. Adam Marshall, MP, after coming into contact with him at a dinner held by the National Party at Parliament House on 22 June 2021; and

- (ii) the decision-making process that followed all requests for the reclassification of the Hon. Brad Hazzard, MP, including all documents concerning the involvement of Dr Michael Douglas and Ms Jennie Musto from the Ministry of Health.
- (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 seek the support of the House for this further call for papers under Standing Order 52 to get to the bottom of what is a most intriguing and disturbing scandal. The original call for papers under Standing Order 52 brought forward documents that clearly showed Minister Hazzard was a close contact of the then COVID-infected Minister Marshall at The Nationals dinner on 22 June 2021 in the Strangers' Restaurant in this building. Those papers showed two things. First, several contact tracers interviewed Adam Marshall, who confirmed his close, direct contact with Minister Hazzard at that dinner. There is no doubt that took the form of a handshake and a conversation in front of witnesses as Minister Hazzard entered the event. Secondly, a most unusual and unprecedented note was produced by Dr Michael Douglas, a senior official in NSW Health, in response to the original order. The note was written 10 days after that order was made by this House. How often does this House order the production of documents under Standing Order 52 and a senior departmental official writes a note 10 days later to give some of the truth of what had gone on. That was like a retrospective blowing of the whistle on a substandard, improper process. Dr Douglas's note is dated 23 October 2021. It begins:

In the absence of comprehensive records detailing the assessment of the National Party budget dinner fundraising event—

That in itself is very curious, that so-called gold standard contact tracing had an absence of comprehensive records concerning the classification of Ministers, the Premier, the Treasurer, the Deputy Premier and the health Minister, who spoke at that function. It goes on to say, and I think this was plausible, that the Premier and the Treasurer were in and out of the function and were classified as casual contacts. I can accept that. That seems sensible enough. They did not mingle or interact or have any physical contact with Adam Marshall or indeed with other guests. The Deputy Premier had no contact with Adam Marshall at that event but had some contact earlier in the day. But then it says for Minister Hazzard:

... Minister Marshall reports 'very close to Minister Hazzard and had a conversation before he spoke'.

Given that people in the event who were on the other side of the room from Adam Marshall were classified as close contacts and had to isolate for 14 days and that people in the Legislative Assembly who did not have physical contact or even close contact with Mr Marshall were deemed to be close contacts and had to isolate for 14 days, you would think from Dr Douglas's report that that automatically means a close contact finding and 14 days of isolation for Minister Hazzard. One would think that would be automatic in the way that contact tracing pans out. We know that Minister Hazzard isolated for a day, came out of that isolation and turned up at a press conference. He was asked, "What are you doing here? You had been isolating." We know that was at the beginning of the Delta outbreak in Sydney. It would be extraordinary and the ultimate act of arrogance and hypocrisy that, if Minister Hazzard was a close contact of Adam Marshall and potentially infectious at the beginning of the Delta outbreak in Sydney, he did not isolate himself for 14 days. Maybe he got some special treatment from his own department. This note—retrospective whistleblowing by Dr Douglas—reads:

The guest speakers were all classified as casual contacts.

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

It states that Premier Berejiklian and Minister Perrottet were casual contacts. It also states:

Noting the comment on the Minister for Health—

that is where it says he was very close to Minister Marshall and had a conversation before he addressed the gathering—

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

The purpose of this call for papers is to do two things. First, there must be some documents in NSW Health about the classification of its Minister as a casual contact. Of all the people in New South Wales about whom you would have some material in writing as to what happened with the classification, surely there would be documentation concerning the health Minister. The second thing is to delve into what happened in the classification by Jennie Musto that somehow Minister Hazzard was a casual contact. It is completely unbelievable. It reeks of special treatment and should be further investigated. I know the Public Accountability Committee is looking at it. We should seek every available document to get to the truth of the scandal. That is what I am seeking in this call for papers.

The Hon. WALT SECORD (17:02): On behalf of Labor, I contribute to debate on this motion for the production of documents under Standing Order 52. I admit that when the Hon. Mark Latham moved his original motion under Standing Order 52, my support for it was lukewarm. I feel strongly about the matter now and I strongly support the member's motion. The matter gets murkier and murkier. It is quite clear that this is an open-and-shut close contact case. Writing a note 10 days after the call for papers is what is known in the legal profession as a "reconstruction". There is a strong case for a call for papers. Minister Hazzard avoids quarantine, avoids being locked down for 14 days, whereas the State and western Sydney get locked down. The documents clearly show that he "received preferential treatment" and was a "direct contact" of the infected Minister Adam Marshall.

Businesses go to the wall, people lose their jobs, kids are home-schooled and families are under pressure. A Minister who is clearly a close contact gets preferential treatment. Ten days later a bureaucrat writes a note reconstructing it. Some 80 people were at the function, many of whom had to isolate. The Premier, the then Treasurer, and the then Deputy Premier were there. But the Minister gets special preferential treatment. It is an open-and-shut case. Clearly he was a close contact. He received special preferential treatment. I hope that in the call for papers we obtain the various edits of those documents and notes that the bureaucrats wrote, which will probably show that there was assistance provided in this. It gets murkier and murkier. I wholeheartedly support the call for papers.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (17:05): I speak on behalf of the Government to oppose the motion. The honourable member has already successfully moved a Standing Order 52 motion on exactly this topic through this place. All requested documents under the previous Standing Order 52 resolution have been made available, as is required. It is disappointing that the honourable member would seek to use the Standing Order 52 power again. It has to be an abuse of process for a political purpose. To suggest that epidemiologists at NSW Health, who have devoted the past two years of their lives to preventing the spread of COVID-19 in the community, would all of a sudden turn a blind eye or, worse, show favouritism to one person at the risk of many is just plain absurd.

Dr Jennie Musto is not only one of the best epidemiologists in Australia but also internationally recognised as one of the best scientists in the world. It is why Australia's Chief Scientist Dr Alan Finkel and Victoria's pandemic response team travelled to Sydney to learn all they could from her team. For the member to have effectively called into question Dr Musto's integrity and professional judgement is shameful, as are his assertions about the Minister. Dr Musto did not show favouritism toward the Minister when determining his contact status following the event, nor did anyone else in NSW Health. When conducting any public health risk assessment, NSW Health applies the same rigorous and consistent procedures to inform the appropriate classification of contacts, regardless of race, gender, wealth or status.

NSW Health takes its role seriously because COVID-19 is a real threat. As at 16 November 2021, just under 80,000 people in New South Wales have been diagnosed with COVID-19. Devastatingly, over 600 lives have been lost. Just under 21 million COVID-19 tests have been performed, and our doctors, nurses and frontline health staff have cared for thousands of COVID-19 patients throughout the pandemic, in addition to the usual millions of presentations to emergency departments and inpatient episodes across the health system. Across New South Wales, more than 94 per cent of the population aged 16 years and over has received a first dose of COVID-19 vaccine, and more than 91 per cent are now fully vaccinated. While the New South Wales Government works hard to ensure that everyone has the best chance of avoiding COVID-19 and getting their lives back to some semblance of normality, the mover of this motion continues to pursue an unworthy conspiracy that is reflected in the motion. For those reasons, the Government opposes the motion.

The Hon. MARK LATHAM (17:07): In reply: I totally reject the suggestion that what I am doing here is shameful and that I am some part of the problem. I did not identify—

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): The Hon. Mark Latham will address the Chair and the Minister will not interject on the member's contribution.

The Hon. MARK LATHAM: I have not identified Dr Jennie Musto. She was identified by Dr Michael Douglas, a senior NSW Health official who wrote a document, a reconstruction, 10 days after the original Standing Order 52 motion passed this Chamber. Dr Michael Douglas had something that he wanted to tell us and it raised further questions that I am now pursuing through a second Standing Order 52 motion. How could the health Minister, in the words of Dr Douglas, be "very close" to, and have a conversation with, Minister Marshall—and other contact tracers have said that there was direct contact between Minister Hazzard and Minister Marshall—but not be a close contact? And then there is the curious comment in the note written by Dr Douglas:

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

You would get curious to get to the truth about a couple of things just in that one sentence reconstructed by Dr Douglas. The first is, why was an individual assessment undertaken for the health Minister? Why was every other Member of Parliament and guest at that event who was classified as a close contact not given an individual assessment from Dr Musto? Who asked Dr Musto to undertake the individual assessment of the health Minister? This esteemed epidemiologist surely would have had some notes, something she wrote down, about the circumstances of Minister Hazzard that would justify her decision to classify him as a casual contact.

Those questions are all as obvious as the nose on your face. They are just obvious facts that need to be established through this new motion. Who asked Dr Musto to undertake the individual assessment of Minister Hazzard? Why did the Minister get the individual assessment? Where are the notes of that assessment? The health Minister shook the hand of Minister Marshall, stood next to him, had a conversation with him for three or four minutes and was identified by contact tracers as being in direct contact with Minister Marshall, "very close" to Minister Marshall. It is all there, except in the case notes and the assessment notes of Dr Jennie Musto as to why she made her bizarre, baffling decision, which went against all the logic that the health Minister was obviously a close contact of Minister Marshall and so should have had to isolate for 14 days. Why did he get off the hook? That is what we are seeking answers to here. If those documents do not exist and the order for papers is a nil return, they will be interrogated by the Public Accountability Committee to find the truth. If the scandal is that the Minister has avoided what he wanted everyone else in New South Wales to do, it is a sackable offence.

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

The House divided.

Ayes23
Noes 15
Majority.....8

AYES

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

Houssos
Hurst
Jackson
Latham
Mookhey
Moriarty
Moselmane
Pearson

Primrose
Roberts
Searle
Secord
Sharpe
Shoebridge
Veitch

NOES

Amato
Cusack
Farlow
Farraway (teller)
Franklin

Harwin
Khan
Maclaren-Jones
Mallard (teller)
Martin

Mitchell
Poulos
Taylor
Tudehope
Ward

PAIRS

Graham

Fang

Motion agreed to.

BUDGET ESTIMATES 2021-2022

Production of Documents: Order

The Hon. MICK VEITCH: I move:

That private members' business item No. 1500 outside the order of precedence be considered in a short form format.

Motion agreed to.

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

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 July 2021, prepared by or created for senior officers at Deputy Secretary level or above, in the

possession, custody or control of the Department of Education, the Minister for Skills and Tertiary Education, or TAFE NSW, relating to Budget Estimates 2021-2022:

- (a) all documents prepared for the Budget Estimates 2021-2022 supplementary hearing for the Skills and Tertiary Education portfolios, including all briefing notes, correspondence, ministerial briefing notes, contentious issues briefing notes, and house folder notes;
- (b) all documents related to the Budget Estimates 2021-2022 supplementary hearing for the Skills and Tertiary Education portfolios, including all reports, briefings, memorandum, emails and correspondence; 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.

The motion is pretty straightforward. I have no doubt that Minister Tudehope is going to argue extensively from legal briefs about why these documents cannot be provided because they are Cabinet-in-confidence and a number of other matters that have been well traversed in this House in recent times with regard to Standing Order 52 motions. I look forward to the Minister's contribution; I have no doubt it will be illuminating.

The Hon. Damien Tudehope: Erudite.

The Hon. MICK VEITCH: Your contributions are always erudite, Damien, and illuminating. The reality is that this House has determined ways to handle matters such as this. Members are well versed in what they are, so I am not going to take up too much of the time of the House. I am pretty keen to hear the Minister's contribution. I commend the motion to the House.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (17:22): I foreshadow that I may need a short extension of time to make sure that I get onto the record all of the issues which the motion raises. The Government strongly opposes the motion. The motion is not reasonably necessary for the House to fulfil its scrutiny function. If passed, it would be invalid and beyond power. The budget estimates process is a key pillar of the Legislative Council's oversight function. Each year, Ministers and their secretaries and deputy secretaries appear before the portfolio committees of this House. Committee members have the chance to ask the Ministers, secretaries and deputy secretaries any lawful questions they wish to ask. Any questions taken on notice on the day will be, or have been, responded to in writing.

Committee members have also asked numerous written supplementary questions to Ministers, which will be, or have been, responded to. For the Opposition to then attempt to call for the folders of preparatory materials of the Ministers, secretaries and deputy secretaries appearing at estimates hearings is an abuse of the two important oversight functions of this House: the budget estimates process and the power to call for papers. Given the budget estimates process, which the Executive attends to answer any lawful question asked by the committee members, such an order for papers is not reasonably necessary for the House to exercise its oversight functions. It has to be, at best, a fishing expedition which would undermine public confidence in the integrity of the House.

The Government acknowledges that, while the primary role of Parliament is to pass laws, it also has the important function of securing Executive accountability. I note that 293 orders for papers have been passed since the 2019 election, which is unprecedented in the history of the Legislative Council. This Government does not shy away from proper scrutiny. The resolution in question, however, bears no relationship to contemplated legislation. It is, on its face, unrelated to any actual or proposed decision or official action of the Executive. Rather, its motive appears to be to interfere with the ability of officers of the Executive to fairly and reasonably participate in one of the most important and well-established parliamentary oversight processes of all: budget estimates. In that sense, the resolution is entirely self-defeating and cannot be said to be necessary for the exercise of the Legislative Council's scrutiny functions.

If this motion is passed, it would also undermine the fairness of the process for witnesses appearing before committees of this House. This House's procedural fairness resolution is to be commended, in that it establishes procedures to provide proper process and fair treatment for inquiry participants. This motion would undermine that commitment to fairness, in that witnesses who have appeared voluntarily and in good faith would be required to produce their personal and confidential notes of preparations for attendance before committees. I seek an extension of time of two minutes.

Leave granted.

The Hon. DAMIEN TUDEHOPE: This will, no doubt, deter future witnesses from appearing voluntarily before the portfolio committees or from undertaking any preparations whatsoever in the interests of assisting their inquiries, which would be a disastrous outcome for the House. Further, this motion has the potential to diminish the quality of information prepared for budget estimates hearings and, by extension, the quality of the scrutiny functions of the House.

Budget estimates notes are by their very nature subject to parliamentary privilege. Parliamentary privilege operates so as to prevent documents of this kind from being produced to a court or to another place out of Parliament within the meaning of article 9 of the Bill of Rights. The Government does not question the power of the House to call for documents subject to parliamentary privilege or to publish them in the exercise of its constitutional functions. However, the House should consider the implications of exercising the power to order the production of documents that are necessarily subject to parliamentary privilege. Significantly, it has been accepted that requiring disclosure of such documents may affect the quality of information available to Parliament. Justice Austin of the Supreme Court has stated:

It seems to me necessarily true, and not dependent upon the evidence of the particular case, that if briefings and draft briefings to Parliamentarians for Question Time and other Parliamentary debate are amenable to subpoenas and other orders for production, the Commonwealth officers whose task it is to prepare those documents will be impeded in their preparation, by the knowledge that the documents may be used in legal proceedings and for investigatory purposes that might well affect the quality of information available to Parliament.

The House should therefore consider what impact its publication of any such documents could have on the quality of information prepared for budget estimates hearings and, by extension, on the scrutiny functions of the House. The House should also consider what effect publication may have on the ability, in future legal proceedings, to claim parliamentary privilege on the basis identified by Justice Austin in the preceding example. I urge members to reject this motion.

The Hon. MICK VEITCH (17:28): In reply: It is important that the Government has put its position on the public record. I thank the Minister for taking the time to work through that. The reality is that some of this has already happened in previous orders under Standing Order 52 and the House has developed a process by which to deal with these matters. I suggest to the Minister that those mechanisms have held the House in good stead. I commend the motion to the House.

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

The House divided.

Ayes23
Noes15
Majority.....8

AYES

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

Graham
Hurst
Jackson
Latham
Mookhey
Moriarty
Moselmann
Pearson

Primrose
Roberts
Searle
Secord
Sharpe
Shoebridge
Veitch

NOES

Amato
Cusack
Farlow
Farraway (teller)
Franklin

Harwin
Khan
Maclaren-Jones
Mallard (teller)
Martin

Mitchell
Poulos
Taylor
Tudehope
Ward

PAIRS

Houssos

Fang

Motion agreed to.

AUSTRALIAN ANIMAL WELFARE STANDARDS AND GUIDELINES FOR POULTRY

Production of Documents: Order

The Hon. EMMA HURST: I move:

That private members' business item No. 1508 outside the order of precedence be considered in a short form format.

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

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 18 June 2021 in the possession, custody or control of Regional NSW or the Minister for Agriculture and Western New South Wales concerning the Australian Animal Welfare Standards and Guidelines for Poultry:

- (a) all documents regarding the Australian Animal Welfare Standards and Guidelines for Poultry;
- (b) all documents regarding Government Information (Public Access) Act 2009 Application Reference No. 21-81 to Regional NSW;
- (c) all documents regarding the ABC News article entitled "Australia was planning to phase out caged eggs by 2036, but one state is threatening to derail that", published on the ABC News website on 4 November 2021; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This motion moved under Standing Order 52 seeks documents created since 18 June 2021 relating to the Australian Animal Welfare Standards and Guidelines for Poultry. In particular, it seeks documents concerning the Government Information (Public Access) Act [GIPAA] request reported on by the ABC on 4 November 2021 regarding the agriculture Minister's decision in relation to battery cages and the ongoing national process. Last week, when we had a debate about this issue, there was some dispute about what the GIPAA documents had revealed. The Hon. Sam Faraway strongly asserted, "The agriculture Minister has never received advice from his agency or any other government agency that cages should be phased out." This is contrary to what was reported in the media. The ABC reported that the documents showed that "Mr Marshall overturned recommendations from NSW Department of Primary Industries' staff, and major proposals for reform were struck out." The Hon. Penny Sharpe quite rightly raised concerns about this inconsistency. She said:

But I want to also address the issue raised by the Hon. Sam Faraway, which was that the information given in accordance with the order under the Government Information (Public Access) Act [GIPAA] was wrong. The information released being wrong is an even more serious matter. GIPAA is the State Government's equivalent of the Freedom of Information Act. If you get an order, the information that is provided in response to it should be accurate and honest and that which is required.

Clearly, there is a lot of concern and confusion, from all sides, about what has gone on here. My hope is that this motion will set the record straight. It seeks all documents created since the GIPAA request was submitted and will illuminate the Minister's response. If what the Government says is true, and there has been a big misunderstanding on this issue, then Government members should be enthusiastically supporting this call for papers. This is really their chance to set the record straight. The fact that they have not seized this opportunity to set the record straight is telling in and of itself. This is a very narrow Standing Order 52 motion. The date range is very short and it will not be overly burdensome. That raises the question as to why it was not passed as formal business this morning. I hope that the documents, once received, will shed light on that. Whatever the confusion was, this should not be kept hidden from the members in this place nor the public. I urge everyone to support this motion.

The Hon. SAM FARRAWAY (17:41): On behalf of the Government, I oppose the motion. As the Hon. Emma Hurst referenced back to our private members' business last week, it is a bit like *deja vu*, because I thought it had been made clear last week that this issue had essentially been resolved. I appreciate that she raises some points in her contribution, but I think it is important to take a little trip down memory lane, to make sure that we are all on the same page. If it helps, I will break it down.

At paragraph (a) the motion seeks all documents regarding the Australian Animal Welfare Standards and Guidelines for Poultry. From last week's contribution, we know that all the documents relating to the Australian Animal Welfare Standards and Guidelines for Poultry have already been released under Government Information (Public Access) Act legislation. At paragraph (b) the motion then seeks all documents regarding Government Information (Public Access) Act 2009 Application Reference No. 21-81 to Regional NSW. Again, as I have just said and as we heard last week, these documents have already been released.

Furthermore, members of this place—and I make mention of the Hon. Emma Hurst—have already seen and reviewed those documents in detail. I also note the media statement that the Animal Justice Party put out last week after reviewing those documents and then calling for the Minister's resignation. This takes us to paragraph (c), which seeks all documents regarding the ABC News article entitled "Australia was planning to phase out caged eggs by 2036, but one state is threatening to derail that", published on the ABC News website on 4 November 2021. The documents relating to the ABC report are printed in the very same article, from which I will quote. It reads:

In a statement, NSW Agriculture Minister Adam Marshall said NSW continued to participate in the national reform process.

The article indicates that he said:

"An independent panel has been tasked with developing the draft standards and guidelines ...

"Once this work is finalised and presented to state and territory governments, NSW will give consideration to the draft Standards and Guidelines for Poultry along with a regulation impact statement.

"No decision has yet been made."

On behalf of the Government, I oppose this motion because essentially all of this information has been made available, the Minister has already responded publicly to the ABC in the article referred to by the Hon. Emma Hurst and, finally, I reiterate that the Minister has made no decision on the phasing out of caged eggs in New South Wales. It is for those reasons that the Government opposes the motion.

The Hon. MICK VEITCH (17:44): The contribution from the Parliamentary Secretary highlights some of the issues arising from the debate last week. The Opposition's view is that the delivery of the documents under the call for papers will provide clarity in order to determine whether the position of the Parliamentary Secretary, on behalf of the Minister, or the position of the Hon. Emma Hurst is accurate. The only way I can see through this is to seek the documents. On that basis, I look forward to reading the documents when they are delivered as part of this call for papers. The Opposition will be supporting the motion.

Ms ABIGAIL BOYD (17:44): The Greens support the motion moved by the Hon. Emma Hurst. It strikes me that the Government is stuck between a rock and a hard place because either it admits that one Minister from the Government went against the advice of his department and derailed a national process, or it admits that the information provided under the Government Information (Public Access) Act [GIPAA] was wrong. Of those, it is probably worse to not be providing the right information under GIPAA. For the Hon. Sam Faraway's benefit, the call for papers is not asking for the documents that he just specified. It is asking for all documents regarding those documents.

We want to know what happened when that GIPAA request came in. We want to know if the Minister himself was responsible for responding to it. We want to know whether the documents that were provided in response to that GIPAA application were in fact what should have been provided. Clearly, the motion is asking for far more than what has already been provided. The Government is in a situation where either a Minister has refused the advice of his own department and is holding the rest of the nation to ransom or it has provided misleading information under a GIPAA application. We have a right to know which of those is correct. We wholeheartedly support the motion and thank the Hon. Emma Hurst for moving it.

The Hon. EMMA HURST (17:46): In reply: I thank the members who spoke on the motion. I clarify further that the call for papers will not capture the documents within the Government Information (Public Access) Act [GIPAA] application. It is actually a very narrow call for papers. It starts from the date of 18 June, which is the date the GIPAA application went up to. We are not recapturing any of the documents that were in that original GIPAA application. This call for papers seeks everything that came after the GIPAA application. I encourage all members to support the motion.

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

Motion agreed to.

TAFE NSW ORGANISATIONAL HEALTH SURVEYS

Production of Documents: Order

The Hon. MICK VEITCH: I move:

That private members' business item No. 1501 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MICK VEITCH (17:48): 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, prepared by or created for senior officers at Deputy Secretary level or above, in the possession, custody or control of the Department of Education, the Minister for Skills and Tertiary Education, or TAFE NSW, relating to TAFE NSW Organisational Health Surveys:

- (a) all documents prepared for the TAFE NSW Organisational Health Surveys for 2020 and 2021, including all briefing notes, correspondence, Ministerial briefing notes, contentious issues briefing notes and house folder notes;
- (b) all reports, briefings, memorandum, emails and correspondence relating to the TAFE NSW Organisational Health Surveys for 2020 and 2021; and
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This is a very straightforward call for papers that is quite precise about the documents we are after. It is not broad. I commend the motion to the House.

The Hon. SHAYNE MALLARD (17:48): The Government is not opposing this call for papers, but we make the point that all of this material is publicly available and the call for papers is unnecessary. It helps the Opposition to not have to do the work anymore. Opposition members just make a call for papers, hoover up all the documents and overwhelm themselves in the Mookhey library, as the argument was put in the debate on a previous call for papers. The Government is being very transparent in regards to TAFE. TAFE NSW's 2020 Organisational Health Survey and 2021 pulse survey results are already available to staff on the TAFE NSW intranet. No doubt the Opposition has access to that through its contacts.

In addition, the New South Wales Government decided to enhance TAFE NSW's transparency by aligning TAFE with the Public Sector Commission. In August 2021 TAFE NSW rejoined the People Matter Employee Survey, which allows TAFE NSW to benchmark itself against other New South Wales government agencies, thus resulting in greater transparency around employee engagement. These results are also now on the Public Service Commission's website for all to see. Our contention is that all this material is available on websites and does not need to be subject to a call for papers under Standing Order 52. With those few words about why the Government considers this is a waste of resource, the Government will not oppose the motion because there is nothing to hide. However, the motion is unnecessary.

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

Motion agreed to.

WESTERN LANDS LEASE CONVERSION PROGRAM

Production of Documents: Order

Mr DAVID SHOEBRIDGE (17:50): 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 2018 in the possession, custody or control of the Crown Land Commissioner, Valuer-General, Department of Planning, Industry and Environment, Minister for Water, Property and Housing, and the Minister for Planning and Public Spaces relating to the Western lands lease conversion program:

- (a) all documents, including correspondence, relating to the Western lands lease conversion program;
- (b) all documents relating to the determination of the current sale formula of 3 per cent of market value, including:
 - (i) correspondence;
 - (ii) calculations relating to the sale formula and in particular, the return to the community;
 - (iii) the contributions made over past generations of leaseholders;
 - (iv) the intergenerational opportunities presented by future emerging environmental and economic demands; and
 - (v) the intergenerational expectations of the Crown estate.
- (c) the names of all persons who purchased land through the Western lands lease conversion program;
- (d) the locations and sale prices of properties sold through the Western lands lease conversion program; 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.

We would like to see all the documents that are set out in the motion. A series of about 150 properties have been converted from leasehold to freehold in the Western lands division. We do not know who they have been sold to. We do not know the basis upon which the valuations were made. We do know they were sold for 3 per cent of the unimproved land value. The Crown Lands commissioner indicated in his report that it was uncertain of the valuation basis and wanted further clarity on it. We agree with him. We move this motion calling for papers to seek that clarity.

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (17:52): I am delighted to let the House know that the Government does not oppose the motion.

The Hon. MICK VEITCH (17:52): It is a very good motion. We are receiving correspondence into our offices about this very issue, so we look forward to seeing the documents. The Opposition will be supporting the call for papers.

Mr DAVID SHOEBRIDGE (17:52): In reply: I thank both members for their contributions.

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

Motion agreed to.

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

The Hon. SHAYNE MALLARD: On behalf of the Hon. Taylor Martin: I move:

That private members' business item No. 1362 outside the order of precedence be postponed until a later hour.

Motion agreed to.

*Documents***ADAMINABY AERIAL SHOOTING OPERATIONS****Production of Documents: Order**

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

That private members' business item No. 1382 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK BANASIAK (17:53): On behalf of the Hon. Robert Borsak: I seek the leave of the House to amend private members' business item No. 1382 outside the order of precedence by omitting "Regional NSW" and inserting instead "Local Land Services".

Leave granted.

The Hon. MARK BANASIAK: 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 in the possession, custody or control of the Deputy Premier, the Minister for Regional New South Wales, Minister for Regional Transport and Roads, or Local Land Services, relating to aerial shooting operations at Adaminaby:

- (a) all documents relating to aerial shooting operations conducted by Local Land Services in June 2021 at Adaminaby, including:
 - (i) all flight records including GPS flight path, landing and take-off times;
 - (ii) all records of landing and purpose of landings;
 - (iii) the names of all staff involved, including those involved as pilot, shooter and observer;
 - (iv) the number and species of animals shot;
 - (v) details concerning the fate of the animals shot, including whether animals were left to lie or retrieved;
 - (vi) the number and species of any animals or animal parts retrieved;
 - (vii) all records of the firearms and calibre used; and
 - (viii) all records of the ammunition used.
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

It seems that there are still some employees in the Local Land Services who are out of control in parts of the State, wasting taxpayers' money on essentially aerial trophy hunting. I expressed concerns and raised questions about aerial shooting several times during budget estimates hearings, but we still hear of cases where cowboy operators continuing to operate in Local Land Services. This order for papers relates to reports we have received from a Local Land Services employee who is an aerial shooter in the Feral Animal Aerial Shooting Team [FAAST] in the south-east region of the State. In June this year several aerial shooting operations were conducted in that region. One of those was a shooting operation over private land—with permission—in which the helicopter pilot and shooter spent 40 minutes to muster a large male sambar deer out of rough bush country onto open ground where the animal was shot. The helicopter pilot and shooter then landed the helicopter and proceeded to remove the trophy antlers and cape from the animal. The antlers and skin were then flown back to base.

Profiteering from employment in any government agency is unacceptable. We know the name of that LLS shooter, but I will not mention it in this place today. We must undertake a review of the flight records from those shooting operations to verify the eyewitness accounts we have received. We will then follow up with the Minister to see what disciplinary action will be taken. The Shooters, Fishers and Farmers Party deplore misconduct in public office and will not accept anything less than the referral of those employees to the FAAST disciplinary committee. Rogue operators in government agencies like Local Land Services need to understand that they cannot flout the rules and personally gain from their paid employment, let alone waste taxpayer resources in this corrupt and self-serving way. I commend the motion to the House.

The Hon. SHAYNE MALLARD (17:55): The Government does not oppose the motion.

The Hon. JOHN GRAHAM (17:56): The Opposition does not oppose the motion.

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

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. SHAYNE MALLARD: I move:

That private members' business item No. 1466 be postponed until a later hour.

Motion agreed to.

Ms CATE FAEHRMANN: On behalf of Ms Abigail Boyd: I move:

That private members' business item No. 587 be postponed until a later hour.

Motion agreed to.

Documents

MONARO FARMING SYSTEMS

Production of Documents: Further Order

The Hon. MARK BANASIAK: I move:

That private members' business item No. 1374 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK BANASIAK (17:58): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, excluding any documents previously returned under an order of the House, in the possession, custody or control of the Minister for Regional New South Wales, Minister for Agriculture and Western New South Wales, Department of Premier and Cabinet or Regional NSW relating to Monaro Farming Systems:

- (a) the document entitled *Probity and Legal Review – Monaro Farming Systems and Department of Primary Industries contract for delivery of outreach services*;
- (b) the letter of request from the Secretary of the Department of Regional NSW to the General Counsel for the document entitled *Probity and Legal Review – Monaro Farming Systems and Department of Primary Industries contract for delivery of outreach services*, and all documents relating to all requests regarding the review;
- (c) all documents relating to the document entitled *Probity and Legal Review – Monaro Farming Systems and Department of Primary Industries contract for delivery of outreach services*; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I will be brief and will not re-ventilate the issues around Monaro Farming Systems because several Standing Order 52 motions relating to it have already been moved. This motion arises from documents that were provided to Portfolio Committee No. 4 - Regional New South Wales, Water and Agriculture from the Department of Regional NSW through budget estimates hearings on a confidential basis. The committee saw fit that it is only fair that the members of this House have the same access to scrutinise those documents. I understand and recognise that they may be marked as privileged, given that the original document was marked as confidential, which I accept. This motion is about providing fairness and transparency to all members of the House, not just members of Portfolio Committee No. 4. As chair of that committee, I move the motion on behalf of its members. I commend the motion to the House.

The Hon. SHAYNE MALLARD (17:59): The Government does not oppose the motion.

The Hon. MICK VEITCH (17:59): The Opposition supports the motion.

The Hon. JOHN GRAHAM (17:59): I thank the Chair of Portfolio Committee No. 4 - Regional New South Wales, Water and Agriculture for moving the motion on behalf of committee members. It is very helpful.

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

Motion agreed to.

APPIN ROAD KOALA CROSSINGS**Production of Documents: Order**

Ms CATE FAEHRMANN: I move:

That private members' business item No. 1522 outside the order of precedence be considered in a short form format.

Motion agreed to.

Ms CATE FAEHRMANN (18:00): I seek leave to amend private members' business item No. 1522 outside the order of precedence by inserting the word "Gilead" before the word "Technical" in paragraph (a).

Leave granted.

Ms CATE FAEHRMANN: 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 in the possession, custody or control of the Minister for Planning and Public Spaces; Minister for Energy and Environment; Minister for Transport and Roads; Department of Planning, Industry and Environment; and Transport for NSW relating to koala crossings on Appin Road:

- (a) all documents, correspondence and advice relating to work by the Gilead Technical Assurance Panel to protect and establish koala corridors in the Greater Macarthur Growth Area and to implement the recommendations of the Chief Scientist and Engineer's report entitled *Advice on the protection of the Campbelltown koala population*;
- (b) all documents, correspondence and advice relating to the construction of koala crossings by Lendlease on Appin Road;
- (c) all documents, correspondence and minutes relating to any meetings with Lendlease or Campbelltown council regarding the Gilead/Figtree Hill development between 1 January 2015 and 31 December 2015 or 1 July 2018 and 16 November 2021; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This motion calls for papers relating to the development at Figtree or Mount Gilead and koala crossings and underpasses along Appin Road. I understand a Gilead Technical Assurance Panel has been discussing this matter for some time. The community is concerned with the delays and they want to know the reason for those delays. The motion seeks information about what that Technical Assurance Panel has been up to and whether the community can be rest assured of the Government's and Transport for NSW's intentions to build those underpasses and overpasses. To be honest, Lendlease says one thing and Transport for NSW and the Government say another. Let us shine light on this to reveal what we can. I commend the motion to the House.

The Hon. SHAYNE MALLARD (18:02): Being a member of the koala inquiry and koala club, I have a great deal of empathy for this issue. The Government will not oppose the motion.

The Hon. MICK VEITCH (18:02): For that compelling argument put forward by the Government, the Opposition will also support the motion.

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

Motion agreed to.

Adjournment Debate

ADJOURNMENT

The Hon. DON HARWIN: I move:

That this House do now adjourn.

BIOSECURITY RISKS

The Hon. MICK VEITCH (18:02): The past two years have brought to the fore the fragility of our society and economy when it was confronted by the coronavirus. Biosecurity presents similar threats. New South Wales primary industry exports accounted for 10 per cent of our total exports in 2019-20, and earned \$5.1 billion. With growing markets in Asia and the Indo-Pacific, food and fibre stands to be an increasingly important aspect of the State's economy. That is why groups like NSW Farmers have challenged us to look towards having a \$30 billion industry by 2030, but that must be underpinned by strong biosecurity measures. Biosecurity breaches represent an ever-present and growing threat to our economy and the environment. Eternal vigilance is key, backed by programs and resources required to keep our borders safe. But cooperation between all stakeholders, particularly the Federal and State governments, is critical if we are to maintain our world-class food and fibre industry in New South Wales.

Australia is fortunate that its geographical isolation has meant relatively fewer risks from pest and disease incursions. Yet, emerging risks exist. We have had two detections of khapra beetle in overseas goods assignments, the detection of fall armyworm in northern New South Wales in September, the spread of African swine fever, the detection of serpentine leaf miner and, as we discovered during budget estimates hearings, a racoon or two at our ports. Those are just the recent threats. We still need to guard against outbreaks such as foot-and-mouth for our livestock industry, Newcastle disease for poultry and the threat of the Varroa mite for our bee populations. The list is long and alarming.

Given those threats, I am disturbed that a war of words has broken out between the Federal and State agriculture Ministers over their respective biosecurity response. Those Ministers are from the same side of politics yet have developed what seems a poisonous relationship, to the detriment of agriculture policy in Australia. Internal party politics aside, this is not assisting efforts to maintain a strong biosecurity fence around the State and the nation. On the day the New South Wales Minister was being grilled in budget estimates his Federal counterpart saw fit to lob a grenade, stating, "When it comes to biosecurity, I just hope Minister Marshall's talk isn't just yap."

Whilst I have little faith in the Federal Government and its tangential relationship with the truth, and I believe that the NSW Department of Primary Industries is trying its best when it comes to biosecurity, the aversive actions of the Minister when it comes to putting all facts on the table makes me think that Minister David Littleproud had a point when he demanded in a recent article in *The Land* that Minister Marshall come clean:

The only numbers I can find in his letter are percentages that has no monetary reference, and I'm concerned they've also included their one-off mouse program from this year to cover up the detail ... There's not a dollar figure to be found, just unsubstantiated expressions of funding.

During estimates I asked the department to provide those figures, and I look forward to perusing them. Part of the issue here is that it is quite difficult to obtain the basic facts. The fact that financial figures for the Department of Primary Industries are now hidden within the global budget of the Department of Regional NSW makes it difficult enough, yet even when members ask specific questions in Parliament the responses are vague, with little to no detail. One can see that Minister David Littleproud may have a point. Expenditure on weeds, pests and biosecurity should be clear and transparent. Minister Marshall in recent times has shown himself to be subversive of transparency on a number of subjects and has been caught out amending the considered advice of the department. Politics should be a contest of ideas, not a game of name-calling and cover-ups, but Minister Marshall has shown himself to be elusive when it comes to spelling out the truth.

When it comes to biosecurity—perhaps the most critical threat to our multibillion-dollar food and fibre industry—we need all the facts and all the dollars laid out for all to see and dissect so we can ensure the Government, Opposition and members of the public are able to make informed decisions about which party will best manage the important biosecurity risks to our State. I was proud that Labor took a strong biosecurity policy to the last election, promising more resources for our war on weeds, pests and other biosecurity threats. The Labor Party will always be willing to go the extra mile and commit funds and programs in a transparent manner to ensure a clean and green agriculture and aquaculture industry, which underpins profitable and sustainable food and fibre production here in New South Wales. Our reputation depends on it.

ABORIGINAL HEALTH SERVICES

The Hon. NATASHA MACLAREN-JONES (18:07): I highlight the incredible initiatives developed by the New South Wales Liberal-Nationals Government to ensure Aboriginal health services are available to meet the healthcare needs of Aboriginal and Torres Strait Islander people across New South Wales. Working with Aboriginal Affairs NSW and NSW Health, the Government is delivering Aboriginal community-controlled and culturally safe health services. We are committed to closing the gap in health outcomes between Aboriginal and non-Aboriginal people. Under the Liberal-Nationals Government, direct funding for Aboriginal Community Controlled Health Organisations has increased from \$19.2 million in 2014-15 to \$29.5 million in 2021-22. During the COVID-19 pandemic Aboriginal communities have remained a key priority for the Government. We tailored communications and support services to reduce the impact of COVID-19 among Aboriginal people, their families and communities.

On 30 August we announced the COVID-19 Aboriginal Community Response Grants Program, with grants of up to \$10,000 to support Aboriginal communities across New South Wales to reduce their risk of being exposed to COVID-19 and enable them to manage the impacts of the pandemic. Grants have been provided for a range of initiatives including online group workshops, online support groups and equipment to support cultural wellbeing, such as craft kits for children and cooking equipment. The grants, which are still open, have also been assisting with preventative steps such as encouraging vaccination. The New South Wales Government has been working closely with the Commonwealth Government, the local health districts and Aboriginal Community Controlled Health Organisations to ensure that all Aboriginal and Torres Strait Islander people have equitable access to the COVID-19 vaccine. Furthermore, the Government has sent additional vaccine supplies and vaccination teams to

many rural and regional towns in New South Wales and run statewide COVID-19 vaccination blitzes to increase vaccination rates amongst Aboriginal people.

To ensure that we provide a culturally safe place for Aboriginal people to get vaccinated, local health districts [LHDs] across New South Wales have made their Aboriginal staff available at 18 vaccination sites. I commend the work of NSW Health and their staff, who have worked tirelessly at various vaccination clinics. I acknowledge the work of the Royal Flying Doctor Service for its assistance to ensure remote communities have equitable access to the vaccine. I also acknowledge the work of the Indigenous vaccination clinic at the Kimberwalli Centre in Whalan, New South Wales, which was established on 13 September this year. The clinic is a collaboration between the Kimberwalli Centre, Western Sydney Local Health District and the Centre for Aboriginal Health. It is a culturally sensitive, welcoming space for the Aboriginal and Torres Strait Islander community to access the COVID-19 vaccination.

As part of the New South Wales Government's Work and Development Order program, individuals at the Kimberwalli clinic who get vaccinated are eligible for a \$1,000 reduction in their fine debt. The Work and Development Order program enables eligible people who are experiencing hardship to reduce a fine debt, typically by participating in voluntary unpaid work, courses, treatment programs and other activities. The initiative has been a part of the Kimberwalli clinic for some time, recently expanding to include vaccinations. In addition to over 100 NSW Health vaccination clinics, including outreach clinics, more than 3,000 vaccination delivery points across our State are offering Pfizer, Moderna and AstraZeneca. They include more than 2,000 GPs, 48 Commonwealth vaccination clinics, 50 Aboriginal Community Controlled Health Organisations and more than 1,000 community pharmacies.

The New South Wales Government has worked closely with the Australian Government and key Aboriginal stakeholders to maximise the COVID-19 vaccination uptake for Aboriginal and Torres Strait Islander community members across the State. The New South Wales Government's Aboriginal COVID-19 vaccination communication and engagement strategy was informed through research and consultation activities conducted by Aboriginal agency 33 Creative with the Aboriginal community, youth and health sectors. Working with local Aboriginal ambassadors and champions, issues of concern to Aboriginal people and communities are being addressed and information about the COVID vaccination is being shared.

One of the ambassadors, Albury Elder Mr Kenneth Murray, said he got the jab to show the community it was the right thing to do. Other ambassadors such as former Wallabies Gary and Glen Ella stressed the importance of getting the vaccine to ensure that not only are they safe from the virus but they are also protecting their family and helping their community. The New South Wales Liberal-Nationals Government is committed to ensuring Aboriginal communities across the State have the information they need to get the jab as well as the confidence that they can access it in a culturally safe environment. I thank everyone who has got the jab so far. I acknowledge the work of the Kimberwalli Clinic and other vaccination clinics across the State that have been providing a safe place for Aboriginal people to be vaccinated.

SYDNEY STATEMENT ON ANTI-PALESTINIANISM

The Hon. SHAOQUETT MOSELMANE (18:12): Members of State and Federal parliaments would have recently received the Sydney Statement on Anti-Palestinianism, a document put together by the Arab Australian Federation in consultation with leading community figures and renowned Australian advocates for Palestine from diverse backgrounds. The statement is in response to the incessant violations by Israel, a colonialist settler State, of the Palestinian people's human, political, economic and national rights under international law—including their right to self-determination and nationhood. This statement combatting anti-Palestinianism quotes nonviolent means and international law and is based on "a just and lasting peace between the parties". Former foreign affairs Minister Gareth Evans said of this Sydney Statement, "Its eight principles are all expressed with restraint, seem to me unarguable and are consistent with the ALP's support for Palestinian statehood."

The statement is necessitated by decades of discrimination against and dehumanisation of the Palestinian people. Blatant prejudice is evident when Palestinians engaged in a peaceful pursuit of nationhood are depicted as terrorists, stigmatised on religious or ethnic grounds, or characterised as an inferior people. Anti-Palestinian prejudice can also target media, institutions, students and academics if they criticise Israel or sympathise with the Palestinian people. Anti-Palestinianism refers to a language and practice that directs discrimination, racism, hatred or violence against the Palestinian people. This abuse can be verbal, explicit or implied, or reflected in violence. At its worst it denies the existence of the Palestinian people, an erasure that facilitates the perpetuation of violence against them and the denial of their right to self-determination. Accusations of anti-Semitism should not be used to shield Israel from criticisms of its oppression of Palestinian people and its defiance of international law. Often the strongest supporters of Palestinians are reflective and liberal Jewish people. Peter Beinart, the editor of the US publication *Jewish Currents*, has written:

... since pro-Israel organisations in the US have made it nearly impossible to discuss Israel-Palestine without addressing questions of anti-Jewish bigotry, Americans of all backgrounds have a responsibility to ask why even blatant expressions of anti-Palestinian bigotry pass almost unnoticed.

To counter rising anti-Palestinianism, there are eight principles. First, anti-Palestinianism exists when Palestinian people are denied rights enshrined in the Universal Declaration of Human Rights and all other relevant instruments of international law, including United Nations [UN] resolutions. Secondly, the Palestinian people are entitled to their own State. The Palestinian State is consistent with international law, UN resolutions and over 30 years of international negotiations. This is reflected in the recognition of the State of Palestine by 139 member nations of the UN. Anti-Palestinianism is flagrant when this right is undermined by settlements and acts of annexation, both of which are illegal under international law. Thirdly, Palestinians who have committed to non-violent means to nationhood are entitled to all legitimate means of protest and advocacy. Palestinian leaders deserve respect and engagement, not isolation and boycott.

Fourthly, as part of the international community, the Palestinian people have an inalienable right to membership of international organisations in line with these organisations' by-laws, including but not limited to the International Criminal Court, the United Nations Educational, Scientific and Cultural Organization, Interpol, the International Court of Justice and others. Fifthly, Palestinians have the right, in accordance with international law, to engage in resistance against unlawful policies and practices of the Israeli occupation of Palestinian land. They are entitled to present to the world their case, supported by evidence and legal argument, that Israeli authorities have dispossessed, confined, forcibly separated, evicted and subjugated the Palestinian people.

Sixthly, noting the UN's recognition of the State of Israel in 1949 was conditional on Israel's acceptance of the right of return—resolution 194, article 11—Palestinians are entitled to advocate their right of return as part of a just and lasting peace between the parties. Seventhly, Palestinians have a right to their history, including their right to commemorate Nakba Day, and this must never, in any way, be denied to them. Finally, international law brands collective punishment a war crime. When a Palestinian is arrested or convicted of an offence by Israeli authorities, there is no basis for Israel subjecting others to collective punishment.

WINGED MIGRATION

The Hon. MARK PEARSON (18:17): In 2001 French filmmakers Jacques Cluzaud, Michel Debats and Jacques Perrin premiered their documentary *Le Peuple Migrateur*, also known as *Winged Migration* or *The Travelling Birds*. The film was shot over the course of three years on all seven continents, and it showcases the immense journeys routinely made by birds during their migrations. Rather than focusing on facts and figures, the film near-wordlessly portrays the sheer physical effort demanded of these birds on their disparate routes. Most of the footage is aerial and was shot using in-flight cameras, with the viewer experiencing what it may be like to fly alongside the birds as they journey through every kind of landscape and weather event. As we follow these flocks, we see more spectacular sequences, with hundreds of thousands of birds in flight, battling thundering avalanches, arctic blizzards and endless kilometres of physical exertion.

It is in their wordless struggles that we learn the most about these birds and about humankind. In one scene, we see a bird with a broken wing trying to escape a sandy beach, only to be caught by a wave of crabs that pile onto and engulf the bird's still living body. It is a tragic end to a tortuous journey, and it may leave the viewer contemplating the brutality of nature. While we witness Mother Nature's violence, we also come to realise that she is never cruel, for between nature and man it is not she who acts in greed. We rediscover this guilty conscience when we see birds trapped in industrial waste, trying to free themselves from toxic, man-made sludge, and again when we witness ducks in flight dropping one by one as bullets pierce their powerful bodies. Writing about this moment in 2003, Pulitzer Prize-winning film critic of *The Chicago Sun-Times*, Roger Ebert, said:

The birds have flown exhaustingly for days to arrive at this end. It's not so much that I blame the hunters as that I wish the ducks could shoot back.

I blame the hunters. In defiance of the hunters of the world, and in memorialisation of every animal that has lost its life to human greed, I close with the words of Nick Cave, whose song with Bruno Coulais, *To Be By Your Side*, closed *Winged Migration* in tribute to the awe-inspiring beauty, majesty and power of birds. I have chosen to do this in sotto voce recitative format:

Across the oceans, across the seas, over forests of blackened trees
Through valleys so still we dare not breathe
To be by your side

Over the shifting desert plains, across mountains all in flames
Through howling winds and driving rains
To be by your side

Every mile and every year for every one a little tear
I cannot explain this

Dear, I will not even try
 Into the night as the stars collide
 Across the borders that divide forests of stone standing petrified
 To be by your side.

Every mile and every year
 For every one a single tear
 I cannot explain this
 Dear, I will not even try

For I know one thing
 Love comes on a wing
 For tonight I will be by your side
 But tomorrow I will fly

From the deepest ocean, to the highest peak
 Through the frontiers of your sleep.
 Into the valley where we dare not speak
 To be by your side

Across the endless wilderness where all the beasts bow down their heads
 Darling, I will never rest till I am by your side

Every mile and every year
 Time and distance disappear I cannot explain this
 Dear, no, I will not even try

For I know one thing
 Love comes on a wing and tonight I will be by your side

But tomorrow I will fly away
 Love rises with the day and tonight I may be by your side
 But tomorrow I will fly
 Tomorrow I will fly
 Tomorrow I will fly

QUEENSLAND BORDER RULES AND HOTEL QUARANTINE

The Hon. CATHERINE CUSACK (18:22): I speak about a very out-of-tune and tone-deaf Queensland Premier. Earlier today Tamara Smith, the member for Ballina, circulated an email to all members of the cross-border committee, which consists of local MPs in northern New South Wales who are trying to work together to represent and give a voice to our community that is struggling with the problems with Queensland. The member referred to what is now the fifty-fifth version of rules that Queensland has imposed on New South Wales residents and on its own residents—the 8,000 Queenslanders who want to go back to Queensland, many of whom are homeless and destitute in New South Wales and being cared for by charities. As the Cross-Border Commissioner told us today, some of them cannot even afford the cost of caravan park fees. They are starting to move into the Northern Rivers area, trying to find places to camp or support themselves as 17 December approaches, which is the date they have been told that, if they are double vaccinated, they can return home. On the issue of the fifty-fifth directive, Ms Tamara Smith writes:

I am very concerned about ... changes for entry into Queensland ... as of today ...

Double vaccinated people need to present a negative COVID result no more than 72-hours old as of today, and currently only pathology can do these tests and the cost is \$145 per person and children ... \$120.

The issues we identify are:

- [Each] test cost[s] \$145 (prohibitive for any family who wants to be together at Christmas ...)
- Can pathology manage the volume of tests ...
- Will pathology be open on the Xmas public holidays to service all the tests
- What is ... [the] turn-around ... as pathology is already short staffed
- What impact will this ... have on people who generally need a COVID test for the actual disease and not [for] a QLD border requirement
- Border crossing times will be impacted—

They will be impacted because every single person will have to be checked. I would add to that list that the member identifies that people who are trying to cross the border for work purposes have had to pay that fee. The problem is that Queensland is structured in a way that the cost is unable to be claimed from Medicare. Therefore, the cost is personally incurred. It is outrageous that in a community that has a higher vaccination rate than the Gold Coast and no COVID community transmission, people are being put through these requirements to cross the border.

Yesterday I referred to the issue of Queensland not paying its bills. Members are aware that on 17 February an invoice for \$30,115,346.80 was sent by the New South Wales Government to Queensland for its share of hotel quarantine costs. Queensland closed down all of its facilities. Its citizens were unable to get back into Australia except via Sydney airport, which the New South Wales Government kept open, with the support of our community, so that some Australians could come home—not enough, but it was an avenue for them. Famously, on 24 February the Queensland Treasurer filmed himself in a four-second video posted to Facebook tearing up the invoice from the New South Wales Government. Later he released a statement saying that Queensland would not pay until the Prime Minister allows a quarantine hub near Toowoomba. On 16 August the Queensland Government signed an agreement for such a facility. On 26 August it announced that it will build the quarantine facility at Wellcamp, west of Toowoomba.

So one might think that the Queensland Government is now ready and primed to pay its bills. But no, not one penny has been remitted to New South Wales. The bill is now \$51,473,802 for the quarantine costs of the estimated 13,022 Queensland residents New South Wales has looked after. That is an absolute disgrace. It comes on top of Queensland not allowing our children to enter to train for sport. According to the Queensland Government, teachers are not essential workers. They are not allowed to cross until 17 December. What benefit is it for the kids to keep the teachers out of schools until then? There are 500 teachers in Tweed. It is outrageous, and I will be speaking further about it in the House next week.

HYDROGEN-POWERED GARBAGE TRUCKS

Mr DAVID SHOEBRIDGE (18:27): I speak to the House about a whole lot of garbage and green hydrogen. Across the world councils and municipal authorities are rapidly transitioning their garbage truck fleets to zero-emission, renewable-energy green hydrogen, which has the benefit of also providing some of the quietest garbage trucks on the planet. What is happening around the world? In the Netherlands, after initial testing about this time last year, it was announced that a hydrogen garbage truck had begun operations in the city of Breda. That garbage truck was initially supported by a mobile hydrogen refuelling station. In time, it is intended that it will refuel at permanent multi-fuel refuelling stations.

The Breda hydrogen garbage truck is part of the REVIVE project—the project for Refuse Vehicle Innovation and Validation in Europe. That project plans to double the operational range of standard electric trucks and allow for equivalent daily back-to-base missions by way of hydrogen-powered garbage trucks. It plans to have a total of 15 trucks with the rollout of fuel-cell technology, which is a viable option for zero-emission waste collection. In fact, the REVIVE project is also exploring the Waste-to-Wheels business model, where the electricity generated from the combustion of waste plants is also used to produce the green hydrogen fuel for garbage trucks.

In the United States there are also plans to develop the Waste-to-Wheels model. The fuel-cell commercial vehicle firm Hyzon Motors and the renewable fuels company Raven SR plan to build 100 hydrogen hubs across the United States that will power fuel-cell garbage trucks with hydrogen generated from the very refuse that they haul. The hydrogen will be produced using zero-combustion process, which is actually cost competitive to other processes that use hydrocarbons but with a much lower environmental impact. In fact, it will provide enough hydrogen to power 30 heavy-duty garbage trucks once it is fully up and running. Each of those initial sites is expected to be able to process 50 tonnes of solid waste a day, yielding up to about 4.5 tonnes of hydrogen, enough to power 100 heavy-duty trucks for the day.

On 28 December last year Korea's Changwon city unveiled the world's first five-tonne hydrogen garbage truck. Korea has plans to have 310 hydrogen fuel stations by the end of next year. In Sweden, in August of this year, the first hydrogen-powered garbage truck commenced operating in the country's second largest city of Gothenburg. That truck uses the electricity generated from its hydrogen fuel cell for all of its actions—propulsion, waste loading and waste compaction. Indeed, because it is Sweden, it also uses that to generate heat for the cabin in winter. What do we have in Japan? In July last year in Japan it was announced that the Tokyo Metropolitan Government is collaborating with Minato city and Waseda University on the development and testing of a hydrogen fuel-cell powered truck that is suited to their specific urban environments. Their agreement states:

The use of hydrogen fuel in industrial vehicles, which consume large amounts of energy and operate over long distances, will be indispensable to decarbonizing the transport industry and expanding the use of hydrogen fuel. Furthermore, fuel-cell powered vehicles do not emit air pollutants while running, and are quiet, meaning that their use will contribute to making the garbage collection process more pleasant for workers and residents.

In Australia there is a small amount of good news. In July of this year hydrogen fuel-cell truck developer Hyzon Motors signed a memorandum of understanding with waste-handling equipment manufacturer Superior Pak to manufacture and supply 20-hydrogen garbage trucks next year. Three of them will operate for at least a month on a demonstration basis in Brisbane, Sydney and Melbourne. The extra good news is that Greens councillors and candidates across the State are asking for support from their residents to help make that transition to zero-emission,

low-noise, clean, green renewable hydrogen garbage truck fleets. That is a great example of thinking global and acting local.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 18:32 until Friday 19 November 2021 at 10:00.