



**New South Wales**

# **Legislative Council**

## **PARLIAMENTARY DEBATES (HANSARD)**

**Fifty-Seventh Parliament  
First Session**

**Tuesday 23 November 2021**

Authorised by the Parliament of New South Wales



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## LEGISLATIVE COUNCIL

**Tuesday 23 November 2021**

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

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

### *Announcements*

#### **DEATH OF SIR DAVID AMESS, MP**

**The PRESIDENT (14:32):** Following my communication on behalf of members concerning the tragic death of Sir David Amess, MP, in October, I report the receipt of a letter from Rt. Hon. Sir Lindsay Hoyle, MP, Speaker of the House of Commons, as follows:

Speaker's House Westminster London SW1A 0AA

Wednesday, 03 November 2021

Your Excellency,

I have received, with heartfelt thanks, your letter of condolence following the tragic death of Sir David Amess MP nearly two weeks ago.

This is an event which has deeply shocked and distressed many of us here in the parliament community, myself included, as we have worked with and known David, in some cases, for many years.

He was a champion for his constituency and the many causes he held dear, including animal welfare and the quest to obtain city status for Southend. Indeed, I can't think of a time when I was in the Chair when David didn't refer to this campaign for his local area.

The many tributes expressed have shown that David was a kind and above all helpful person, not only to his constituents but to his fellow MPs and especially to new Members as they found their feet. That reassuring presence of kindness will be much missed.

But at this time, our thoughts must be with those nearest to David; his wife, his children, his wider family and those he worked with closely both here in Westminster and in Southend. Their pain will be unimaginable at this time and will never completely heal; but your kind words to me will be passed on and, I'm sure, give them some comfort.

Sincerely,

Rt. Hon. Sir Lindsay Hoyle, MP,  
Speaker of the House of Commons

The Hon. Matthew Mason-Cox MLC  
President, Parliament of New South Wales  
Australia

### *Bills*

#### **GREATER SYDNEY PARKLANDS LEGISLATION AMENDMENT (SUBSTRATUM) BILL 2021**

##### **First Reading**

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

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

**The PRESIDENT:** The question is that the bill be considered an urgent bill.

**Declaration of urgency agreed to.**

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

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

**Motion agreed to.**

**LAW ENFORCEMENT CONDUCT COMMISSION AMENDMENT BILL 2021****Returned**

**The PRESIDENT:** I report receipt of a message from the Legislative Assembly returning the bill without amendment.

**CRIMES LEGISLATION AMENDMENT (SEXUAL CONSENT REFORMS) BILL 2021****Messages**

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

*Commemorations***BICENTENARY OF THE LEGISLATIVE COUNCIL**

**The PRESIDENT (14:36):** As we approach the Legislative Council's bicentenary, it is instructive to take stock of the historical context surrounding the commencement of representative government in the colony of New South Wales. It provides a useful perspective on the development of parliamentary democracy in the State we now inhabit. In January 1788 the total white population of mainland Australia was just over 1,000. There were 775 males, 220 females and 40 children. In 1823 when the Legislative Council was created, the population had grown to over 30,000. Males were still heavily preponderant, 18,257 compared to 4,232 women, and 5,844 children. The Legislative Council as created in 1823 consisted of no more than seven or less than five residents of New South Wales appointed by the Crown. The members were overwhelmingly either government officials or large landowners. The settler community in New South Wales was deeply divided at the time. David Clune has written:

Political power and social status were monopolised by the exclusives, an elite caste of free immigrants who saw themselves as the natural rulers of the colony. Dominated by large landowners such as the Macarthur family, the exclusive faction also included wealthy merchants, leading professionals, senior officials and high ranking military officers. Most exclusives despised the growing number of emancipated convicts because of their criminal past and believed they were permanently disqualified from acting as voters, legislators or jurors ...

According to Dr Clune:

The pretentious and status-obsessed exclusives refused to have any social contact with emancipists, even those who were prosperous and successful.

The emancipists resented their second class social status and the exclusives' determination to exclude them from full civil and legal rights. Many had become honest, hard working members of society and some extremely wealthy. In 1821, there were 7,556 ex-convicts in the colony compared to 1,558 free immigrants.

William Charles Wentworth put himself at the head of the emancipist party and launched a vigorous campaign for increased rights for the emancipists and an elected legislature. Under Wentworth's leadership, the emancipist cause broadened into a local equivalent of British liberalism. The pressure for political change in New South Wales became irresistible. The British Government decided that a blended Council represented a safe compromise for a society that was divided and politically inexperienced. Legislation in 1842 created a Legislative Council of 36 members, 12 nominated and 24 elected by the people of New South Wales. It was a key milestone, followed in 1856 by the granting of full self-government to New South Wales and the creation of the Parliament of New South Wales in the form that we all know it. Of course, colonial political history does not tell the whole story. Tragically, the Aboriginal population declined from an estimated 750,000 in 1788 to around 200,000 a century later due to introduced diseases, dispossession and conflict with settlers. The distinguished historian of the early colony Professor Grace Karskens said:

... the great lesson of early Sydney is that it was not made by those in authority, the wealthy and powerful, alone ... Another great lesson of early Sydney is that cities, towns, estates, farms were also shared landscapes. The Aboriginal history of Sydney has revealed the lost geography of Aboriginal places in the early town. Aboriginal heritage significance is not quarantined in prehistory ...

In the conclusion to her book *The Colony*, Professor Karskens says:

Despite this deep unevenness in the historical landscape, and in our ways of seeing heritage, the histories of places are recoverable ...

It is my hope and intention that the commemoration of the establishment of the first Legislative Council will play a part in that process of recovery and rediscovery.



*Documents***NEW INTERCITY FLEET****Tabling of Report of Independent Legal Arbiter**

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

- (1) That the report of the Independent Legal Arbiter, Mr Keith Mason, AC, QC, dated 18 November 2021, on the disputed claim of privilege on documents relating to an order for papers regarding the New Intercity Fleet, be laid on the table by the Clerk.
- (2) That, on tabling, the report is authorised to be published.

**Motion agreed to.**

**TABLING OF PAPERS**

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

- (1) Animal Research Act 1985—Report of the Animal Research Review Panel for year ended 30 June 2021.
- (2) Annual Reports (Departments) Act 1985—Report of Department of Regional NSW for year ended 30 June 2021.
- (3) Annual Reports (Statutory Bodies) Act 1984—Reports for year ended 30 June 2021:
  - Local Land Services
  - Multicultural NSW
  - New South Wales Aboriginal Land Council
  - New South Wales Institute of Sport
  - New South Wales Rural Assistance Authority
  - NSW Food Authority
  - Office of Sport
  - Regional Growth NSW Development Corporation
  - Report of Department of Regional NSW entitled *Annual report on the Administration of Agricultural Statutory Authorities*
  - Rice Marketing Board
  - State Sporting Venues Authority
  - Trustees of the Anzac Memorial Building
  - Venues NSW
  - Veterinary Practitioners Board
- (4) Coal Innovation Administration Act 2008—Report of Coal Innovation NSW Fund for year ended 30 June 2021.

I move:

That the reports be printed.

**Motion agreed to.**

*Committees***LEGISLATION REVIEW COMMITTEE****Reports**

**The Hon. WES FANG:** I table the Legislation Review Committee report entitled *Legislation Review Digest No. 38/57*, dated 23 November 2021. I move:

That the report be printed.

**Motion agreed to.**

**JOINT STANDING COMMITTEE ON THE OFFICE OF THE VALUER GENERAL****Reports**

**The Hon. SCOTT FARLOW:** I table report No. 2/57 of the Joint Standing Committee on the Office of the Valuer General entitled *Report on the Fourteenth General Meeting with the Valuer General*, dated November 2021. I move:

That the report be printed.

**Motion agreed to.**

## SELECTION OF BILLS COMMITTEE

### Reports

**The Hon. SHAYNE MALLARD:** I table report No. 54 of the Selection of Bills Committee, dated 23 November 2021. I move:

That the report be printed.

**Motion agreed to.**

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

- (1) That:
  - (a) the Road Transport Amendment (Medicinal Cannabis-Exemptions from Offences) Bill 2021 be referred to the Standing Committee on Law and Justice for inquiry and report;
  - (b) the bill be referred to the committee at the conclusion of the mover's second reading speech;
  - (c) the resumption of the second reading debate on the bill not proceed until the tabling of the committee report; and
  - (d) the committee report by 23 June 2022.
- (2) That the following bills not be referred to a standing committee for inquiry and report, this day.
  - (a) Electoral Amendment (COVID-19) Bill 2021;
  - (b) Teacher Accreditation Amendment Bill 2021;
  - (c) Abortion Law Reform (Sex Selection Prohibition) Amendment Bill 2021;
  - (d) Government Grants Administration Bill 2021;
  - (e) Licensing and Registration (Uniform Procedures) Amendment Bill 2021;
  - (f) National Parks and Wildlife Amendment Bill 2021;
  - (g) Stronger Communities Legislation Amendment (Children) Bill 2021;
  - (h) Workers Compensation Amendment Bill 2021;
  - (i) Climate Change (Emissions Targets) Bill 2021 (Dib);
  - (j) Climate Change (Emissions Targets) Bill 2021 (Sharpe);
  - (k) Great Koala Protected Area Bill 2021; and
  - (l) Fiscal Responsibility Amendment (Privatisation Restrictions) Bill 2021.

**Motion agreed to.**

## PORTFOLIO COMMITTEE NO. 1 - PREMIER AND FINANCE

### Reports

**The Hon. TARA MORIARTY:** As chair of the committee, I table report No. 56 of Portfolio Committee No. 1 - Premier and Finance entitled *Public Interest Disclosures Bill 2021*, dated November 2021, together with submissions, tabled documents and correspondence relating to the inquiry. I move:

That the report be printed.

**Motion agreed to.**

### *Business of the House*

## RESTORATION OF BUSINESS

**The Hon. DAMIEN TUDEHOPE:** According to paragraph (5) of the resolution establishing the Selection of Bills Committee, I move:

That the Public Interest Disclosures Bill 2021 be restored to the *Notice Paper* and the second reading of the bill stand an order of the day for a later hour of the sitting.

**Motion agreed to.**

*Documents***NEW INTERCITY FLEET****Report of Independent Legal Arbiter**

**The CLERK:** According to the resolution of this day, I table the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 18 November 2021, on the disputed claim of privilege on documents relating to the order for papers regarding the New Intercity Fleet.

**INDEPENDENT PRICING AND REGULATORY TRIBUNAL****Reports**

**The CLERK:** According to the Electricity Supply Act 1995 and the Gas Supply Act 1996, I announce receipt of the report of the Independent Pricing and Regulatory Tribunal entitled *Annual Compliance Report: Energy network operator compliance during 2020-2021: Annual Report – Energy Networks Compliance*, dated October 2021, received out of session and authorised to be printed.

**STATUTORY REVIEW OF THE CEMETERIES AND CREMATORIA ACT 2013****Correspondence**

**The CLERK:** According to the resolution of the House of 17 November 2021, I table correspondence from the Deputy Secretary and General Counsel at the Department of Premier and Cabinet relating to an order for papers regarding cemeteries, received on Monday 22 November 2021 stating that the Catholic Metropolitan Cemeteries Trust [CMCT] is not a statutory body representing the Crown and is not subject to ministerial direction or control. The letter further states that the Legislative Council should liaise directly with the CMCT in relation to the resolution. This communication has now been sent.

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

**Ms CATE FAEHRMANN:** I move:

That business of the House notice of motion No. 2 be postponed until the first sitting day in 2022.

**Motion agreed to.**

*Committees***SELECT COMMITTEE ON THE GREATER SYDNEY PARKLANDS TRUST BILL 2021****Chair and Membership**

**The PRESIDENT:** I inform the House that the Clerk has received the following nominations for membership of the Select Committee on the Greater Sydney Parklands Trust Bill 2021:

Government:	Mr Amato Mr Mallard
Opposition:	Mr Graham Ms Sharpe
Crossbench:	Mr Latham Mr Shoebridge

I inform the House that, according to resolution establishing the committee, Mr Borsak is Chair of the Select Committee on the Greater Sydney Parklands Trust Bill 2021.

*Motions***INDEPENDENT COMPLAINTS OFFICER**

**The Hon. PETER PRIMROSE (15:22):** I seek leave to amend business of the House notice of motion No. 1 standing in my name on the *Notice Paper* for today as follows:

- (1) Omit paragraph (5) (e) and insert instead:
- (e) Investigatory report to the House

Where the Independent Complaints Officer or member of the Panel retained to investigate a complaint ("the investigator") considers that there has been a misuse of an allowance or entitlement, the investigator may order repayment of funds misused. Where the investigator considers that a member has otherwise breached the Members Code of Conduct the investigator may recommend corrective action.

Subject to (f) below, the Independent Complaints Officer or member of the Panel will make a report if the member does not comply with the order or accept the recommendation as the case may be and, in the case of bullying, harassment and inappropriate behaviour matters, only where the complainant consents to the making of the report. This report will be presented to the Privileges Committee – and notified to the Independent Complaints Officer if it is made by a member of the Panel. The Committee will consider whether to adopt the recommendations of the Independent Complaints Officer or member of the Panel and whether to report to the House.

- (2) Omit paragraph (5) (f) and insert instead:

- (f) Minor breach

Where the Independent Complaints Officer or a member of the Panel ("the investigator") investigates a matter and finds that a member has breached the Code or Regulations but in the investigator's opinion the breach is minor or inadvertent and the member has taken action to rectify the breach – including the making of appropriate financial reimbursement – the investigator shall advise the member in writing of the finding, and the complainant in writing of the finding and the action taken by the member. The investigator shall briefly report his or her findings and the rectification action taken by the member on a confidential basis to the Privileges Committee – and to the Independent Complaints Officer if the investigator is a member of the Panel. However, if the matter relates to bullying, harassment or inappropriate behaviour, the report must only be made to the relevant Privileges Committee with the complainant's consent. No report to a House is required in this circumstance.

### **Leave granted.**

**The Hon. PETER PRIMROSE:** Accordingly, I move:

- (1) That this House adopt the following resolution to establish an Independent Complaints Officer:

**(1) Establishment of position**

That this House directs the President to join with the Speaker to make arrangements for the establishment of the position of an Independent Complaints Officer to expeditiously and confidentially deal with low level, minor misconduct matters so as to protect the institution of Parliament, all members and staff.

That this House also directs the President to join with the Speaker to make arrangements for the establishment of a panel of people with appropriate skills and expertise ("the Panel") to whom the Independent Complaints Officer can direct complaints for investigation, where he or she does not conduct the investigation him or herself.

**(2) Functions of position**

The Independent Complaints Officer shall have the following functions:

- (a) Receive and investigate complaints

The Independent Complaints Officer may receive and investigate complaints confidentially in relation to alleged breaches of the members' code of conduct, not related to conduct in proceedings of the Legislative Council or Legislative Assembly or their committees, including:

- (i) misuse of allowances and entitlements;
- (ii) other less serious misconduct matters falling short of corrupt conduct;
- (iii) allegations of bullying, harassment and other types of inappropriate behaviour; and
- (iv) minor breaches of the pecuniary interests disclosure scheme.

In regard to bullying and harassment, consideration of complaints will take note of members' legal obligations including the:

- *Members of Parliament Staff Act 2013;*
- *Anti-Discrimination Act 1977; and*
- *Work Health and Safety Act 2011*

In addition, the Independent Complaints Officer shall have discretion to refer a complaint to a member of the Panel, who has the requisite skills and expertise, to investigate rather than investigating the complaint him or herself.

- (b) Monitoring Code of Conduct for Members

The Independent Complaints Officer shall monitor the operation of the Code of Conduct for Members, the Constitution (Disclosures by Members) Regulation 1983 and the members' entitlements system, and provide advice about reform to the Privileges Committee as required.

- (c) Educational presentations

The Independent Complaints Officer and members of the Panel shall assist the Privileges Committee, Parliamentary Ethics Adviser and the Clerk as requested in relation to the education of members about their obligations under the Code of Conduct for Members and the Constitution (Disclosures by Members) Regulation 1983.

**(3) Amendment of the Code of Conduct for Members**

The Members' Code of Conduct is amended by

- (a) the addition of the following paragraph:

*"Clause 10*

A Member must treat their staff and each other and all those working for Parliament in the course of their parliamentary duties and activities with dignity, courtesy and respect, and free from any behaviour that amounts to bullying, harassment or sexual harassment"

*Commentary*

*Section 22(b) of the Anti-Discrimination Act 1977 makes it unlawful for a member to sexually harass a workplace participant or another member in the workplace, or for a workplace participant to sexually harass a member."*

- (b) the insertion into the second paragraph of clause 9 the following words:

"A minor breach of this Code may be the subject of an investigation by the Independent Complaints Officer"

**(4) Term of appointment**

- (a) Appointment by Presiding Officers

The Presiding Officers shall appoint an Independent Complaints Officer within three months of the mid-term point of each Parliament, or whenever the position becomes vacant, for the remainder of that Parliament and until the mid-term point of the following Parliament, on such terms and conditions as may be agreed upon with the Presiding Officers, not inconsistent with this resolution. The proposed appointment must have the support of the Privileges Committee in each House. An appointment may be extended for a period of up to six months so as to ensure there is no period in which there is no person holding the position.

- (b) Appointment by Presiding Officers – the Panel

The Presiding Officers are to appoint a panel of three independent persons – the Panel – within three months of the mid-term point of each Parliament – or whenever a position becomes vacant – for the remainder of that Parliament and until the mid-term point of the following Parliament who can be retained as needed to investigate complaints referred to them by the Independent Complaints Officer. Proposed appointments to the Panel must have the support of the Privileges Committees of both Houses.

The Panel must include two persons who have appropriate skills and experience to investigate complaints about bullying, harassment and inappropriate behaviour by Members. The Panel must also include a person who has appropriate skills and experience to investigate complaints about other matters covered by the Independent Complaints Officer system such as breaches relating to Member entitlements and pecuniary interest disclosures.

- (c) Contract with Clerks of both Houses – Independent Complaints Officer

The appointment of the Independent Complaints Officer is to be confirmed by the Clerks of both Houses entering into a contract of employment with the appointee.

- (d) Contract with Clerks of both Houses – the Panel

The appointment of persons to the Panel is to be confirmed by the Clerks of both Houses entering into a contract of employment with the appointees.

**(5) Complaints investigations**

- (a) Protocol

The Independent Complaints Officer shall, within three months of his or her appointment, develop a protocol to be approved by the Privileges Committee and tabled in the House by the committee chair, outlining how complaints may be received, the manner and method by which complaints will be assessed and investigated, the definition of low level, minor misconduct, and arrangements for the referral of matters between the Independent Complaints Officer and the Independent Commission Against Corruption and other relevant bodies (including the most appropriate agencies in relation to bullying and harassment matters), subject to relevant legislation (including section 122 of the *Independent Commission Against Corruption Act*).

- (b) Standing

This protocol shall include definitions of standing such that:

- only current members of the parliamentary community, that is Members of the NSW Parliament, those who work for Members of the Parliament of NSW in their capacity as Members or Ministers, those who work for the parliamentary departments, contractors or subcontractors, volunteers, interns and trainees, have standing to lodge complaints
- that an individual may make a complaint up until 21 days following termination from their employment, but not have standing after that date if not part of the parliamentary community
- complaints must be lodged within two years of the incident alleged to have occurred, unless this is not fair or reasonable to a complainant or member
- no complaint may be considered which is alleged to have occurred prior to the passing of this resolution.

- (c) Confidentiality

Members of the parliamentary community who are not Members of Parliament and who make complaints shall be required to maintain confidentiality concerning complaints and investigations. Others involved in any complaints investigations, for example witnesses, shall be required to maintain confidentiality concerning complaints and investigations.

There shall be an expectation that, except in extraordinary circumstances, Members of Parliament will maintain confidentiality about complaints and investigations. However, nothing about this expectation affects parliamentary privilege and, in particular, the parliamentary privilege of freedom of speech.

## (d) Protocol with the Independent Commission Against Corruption

Where the Independent Complaints Officer has concerns that a complaint may potentially involve corrupt conduct, he or she should cease the complaint investigation and invite the complainant to raise the matter with the Independent Commission Against Corruption.

The Independent Complaints Officer in determining to draw back from the investigation of a complaint may make a notification to the ICAC but should not hand over papers and records obtained under the Independent Complaints Officer system unless under legal compulsion.

The Independent Complaints Officer is not required to notify the ICAC when he or she begins an investigation.

## (e) Investigatory report to the House

Where the Independent Complaints Officer or member of the Panel retained to investigate a complaint ("the investigator") considers that there has been a misuse of an allowance or entitlement, the investigator may order repayment of funds misused. Where the investigator considers that a member has otherwise breached the Members Code of Conduct the investigator may recommend corrective action.

Subject to (f) below, the Independent Complaints Officer or member of the Panel will make a report if the member does not comply with the order or accept the recommendation as the case may be and, in the case of bullying, harassment and inappropriate behaviour matters, only where the complainant consents to the making of the report. This report will be presented to the Privileges Committee – and notified to the Independent Complaints Officer if it is made by a member of the Panel. The Committee will consider whether to adopt the recommendations of the Independent Complaints Officer or member of the Panel and whether to report to the House.

## (f) Minor breach

Where the Independent Complaints Officer or a member of the Panel ("the investigator") investigates a matter and finds that a member has breached the Code or Regulations but in the investigator's opinion the breach is minor or inadvertent and the member has taken action to rectify the breach – including the making of appropriate financial reimbursement – the investigator shall advise the member in writing of the finding, and the complainant in writing of the finding and the action taken by the member. The investigator shall briefly report his or her findings and the rectification action taken by the member on a confidential basis to the Privileges Committee – and to the Independent Complaints Officer if the investigator is a member of the Panel. However, if the matter relates to bullying, harassment or inappropriate behaviour, the report must only be made to the relevant Privileges Committee with the complainant's consent. No report to a House is required in this circumstance.

## (g) Declines to investigate

If the Independent Complaints Officer receives a complaint but upon assessment declines to investigate the matter, or upon investigation finds no evidence or insufficient evidence to substantiate a breach of the Code of Conduct for Members or the Constitution (Disclosure by Members) Regulation, the Independent Complaints Officer shall advise in writing the member and the complainant of the decision. The Independent Complaints Officer shall also briefly report the decision to the relevant Privileges Committee on a confidential basis. However, if the complaint relates to bullying, harassment or inappropriate behaviour, the decision must only be reported to the Privileges Committee with the complainant's consent. No report to a House is required in this circumstance.

## (h) Breaches where the Member has failed or declined to take rectification action – reports and appeal rights

Where, after investigating a complaint, the Independent Complaints Officer or a person retained from the Panel to investigate finds that a Member has breached the Code of Conduct for Members or the Constitution (Disclosures by Members) Regulation 1983, or has engaged in bullying, harassment or inappropriate behaviour and the Member has failed to undertake the stipulated rectification action or declined to do so pending appeal:

- the investigator shall report his or her findings and conclusions to the Privileges Committee on a confidential basis (and to the Independent Complaints Officer if the investigator is a member of the Panel), including recommendations as to the sanctions, if any, that should be imposed by the House. However, if the matter relates to bullying, harassment or inappropriate behaviour, the report to the Committee must only be made with the complainant's consent.
- the Member in question shall also have the right to lodge an appeal against the investigator's findings, conclusions and recommendations with the Privileges Committee where they have been so reported to the Committee.

Further, after receiving:

- an investigatory report from the Independent Complaints Officer or a member of the Panel about a breach for which the Member has failed to take the stipulated rectification action, and/or;
- an appeal from the Member in question concerning the investigator's findings, conclusions and recommendations;

the Privileges Committee shall:

- form its own conclusions
- have the power to report its conclusions and recommendations – including as regards appropriate sanctions – to the House
- have the power to decide that a report to the House and/or sanctions are not warranted in a particular case e.g. where the Committee disagrees with the investigator's findings.

## (i) Expert assistance

The Independent Complaints Officer and persons from the Panel retained to investigate a complaint shall be able to engage the services of a person or persons to assist with or perform services for the Independent Complaints Officer, and in the conduct of an investigation, within budget

**(6) Powers of the Independent Complaints Officer**

The Independent Complaints Officer and members of the Panel who are retained to investigate a complaint shall have power to request the production of relevant documents and other records from members and officers of the Parliament.

Members, their staff and parliamentary officers are required to reasonably cooperate at all stages with the Independent Complaints Officer's inquiries including giving a full, truthful and prompt account of the matters giving rise to a complaint.

The Independent Complaints Officer may report to the Privileges Committee any failure to comply with a request, and the committee will recommend whether the matter requires the determination of the matter by the House.

**(7) Keeping of record**

The Independent Complaints Officer and members of the Panel retained to investigate complaints shall be required to keep records of advice given and the factual information upon which it is based, complaints received and investigations. The records of the Independent Complaints Officer are to be regarded as records of the House and are not to be made public without the prior approval of the Independent Complaints Officer and resolution of the House, except for the referral of information between the Independent Complaints Officer and other relevant authorities in accordance with the protocol to be developed in accordance with clause 5 (a), or where the member requests that the records be made public.

A member requesting the records be made public should present the records to the Clerk, to be tabled in the House at the next sitting. During an extended break in sittings the Privileges Committee is empowered to publish records of the Independent Complaints Officer, on the recommendation of the Officer that expeditious publication is required.

**(8) Reports to Parliament**

In addition to reports on investigations, the Independent Complaints Officer shall provide to the committee chair to table in the House quarterly reports that contain general, de-identified information about matters dealt with under the Independent Compliance Officer system including:

- the number and types of complaints received
- the number of investigations undertaken
- the number of matters found by an investigator to be unsustainable
- the number of matters involving breaches that were dealt with via the rectification procedure, and the rectification action that was taken for these matters, such as repayments
- the number of matters an investigator found to involve breaches for which a Member failed to undertake the required rectification action, that were reported to the Privileges Committee but not to the House
- the number of matters an investigator found to involve breaches for which a Member failed to undertake the required rectification action, that were reported to the Privileges Committee and to the House
- the results of matters reported to the House including the type of sanctions imposed.

**(9) Annual meeting with relevant committees**

The Independent Complaints Officer and any persons retained from the Panel to conduct investigations of complaints is to meet annually with the Privileges Committee of the House.

**(10) Review of the Independent Complaints Officer System**

The privileges committees of both Houses are required to review the Independent Complaints Officer system within 12 months of the establishment of the Independent Complaints Officer position, in consultation with key stakeholders. The committee must examine how the system is operating in practice and whether any changes are needed and in particular:

- the confidentiality provisions applying in respect of complaints and investigations under the system, and
- the timeliness of complaints assessments and investigations conducted under the system.

Following the initial review the committee is also required to review the Independent Complaints Officer system once every parliamentary term, in consultation with key stakeholders, to examine how it is operating in practice and whether any changes are needed.

- (2) That this resolution have continuing effect until amended or rescinded.
- (3) That a message be forwarded to the Legislative Assembly conveying the terms of the resolution agreed to by the House.

The motion appears in chapter 3 of the Privileges Committee report that I recently tabled in the House. The amendment that I have just moved is suggested by the Legislative Assembly committee following the tabling of its report. It adds value to the original motion and, accordingly, we are very happy to recommend it to this House. The committee hopes that we are now nearing the end of a long journey to establish an Independent Complaints Officer for the New South Wales Parliament.

This is the second report tabled on this matter by the Privileges Committee this year following the referral to it from the House of a draft resolution to establish an Independent Complaints Officer, known as the Compliance Officer. This current report is the result of a reference by the President of the Legislative Council requesting that this committee negotiate with the Standing Committee on Parliamentary Privilege and Ethics of the Legislative Assembly to reach agreement on a consistent model able to be supported by both Houses. This followed the

tabling of the Assembly committee's report in July, which differed in a number of respects from the recommendations made by this committee in its first report tabled in May.

I am pleased to say that the inquiry involved considerable cooperation between the Houses, both between the two chairs and importantly between the Clerks of both Houses. An important part of the process was that the committee authorised the chair and Clerk to work through and resolve on behalf of the committee the apparent differences. Chapter 2 of the report summarises the differences initially between the two committees and the response by the Clerk of the Parliaments provided to the Assembly chair and Assembly Clerk. These responses in many instances accept the Assembly recommendations as an improvement to the model.

Following this process of consultation, I am confident that the only significant aspect of the model in which the two committees remain in disagreement is whether a modification of the Code of Conduct for Members is required. The Assembly committee believes existing legal obligations are sufficient to give the officer jurisdiction to receive complaints on bullying and harassment, while the Council committee believes that, whether or not this is the case, an amendment to the code is important, both to put this beyond doubt and to make a public statement of acceptable standards. The motion proposed by the Council committee is to amend the Code of Conduct for Members by adding the following paragraph:

Clause 10: A Member must treat their staff and each other and all those working for Parliament in the course of their parliamentary duties and activities with dignity, courtesy and respect, and free from any behaviour that amounts to bullying, harassment or sexual harassment.

Section 22B of the Anti-Discrimination Act 1977 already makes it unlawful for a member of Parliament to sexually harass a workplace participant or another member in the workplace, or for a workplace participant to sexually harass a member. The code already addresses matters such as disclosure of conflicts of interest, bribery, gifts, the improper use of public resources and the use of confidential information. I personally find it beyond belief that, as we near the end of 2021, anyone would balk at also holding ourselves accountable to the following standard, which I will read again:

A Member must treat their staff and each other and all those working for Parliament in the course of their parliamentary duties and activities with dignity, courtesy and respect, and free from any behaviour that amounts to bullying, harassment or sexual harassment.

In the end this is a particular matter for both Houses to resolve, but it should certainly not prevent this important proposal as a whole from being implemented in the very near future. The motion also proposes to insert into the second paragraph of clause 9 of the code the following words:

A minor breach of this Code may be the subject of an investigation by the Independent Complaints Officer.

I thank all members from both Houses who have been involved in this lengthy process. I also thank the committee secretariats and the Clerks of both Houses for their work and professionalism. I commend the motion to the House.

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (15:30):** I commend the Privileges Committee for its work over many years on this issue. I recall that these issues were before the House when I sat in the chair. That is now some time ago, so that underlines some of the observations made by the Hon. Peter Primrose in his remarks. I have appreciated the way that Government members and, indeed, all members of the Privileges Committee have sought at all times to proceed by consensus on the issue. I think that has been appropriate. Hopefully, that will now be the case with members of both Houses and we can achieve consensus.

It was clear at least from the Hon. Peter Primrose's remarks that, if there is even one outstanding matter to be resolved, we will nevertheless not get resolution by the end of this parliamentary sitting year, which is regrettable because the subject matter relevant to the motion and being discussed should be attended to urgently. The preference of Government members is that we try to achieve consensus across both Houses before we resolve the issue. That may not be possible, but their request to me is to represent their views today. They would prefer to not finalise the matter today but seek an adjournment so that it can be explored a little further. The important thing, though, is that we continue to move forward together as members of Parliament and protect what we believe is appropriate to ensure the highest standards of behaviour from members and to govern that behaviour.

**Debate adjourned.**

*Disallowance*

#### **ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (COMPLIANCE FEES) REGULATION 2021**

**The PRESIDENT:** According to standing order, the question is that the motion of Mr David Shoebridge proceed as business of the House.

**Question resolved in the affirmative.**



**Mr DAVID SHOEBRIDGE:** I move:

That the matter proceed forthwith.

**Motion agreed to.**

**Mr DAVID SHOEBRIDGE (15:33):** I move:

That, under section 41 of the Interpretation Act 1987, this House disallows Clause 1 in Schedule 1 of the Environmental Planning and Assessment Amendment (Compliance Fees) Regulation 2021, published on the NSW Legislation website on 16 July 2021.

This is an attempt to save local councils from a massive attack on their ability to police and enforce the planning laws and environmental protections across New South Wales. In July this year and in the middle of the lockdown, the New South Wales Government moved a regulation that prohibited councils from charging any fees relating to development applications for the exercise of their compliance or enforcement functions under the Environmental Planning and Assessment Act or under the Local Government Act. That means councils across the State have taken hits to their budgets, some of hundreds of thousands of dollars, some in excess of \$1 million. It means councils are going to have enormous difficulties just ensuring that developers stick by the rules. In its representations to planning Minister the Hon. Rob Stokes in August of this year, Local Government NSW said:

Compliance levies help fund council officers to undertake the important task of educating the community and stakeholders and ensuring developers meet their environmental obligations and building standards, to protect public health and safety. Much of this work is also undertaken on behalf of or in collaboration with other government regulators. The removal of compliance levies will cost councils hundreds of thousands of dollars and the loss of many front-line jobs.

There is a community expectation and legal responsibility under the *Environmental Planning and Assessment Act 1979* that councils will investigate and, where appropriate, take enforcement action for a wide range of land use planning compliance matters.

Added to this, the NSW Building Commissioner is looking to councils to assist with compliance and enforcement of the State's new building regulations. The scope of councils' enforcement responsibilities is also being broadened by new and emerging planning legislation and policy relating to short term rental accommodation, agritourism and increased exempt and complying development provisions for commercial and industrial development.

All of those functions by councils are under threat as a result of this regulation, because councils simply will not have the money to do what is expected of them. Year after year we have seen from this Government and, before it, from the prior Labor Government a constant cost-shifting onto local councils. Things that used to be the responsibility of the State Government are being shifted down to local councils. But now, to add insult to injury, the Government is saying that councils cannot even charge fees or levies from the developers to recover the costs of doing that work. It is a double attack on councils. Again, in its representation to the planning Minister, Local Government NSW said:

Aggravating the issue, the NSW Government has just introduced a compliance levy of its own on developers to support the work of the Office of the NSW Building Commissioner. In introducing the levy as part of the Building Legislation Amendment Bill 2021, the Hon. Scott Farlow said the following:

*I would like to highlight one of the key reforms included in this bill, **which is the introduction of a levy on developers and owners of the building to support the oversight of these two new schemes.***

It is okay for the State Government to introduce a levy on developers for its narrow purposes, but at the same time it is preventing local councils from doing exactly the same thing. I will read further from those prescient words of the Hon. Scott Farlow. He said:

*While the Government has ensured that the building regulator has sufficient resources to support this scheme, including standing up new licensing systems, an online portal for the lodgement of plans and compliance declarations, and increased capability within Government to audit plans, **it is wholly appropriate that industry contribute to the costs of administering the scheme.***

***The bill proposes that a levy is imposed on developers to contribute to the ongoing costs of the new scheme, including the ongoing costs associated with risk based audits ...***

He also said:

***The Government supports those who benefit financially from this regulatory effort to make a proportionate contribution to its cost. The Government has undertaken initial consultation with developers to test support for this new levy and I am pleased to confirm that there is acceptance of the appropriateness of this levy.***

On the one hand the State Government is levying developers to support the building commission and requiring councils to work closely with the Building Commissioner to do their work but at almost exactly the same time the Government is stripping away the ability of councils to issue levies. In its final missive, Local Government NSW said:

If the NSW Government proceeds with these proposals, councils will be forced to reduce council compliance activities, including staff, which will result in reduced oversight and potential increases in public safety breaches, environmental pollution and other risks.

This is an unacceptable outcome and flies in the face of the NSW Government's goal to re-build trust in the building sector in NSW. The principle of transparency, certainty and less 'red tape' is underpinning much of the planning reform rhetoric and I would argue that the charging of a compliance levy on all DAs or Compliance Certificates (CCs) together with CDCs is simple, straightforward and would give certainty to both industry and councils, as well as future-proofing community expectations of protecting public health, safety and the environment.

That was signed by Local Government NSW President, Councillor Linda Scott. What is the effect of that? For the example of the Inner West Council in Sydney, which has significant concerns with compliance and illegal development, it will take a \$1.25 million annual hit to its income. As we are debating this disallowance motion, Labor and Liberal candidates are running for election to those councils. While they are saying that they will support those councils, will they be telling those communities that in this Chamber they are stripping \$1.25 million away from the Inner West Council? Those fees came from developers.

Labor and Liberal candidates are running around in the community saying they want to rein in inappropriate development while giving developers a \$1.25 million gift. Let us be clear: The Coalition, with the support of the Labor Party—as I understand it—is giving developers a \$1.25 million gift in the Inner West Council paid for at the ratepayers' expense. That is outrageous. Woollahra council, which also has substantial concerns with illegal development, noted the adverse impact of the Government's moves to prevent it from charging a compliance levy. In correspondence from the mayor dated 30 August this year, it made the following representations:

In this regard, it is extremely disappointing that the NSW government has made this substantial change without fully understanding or appreciating the implications it has for local councils and their ability to respond to the increasing demands being made of them - not to mention their ability to be able to satisfy the expectations of their local communities.

As recent as 2018 the former Department of Planning was proposing to expand local councils' ability to levy such charges by allowing them to also be applied to Complying Development Certificate applications. This is considered an acknowledgement of the benefit and appropriateness of such a funding model and approach.

The financial impact of this change to Woollahra Council is significant, resulting in an estimated loss of income this year of \$325,000 and ongoing future annual losses of \$650,000, representing about 50% of the operational costs of Council's Building & Compliance operations within our Compliance Department.

If the regulation is allowed to stand—and there is a six-month grace period, so it has not come into effect yet—because the disallowance motion does not succeed, from 1 January next year those fees will not be able to be charged. Who will benefit? It is a huge, multimillion-dollar gift to developers across New South Wales. Who will pay? The first group of people will be council staff in compliance divisions across the State, who will be sacked because the Labor Party and the Coalition are teaming up with developers to prevent councils from charging developers a fee for compliance. So the first victims of the regulation will be hardworking staff in compliance offices all around the State. Half of them will face job losses because there will be no income to pay for it.

The next loss will be by local residents, who will either be chipping in more from a limited rate pool and seeing other services stripped or just not see compliance work done—more illegal development and more gifts for developers based upon some sort of cooked up deal with the Coalition and Labor to give this multimillion-dollar gift to developers. I commend the disallowance motion to the House. I look for the support of those parties that on one hand are running around the State trying to get elected to councils and saying they support councils but on the other hand in this Chamber are about to do a job on councils across the State by giving a multimillion-dollar gift to developers.

**The Hon. SCOTT FARLOW (15:43):** I speak in opposition to the motion to disallow clause 1 of schedule 1 to the Environmental Planning and Assessment Amendment (Compliance Fees) Regulation 2021, published on the NSW legislation website on 16 July 2021. The regulation prohibits councils from charging fees on development applications to cover compliance costs. The New South Wales Government supports a well-funded and efficient regime for council compliance activities. Council compliance actions span a complex network of regulatory requirements, which require compliance officers to manage the specific obligations under each piece of legislation. Compliance-related responsibilities are distributed across council staff. Therefore, it is not possible for councils to clearly distinguish compliance costs related to development applications or other matters. That is why compliance activities by councils and the department have traditionally been seen as part of councils' general functions and, as such, there has not been a dedicated funding stream for compliance.

Instead, councils have funded those activities from revenue sources like rates. That is until recently when certain councils introduced a compliance fee under the Local Government Act 1993. While the Government recognises that funding for development and compliance activities continues to be a challenge for councils, the levy being charged by some councils was unfair and unjustified. Those levies were unrelated to compliance activities and excessive. Industry has raised repeated concerns about the lack of transparency created by those compliance levies and the timing of the payment. Some councils charge excessive levies, often exceeding the total cost of the development application. The Government gave councils that charge those levies more than six months

to stop them and to plan for any financial impacts to their internal budgets. The fees and levies many councils are charging are excessive, ranging from a flat rate of \$350 to up to 0.3 per cent of the cost of development, and some councils did not even set a cap.

Not setting caps on the amounts they were charging allowed those councils to rake in millions of dollars. For example, in Liverpool—close to the hearts of the Hon. Mark Latham and the Hon. Shayne Mallard—one proponent was charged a compliance levy of \$150,000, whereas the development application fee was only \$40,000. In another Liverpool example, a proponent who was seeking to partially demolish an existing commercial centre and make alterations and additions was charged a compliance levy of approximately \$216,000, representing 0.25 per cent of the capital investment value of the proposed development. That was in addition to the development application fee, which was only approximately \$107,000. The department has estimated that the levy contributed to Liverpool council's revenue in 2018-19 by \$3,051,995 to cover compliance-related costs. That would buy you a couple of Pompidous, wouldn't it?

Those levies are nothing but a tax on development and there is no evidence that the money was spent on compliance associated with the development applications. But I will not discriminate; I will turn to my friends in The Hills Shire Council, where a proponent was hit with a compliance levy of \$298,000, which was 3.4 times more than the development application fee of \$86,000. The revenue raised by The Hills Shire Council from the levy was also over \$3 million. Other examples can be found in Ryde, where a proponent seeking to build a residential flat building was hit with levy of \$152,529 in addition to the development application fee of \$105,946 paid to the City of Ryde; and North Sydney, where a proponent seeking to demolish an existing building and construct a five-storey mixed-use building paid a levy of \$100,109 in addition to the development application fee of \$51,627 paid to North Sydney Council.

But it is not just in the city. In Tamworth, which may be close to your heart, Mr Deputy President, a proponent seeking to undertake building work involving a hotel paid \$4,381, which was almost equal to the development application fee of \$4,329 paid to Tamworth Regional Council. The levy also hits mums and dads and is an unexpected additional cost. I turn to an area that might be close to the heart of the Hon. Ben Franklin, who is present in the Chamber. In Lismore a proponent seeking to build a dwelling was charged a compliance levy of \$1,318 in addition to the development application fee of \$2,006, representing 0.2 per cent of the project value; and in Ballina a proponent seeking to demolish an existing service station and construct a new one with associated parking paid a levy of \$4,600 in addition to the development application fee of only \$4,487 paid to Ballina Shire Council. I suspect we will not see that in a notice of motion any time soon. At a time when the Government is working tirelessly to streamline the planning system, improve transparency and boost the economic productivity of the State, we do not need unfair and hidden taxes on development. The regulation, introduced in July this year, aims to provide certainty for industry and the community that less costly development can occur.

It is even worse that councils do not always use the levies for development-related compliance. Instead, councils are treating developers as a cash cow for local projects. Liverpool City Council's fact sheet on compliance levies stated that its levy would be used for fostering neighbourhood pride and a sense of responsibility; advocating for Federal and State government support, funding and services; and raising awareness in the community about the available social and cultural services and facilities. Yass Valley Council has advised the Department of Planning, Industry and Environment that it was planning to introduce a levy on development in the Yass Valley—not because it has a compliance issue involving the built environment but to fund compliance actions related to illegal dumping from trucks coming from developments in the Australian Capital Territory. There is no reason a family in Yass wanting to build a home should pay more because someone in Canberra is doing the wrong thing.

Byron Shire Council, close to the Hon. Ben Franklin, has an environment enforcement levy that is charged at 0.2 per cent on development applications and is used to fund biodiversity, coastal and sustainability projects, including greenhouse gas emissions reduction. While those are worthwhile initiatives, biodiversity is managed through the Biodiversity Conservation Act. The fact that the levies are not used for compliance activities means they are inappropriate new taxes on development. Ninety-nine councils across the State do not charge compliance fees of the type the regulation seeks to prevent. Instead, they fund compliance as a core function of local government, just as the State Government funds its own compliance work under the Environmental Protection and Assessment Act.

The Act provides councils with the ability to recover compliance costs as a fee for service through compliance cost notices, which are notices to recoup the costs associated with compliance activities. They encourage economic efficiency by ensuring those who create compliance issues pay for the costs of compliance. In that way they discourage developers from breaching conditions of consent but also avoid any additional or unnecessary charges on development that is compliant. The Department of Planning, Industry and Environment is currently reviewing ways to make compliance cost notices work better for councils by cutting red tape and making it easier to collect revenue from those who are seeking to break the rules.

The regulation is good public policy. As I have already described, compliance levies are an inappropriate mechanism to fund councils. They create a new tax on development, do not necessarily fund compliance actions and force those that are doing the right thing to subsidise the developers doing the wrong thing. They have also been used to fund other initiatives of council that are unrelated to development. Finally, the measures would place unnecessary burden on those wanting to renovate or build a new home. For those reasons, I recommend that the House oppose the motion.

**The Hon. PENNY SHARPE (15:51):** Sometimes when a member opposite makes a speech, the Opposition wants to change its position. However, NSW Labor will not be supporting the motion to disallow clause 1 of schedule 1 to the Environmental Planning and Assessment Amendment (Compliance Fees) Regulation 2021. Labor notes that the Department of Planning, Industry and Environment has engaged in a process of consultation with councils and stakeholders to develop the new compliance levy framework.

The change to compliance levies has been implemented in stages, starting in July this year. From 16 July no new council has been permitted to charge compliance levies. For the 29 councils that do not currently charge fees, a transitional period has allowed those councils to continue collecting the levies until 31 December 2021. From October 2021 new compliance cost notice provisions came into effect for all councils, and a new compliance levy on complying development certificates will come into effect for all councils. The department has indicated that there will be further consultations as part of the implementation.

An amendment to the Environmental Planning and Assessment Act will be required to allow a levy to be charged for complying development certificates. NSW Labor recognises that there is concern among councils about the revenue loss they may experience due to this change—something that the Government seems to want to wallow in. That is not Labor's position. However, Labor agrees with the view expressed by Local Government NSW in its August 2021 submission to the inquiry into the regulation of building standards. While noting its strong concerns over the impact of the compliance levy changes on councils, it proposed that there must be:

... a mechanism to enable them to properly and fairly recover the costs of their compliance activities, in the same way that the State Government has justified the introduction of its compliance levy.

Those issues are subject to further consultation. Labor urges that councils put forward their proposals to develop a fair and proper cost recovery framework and that the Government and the department act in good faith in those consultations and negotiations. The Government must also consider the oversight of building regulations and the complying development system to make sure the compliance levies are fit for purpose and take into account that councils are usually the first port of call for complaints and investigations about the activities of private certifiers. Labor's view is that the issues that the councils raise are significant. However, the disallowance motion does not address all of the matters that have been identified by Local Government NSW and others with respect to fairly recovering the cost of building compliance and making sure that we have a strong and effective system of building compliance in New South Wales. Labor does not support the disallowance motion.

**Mr DAVID SHOEBRIDGE (15:54):** In reply: I note the contributions of both the Parliamentary Secretary and the Leader of the Opposition. The Hon. Scott Farlow said the Government did not want to see unfair and hidden taxes on development and then said exactly how much damage will be done to councils' budgets. Government members seem to wallow in and celebrate the fact that the Government will strip \$3.25 million from poor old Liverpool City Council, which is trying to deal with some of the most rapacious and unprincipled developers in the State. Members only have to go to Liverpool to see that the council is already trying to deal with the problem of some of the most rules-free development one could possibly imagine. The Government celebrates the fact it will give a \$3.25 million gift to developers and strip that money away from the council.

Poor old Yass Valley Council is trying to get the funds together to stop illegal dumping. That is the way the Yass council wants to use its compliance levy money. Members should ask Yass residents: Would you like developers to pay so you can have the funds to stop illegal dumping? The Government says no, it does not want Yass council to be able to do that. Labor members back them in, say they have heard concerns around councils and think there should be more consultation. But right now Labor's position is a multimillion-dollar gift to developers all around the State, paid for by poor old local residents. As to the crocodile tears from Labor members—they say they acknowledge that councils are the first port of call against illegal development, but then they will stop councils having a funding mechanism to enable them to do that job. They acknowledge that the councils will be doing the heavy lifting, but right now they will strip millions of dollars away from councils, which will lead to the loss of council jobs. That is what Labor's vote will achieve: the loss of jobs in councils across the State and multimillion-dollar gifts for developers. I commend the motion to the House.

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

**The House divided.**

Ayes .....6  
 Noes .....33  
 Majority.....27

#### AYES

Boyd  
 Faehrmann (teller)

Field  
 Hurst

Pearson  
 Shoebridge (teller)

#### NOES

Amato  
 Banasiak  
 Borsak  
 Buttigieg  
 Cusack  
 D'Adam  
 Donnelly  
 Fang  
 Farlow  
 Franklin  
 Graham

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

Moselmane  
 Nile  
 Poulos  
 Primrose  
 Roberts  
 Secord  
 Sharpe  
 Taylor  
 Tudehope  
 Veitch  
 Ward

#### **Motion negatived.**

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

#### *Questions Without Notice*

#### **CONSULTANT PSYCHIATRISTS**

**The Hon. PENNY SHARPE (16:07):** My question without notice is directed to the Minister for Mental Health, Regional Youth and Women. What is the Government's response to community concerns about the shortage of consultant psychiatrists in New South Wales, after the college exams were cancelled on the weekend at the last minute for the second year in a row?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:08):** I thank the honourable member for her good and relevant question. It is disappointing that the exams for those people studying to become psychiatrists were cancelled. I have been and I remain very concerned about this, but, as the honourable member would know, this is a matter that sits with the Royal Australian and New Zealand College of Psychiatrists. It sets the rules, processes and policies for this. I am in touch with my branch, and we have kept a close eye on this, but this is a matter for the college. I hope that it is resolved very soon. We know that we have a shortage of psychiatrists in New South Wales and nationally.

We have people in New South Wales who are inadvertently affected because a large number of students waiting to sit those exams. They are doctors but I call them "students" because they are progressing onto that further specialty. The sooner the college sorts out the issue the better for everybody because we need those people coming through to work in and be part of our health system. Certainly, it is disappointing and a shame. I understand there was a technical IT difficulty. Having asked me the question, I am sure the honourable member knows about that. I am very hopeful, and I urge the college to get it sorted as quickly as possible so that the students are able to sit those exams.

**The Hon. PENNY SHARPE (16:10):** I ask a supplementary question. I thank the Minister for her concern. Will she elucidate her answer about what action she will take to try to resolve the matter?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:10):** I thank the honourable member for her supplementary question. As I said in my original answer, this is an issue for the Royal Australian and New Zealand College of Psychiatrists to deal with. It has always been in charge of the process. That is what they are there to do. That is the way the process works. I am happy to say in this place that I am hopeful the college will work it out. It has been discussed with our Chief Psychiatrist in New South Wales. The fact is that the college is in charge of the process and it must sort it out.

**The Hon. WALT SECORD (16:11):** I ask a second supplementary question. Will the Minister elucidate her answer in regard to the Chief Psychiatrist? What steps has the Minister made in regard to increasing or

providing intern psychiatrists in parts of the State where there are no psychiatrists at all, particularly south-western New South Wales?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:11):** I am happy to answer it even though it is a new question. The total number of psychiatrists working in New South Wales increased by 21.2 per cent between 2011 and 2019. The honourable member is right. As I said in my response to the original question from the Leader of the Opposition, we have a national and statewide shortage of psychiatrists. We find it harder to place psychiatrists in rural and regional New South Wales. That problem exists not only for psychiatry but also for a number of specialties. That is why we have been looking at different options, like telehealth. I will never say that telehealth is a replacement for face-to-face consultation, but in terms of mental health, and psychiatry in particular, one thing that has come out of COVID is that we have been able to use telehealth extremely effectively. Some psychiatrists have told me anecdotally that a lot of their clients have preferred telehealth to face-to-face consultations.

**The Hon. Walt Secord:** Name one!

**The Hon. BRONNIE TAYLOR:** Dr Virgona. I should not respond to interjections. Dr Virgona is the head of the New South Wales branch of the Royal Australian and New Zealand College of Psychiatrists. He told me that recently. I am happy for the member to check with him about that. Let us not bag out telehealth. It has a very important role to play in delivering effective health care. The other day I was speaking to someone in Nyngan who told me how well telehealth worked for his wife. It saved her from having to take regular, long trips to Dubbo. There are many good stories to tell about telehealth in New South Wales. I will not have it spoken about that way in this place. In mental health care, in particular, it has been a very effective tool.

### REGIONAL YOUTH TASKFORCE

**The Hon. WES FANG (16:13):** My question is addressed to the Minister for Mental Health, Regional Youth and Women. Will the Minister please update the House on the progress and success of the 2021 Regional Youth Taskforce?

**The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (16:13):** I am the opening batsman today. I thank the honourable member for his question. It gives me great delight to talk about the Regional Youth Taskforce in this place. The Regional Youth Taskforce fosters the kind of youth leaders that our New South Wales communities need. Despite the trials and setbacks of COVID-19, whilst also navigating their own struggles of home learning, university and working from home, members of our task force have remained absolutely dedicated to the betterment of their peers in regional, rural and remote communities.

Throughout the year, the task force has met and developed bright ideas that have incited action and will long benefit their peers. Its ideas have included emphasising the need for more youth friendly activities and events in local communities. The Government took its advice on board and has committed \$10 million to deliver free activities for young people in regional New South Wales over the next four years. The task force highlighted the difference in the opportunities that metro and regional students have to participate in work experience and how that can be a setback when entering the workforce for the first time.

The Office for Regional Youth is working closely with the Department of Education to better expand and enhance work experience opportunities for all regional young people. I thank my good friend and colleague the Hon. Sarah Mitchell for that. The task force's advice and feedback is absolutely invaluable and allows us, as policymakers, to ensure we are shaping decisions to get the best possible outcomes for regional young people. The members of the Regional Youth Taskforce are incredibly passionate about ensuring their regional communities are places where young people have the chance to live, work, thrive and succeed. That commitment is shown not only through their contributions to the task force, but also through the incredible volunteer work many of them undertake in their own time.

For example, Taje Fowler from Dubbo has been helping Indigenous members of her community affected by COVID-19 and its associated restrictions by distributing food and supplies, and knocking on doors for wellbeing checks. Another member, Lachlan Hicks from Bathurst, has been working tirelessly with the RFS in partnership with NSW Health, travelling around to remote communities such as Bourke to set up COVID testing hubs and administer COVID tests. It was quite funny for those of us who know the Regional Youth Taskforce members to see task force member Lachie from Bathurst, who was giving COVID tests and helping with the RFS in Bourke, do a COVID test on another task force member Isaac Ford, who turned up to be tested completely spontaneously. That gave us all a bit of a thrill.

Their work as members of the task force and in their local communities is testament to the incredible young people we have informing New South Wales Government programs and policies. The task force will be visiting Sydney this Friday for its final meeting of the year to discuss all things community. Currently, we are recruiting

for the next group of fantastic young people with bright ideas. We look forward to seeing those applications. By having youth speak for youth, we can ensure the Government is meeting the needs of young people in the regions.

### SPORT ANTI-RACISM GUIDELINES

**The Hon. JOHN GRAHAM (16:17):** My question is directed to the Minister for Sport, Multiculturalism, Seniors and Veterans. Given the Minister's answer to a written supplementary question, where she stated, "No fans were banned from any Venues NSW venue for racist activity in the past two years", who in her Government decided that no action would be taken against the perpetrators of racist attacks on Indian cricketer Mohammed Siraj at the Sydney Cricket Ground in January?

**The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (16:17):** I thank the honourable member for his interest in this area and for the opportunity to inform the House about the steps that are being taken. Of course, racism has no place in sport or in the stands or from those watching our sporting games. I strongly applaud the Australian Human Rights Commission's new spectator racism guidelines, which have been endorsed by Venues NSW, because everyone deserves the right to take part in sport free from racism, sledging, harassment and discrimination. Sporting organisations have the obligation and responsibility to deal with racism through their codes of conduct, policies and education programs. That is very clear.

Venues NSW has been involved in the development of the guidelines and has incorporated them into how it operates throughout our network of government venues in New South Wales—our entertainment venues and stadia. Venues NSW has a zero-tolerance approach to racism and has in place strong processes in line with the commission's guidelines to identify, listen to and respond to incidents. As I have informed the House, a text line is available for people to report incidents anonymously to the control room, which is staffed by controllers and police. Of course, it is a matter for police to take up enforcement of those complaints and issues.

Venue staff have been trained to respond and to escalate immediately. Any offenders are dealt with by police and are banned from our venues. The responses to spectator racism centre on those targeted and those who witness it to ensure that they call it out, do something about it and that they are supported through any incident. Staff are trained to respond to and escalate issues immediately. Staff have very clear protocols around dealing with that. The police then take on board the next steps to enforce and prosecute those matters reported to them. The Government is proud of that.

### COVID-19 AND CONSTRUCTION INDUSTRY

**The Hon. ROD ROBERTS (16:20):** My question is directed to the Minister for Finance and Small Business. In recently released documents it has been revealed that Dr Kerry Chant, the Chief Health Officer, in an email to Minister Hazzard dated 13 July 2021 wrote:

There is a need to further reduce mobility of people and reduce workplace transition events ... advising the closure of residential construction and non-essential repair services.

Why did the Government choose not to follow this health advice and instead close the entire construction industry including commercial, industrial and infrastructure sites, thereby causing the lay-off of tens of thousands of workers and financial detriment to businesses involved in the construction industry?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:20):** I thank the member for his question. As members would be well aware, decisions in relation to the health advice that is provided to the Government, and the extent to which it is followed or not followed, are decisions made by Crisis Cabinet at the time. The members of the Crisis Cabinet take into account Dr Chant's advice. They take into account other health advice, I assume, but I am not there in the room, am I? So I do not know what other material was available before Crisis Cabinet. It was a decision made by that body. Given that New South Wales has led this country out of the pandemic, you would have to draw the conclusion that the decisions of the Crisis Cabinet were, by and large, correct. Look at the evidence. Look at the state of the New South Wales economy. Look at the students returning to school in this State. Look at the booming retail confidence. This Government has led the response to the pandemic and delivered decisions which have, in fact, been at the forefront of this country's response to COVID.

If members opposite want to question how Crisis Cabinet made a particular decision, whether it followed this advice or whether it did not follow a particular point of advice, the answer is that I do not have specific knowledge. But I do have this: I do have knowledge about the totality of our Government's response. I do have knowledge about the effectiveness of that response, the manner in which the economy is growing, the manner in which small businesses have been saved, and the manner in which the Government has delivered so many programs to support businesses right across the State, wherever they are. This Government has had their interest at heart. If members want to ask me a question about a particular decision of the Crisis Cabinet, by all means they

should do so, but they should do so with the knowledge that I am not in the room. But, more importantly, they should look at—

**The Hon. Mick Veitch:** You should've been. Why weren't you?

**The Hon. DAMIEN TUDEHOPE:** Well, I would agree with that. More importantly, we should be thanking this Government, every single day, for the response which it has made on behalf of every person in New South Wales to make sure that we deliver for the people of this State.

**Mr David Shoebridge:** I ask a supplementary question.

**The PRESIDENT:** The member who asked the question must ask the first supplementary question.

### COVID-19 AND ECONOMIC RECOVERY

**The Hon. LOU AMATO (16:24):** My question is addressed to the Minister for Finance and Small Business. How is the New South Wales Government's COVID-19 Economic Recovery Strategy helping to accelerate our State's strong economic rebound?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:24):** The last question was a great segue into this one. This is a question from a member who is ready and willing to talk up the economic recovery of this State and to talk up our small businesses. New South Wales has faced many challenges—bushfires, droughts, floods and COVID-19—but the Government has responded quickly and appropriately, supporting families, businesses and communities as we have moved through this challenging time. The Government's strong financial management—it is great to talk about this—has meant the State is in a position to rebound, with the New South Wales economy growing 1.4 per cent in 2020-21 according to Australian Bureau of Statistics figures released last Friday. The New South Wales economy was more than \$18 billion larger than pre COVID-19, reflecting our strong recovery to the end of June 2021, prior to the Delta outbreak.

**The Hon. Mark Latham:** What happened then?

**The Hon. DAMIEN TUDEHOPE:** The Delta outbreak. I can already hear those opposite talking down this achievement. Yes, I know, they are going to say South Australia and Tasmania grew at 3.9 per cent and 3.8 per cent. But let us look at a corresponding State that had the same sort of impact. Let us look at Victoria, which contracted by 0.4 per cent. Members opposite always want to talk down our economy and our businesses. But the Government supports those businesses. As restrictions have eased, off the back of an amazing community response to vaccinations, we on this side of the House are getting behind our economy and encouraging families to get out there, travel to regional New South Wales and spend money at businesses right across the State.

Our State is on the rebound. New South Wales business confidence hit a record high of plus 29. In November consumer sentiment rose by 4.4 per cent to 107.9 index points—the highest in the country, followed by Victoria. Moody's has reaffirmed our triple-A credit rating, referring to the New South Wales Government's "proven history of fiscal resolve", which is something I know those opposite love hearing about. The New South Wales Government's COVID-19 Economic Recovery Strategy is delivering policies to help stimulate the economy and support our small businesses, whether it is the \$250 million Dine & Discover NSW program, the \$250 million expansion of the Stay & Rediscover program, or the Small and Medium Enterprise Summer Holiday Stock Guarantee. On this side of the House, we are talking up the New South Wales economy and giving businesses the confidence they need to open up, take on new staff and participate in our State's economic recovery.

### POWERHOUSE PARRAMATTA

**Mr DAVID SHOEBRIDGE (16:27):** My question is directed to the Leader of the Government in that capacity and also in his capacity as arts Minister. Noting that the stage one brief for the Powerhouse Museum at Parramatta put the base building cost at \$400 million, how is it that the published cost of the Lendlease contract to build the Powerhouse Museum is now at \$553 million?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (16:28):** This sounds a lot like the question that the Hon. Rose Jackson asked me last week. Perhaps if Mr David Shoebridge had come to question time that day he would have heard the answer the first time that I gave it. It was a very good answer that I gave on that occasion.

**Mr David Shoebridge:** I am told it was a rubbish answer. The feedback from the Hon. Rose Jackson was that it was a rubbish answer.

**The Hon. DON HARWIN:** It was not a rubbish answer. The reality is that—

**The Hon. Mark Latham:** He is sending out a search party for the answer.



**The Hon. DON HARWIN:** No, I can give the answer without the note. Do not worry about that. The reality is that the \$400 million figure was a guideline price given by Infrastructure NSW when it was getting tenderers and was not, in fact, the cost of the construction. This, I pointed out, was never likely to be the cost of the construction. Infrastructure NSW does not give out the budgeted price to tenderers. That would not be in the interests of the taxpayers of the State. It is always the case that the Government gives a guide price, but that is never going to necessarily be the final price. The reality is that the Lendlease contract value of \$52.8 million reflects the delivery by mid-2024 of the final approved design, which includes cost escalation, design fees, fit-out, scope and construction of the building.

To reiterate what I said to the Hon. Rose Jackson when she asked me exactly the same question, the \$400 million construction cost target was nominated for the design competition in 2019 to guide the design teams in the preparation of their concept design and design fee proposals. Powerhouse Parramatta is one of the largest and most architecturally complex structural engineering projects underway in Australia, and the Government is confident that Lendlease will build the world-class museum in accordance with the contract. The project will create more than 4,000 direct and indirect jobs during construction, including more than 300 trainees and apprentices—

**The Hon. Mark Latham:** He's reading the notes now.

**The Hon. DON HARWIN:** —with hundreds more jobs to be supported upon completion, providing a much-needed boost to the local economy. I was very happy to provide the extra information but as members of the House, including the Hon. Mark Latham, would appreciate, there was no extra information that I gave after receipt of a piece of paper. I am very happy to have had this opportunity to give this answer to Mr David Shoebridge. He should attend question time more often so that I do not have to waste the time of the House.

**Mr DAVID SHOEBRIDGE (16:31):** I ask a supplementary question. The Minister noted that there has been a 37.5 per cent increase between the guideline price, which seems to be a pretty bad guideline, and the final contract price. Noting the answer the Minister gave about what is going to be delivered with the project, has that also come with a reduction in the floor space?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (16:31):** No. There is no change in the floor space, the scope of the project or the budgeted figure, as announced, of \$845 million. What has happened here is common practice in terms of the way New South Wales Government projects are issued by Infrastructure NSW. There is no increase in cost. The member should not tell lies in the community and go around saying that there has been an increase in the cost, because he is wrong and he is misleading people. He has done that since the very beginning of this project. I wonder why Mr David Shoebridge hates western Sydney so much that he has misled the community again and again about this project?

He has misled the community about flooding. He has misled the community about what was going to happen at Ultimo. He is now misleading the community again in terms of the contract price. He is wrong about every single one of them and he should stop doing that. The reality is that in the five years I have been Minister, I have got western Sydney a brand-new museum that is going to be the greatest museum; maintained the Powerhouse Museum at Ultimo, which is going to get a \$500 million update; and secured funds to get the Museums Discovery Centre at Castle Hill expanded so that there is a 40 per cent increase in floor space and so that people will be able to see that magnificent collection under museum conditions. Just admit you are wrong, David.

**The Hon. WALT SECORD (16:33):** I ask a second supplementary question. Given the Minister's previous two answers and the figures he included today, what is the figure if he includes the Castle Hill Museums Discovery Centre, the observatory site and the Ultimo site? What is the global figure for the entire project?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (16:34):** The observatory is not in any scope, and I have not at any point in time said it was in any scope. The Museums Discovery Centre is within the scope of the \$845 million project; that has always been acknowledged and understood. There is no change to the Parramatta construction cost, which is \$845 million. I think they were the only elements that the honourable member pointed to.

**The Hon. Walt Secord:** I asked about the Ultimo site.

**The Hon. DON HARWIN:** The Ultimo site, as I have made very clear, has a separate allocation. If the member had read the budget papers last year, he would have seen that. An allocation has been booked at \$480 million to \$500 million on top of that. There you go, Walt: \$1.3 billion, as a result of my advocacy for the Museum of Applied Arts and Sciences just in the last five years, will ensure that those two museums are a

permanent legacy of the time that the Government has spent in office and that I have spent in this portfolio. The people of Sydney are going to be thanking this Government and remembering what it did for them for a very long time. They will remember the Hon. Walt Secord, Mr David Shoebridge and all the people who carped and criticised, and they will say, "What fools they were!"

### GOOGONG PRIMARY SCHOOL

**The Hon. TARA MORIARTY (16:35):** My question without notice is directed to the Minister for Education and Early Childhood Learning. Given that the first residents moved into Googong township in 2014, why has construction still not begun on the suburb's first public primary school seven years later?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:36):** I thank the honourable member for her question in relation to Googong. I was at the site of the new primary school just yesterday, funnily enough. There have been a lot of visitors to the Monaro over the last couple of days.

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

**The Hon. SARAH MITCHELL:** The Hon. Bronnie Taylor was with me, as well as the Deputy Premier, the member for Monaro and the cracking candidate for Monaro, Nichole Overall. She is an absolute champion.

**The Hon. Ben Franklin:** The next member.

**The Hon. SARAH MITCHELL:** Indeed, the next member for Monaro. It was the second time I have been there with the Deputy Premier to have a look at the site and get everybody excited and ready for the new school that is coming. It is very exciting for that school community. In her question the member referenced 2014. Early planning works for the new primary school were announced as part of the 2018-19 budget. The funding was secured in late 2020 to progress to delivery, as part of the Government's COVID recovery plan. The State Significant Development application has been submitted. It was exhibited and the Department of Planning, Industry and Environment undertook that assessment. There was some great public feedback in terms of the location of the kiss and drop area, which parents will know is a very important element of a primary school setting.

A change in design has been undertaken to move the kiss and drop area as a result of the feedback that came through from the public submissions. The public exhibition of that change has now closed and some submissions have been received. Construction is anticipated to start early next year. It is very exciting for the community in Googong. That, of course, is subject to planning approval, which the Government expects to get in early 2022. Construction completion is forecast for early 2023, in line with the Government's commitment. The Government knows that Googong is an important and growing area of Queanbeyan. A lot of families and people are living there, and why wouldn't they? It is a fantastic place to live in regional New South Wales.

The Government is committed to the school. The Government is doing the planning for the school, has the funding to deliver the school, will see construction start in early 2022, and will see the new school open in 2023 and welcome the very first students. At the moment we are recruiting for the principal, which is very exciting. We are looking forward to a new principal being appointed to literally build that school from the ground up. It is an amazing opportunity. Indeed, there are three principal recruitments underway for brand-new schools in that part of New South Wales. They are commitments that will be delivered by the Government.

### SPORT PORTFOLIO GRANTS

**The Hon. PETER POULOS (16:39):** My question is addressed to the Minister for Sport, Multiculturalism, Seniors and Veterans. Will the Minister update the House on the achievements of the New South Wales Government in the portfolio of sport since 27 May 2021?

**The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (16:39):** I thank the honourable member for his question and his interest in this area.

**Mr David Shoebridge:** What happened on the 26th?

**The Hon. NATALIE WARD:** The 26th was my birthday. On the 27th I had the privilege of joining this team. Since I became Minister in May this year, the sporting sector has gone through one of the toughest periods in Australia's history. It started well when, in June, I announced the recipients of the first round of the Greater Cities and Regional Sports Facility Fund, which saw \$52 million—

*[Members interjected.]*

Members opposite don't want to hear it. I will do signs for them.

**The PRESIDENT:** Order! Members on my left will calm their enthusiasm. I am having trouble hearing the Minister. The Minister has the call.

**The Hon. NATALIE WARD:** I announced the recipients of the first round of the Greater Cities and Regional Sports Facility Fund, which saw \$52 million awarded to 89 sporting groups to deliver critical sporting infrastructure across New South Wales—

**The Hon. Ben Franklin:** Point of order: I am sitting directly behind the Minister and I cannot hear what she is saying because of members opposite who are ignoring your previous ruling. I ask that you ask them to behave.

**The PRESIDENT:** All members on my left are now on a general warning. I will call them to order if they continue to interject. I call the Hon. Mick Veitch to order for the first time. The Minister has the call.

**The Hon. NATALIE WARD:** On top of the \$52 million, we have continued that investment in the June budget. The Office of Sport received \$450 million to fund community sporting infrastructure and activities across the State. This included the First Lap program, which will ensure that toddlers learn water safety from a young age. It is incredibly important, given that they have missed out on lessons this year. It included \$200 million for the Multi-Sport Community Facility Fund, which will fund critical sporting infrastructure to increase participation of women and people with disabilities. It further included \$150 million for the Centre of Excellence Fund, which will ensure that the next Pat Cummins, Ellie Carpenter, Ellyse Perry, Kezie Apps, Jessica Fox and Ryley Batt have the opportunity to develop their skills, represent their country and take on the world.

I am sad to say that the Delta outbreak in June cut short many winter sporting seasons and resulted in the delay of the summer sporting season. Over the weeks of lockdown, I was fortunate to be able to meet with members of the sporting community. I thank them for the opportunity to do so and to hear their feedback. The stakeholders I met with were resolute and committed to supporting their players, supporters and officials and to working with the Government to spread the vaccination and stay at home messages to their players and registrants to keep our communities safe, which is most critical. I thank them for walking beside me during that time, for their feedback and for their advice.

That is why we were happy to deliver financial support for the sector through the Sport and Recreation Recovery and Community Rebuild Package, which is worth \$25 million and was announced in October. The package is providing financial support, particularly in areas hardest hit during the COVID-19 lockdown. Despite the challenges, this has been a good year in the New South Wales sporting sector. The State of Origin trophy was won back. New South Wales athletes shared in 14 Olympic medals and 21 Paralympic medals at the Tokyo Olympics. It is almost certain that the next captain of the Australian men's cricket team will come from New South Wales, and Michael Hooper will be returning to the Waratahs for the 2022 season.

#### NETWORK OF INQUIRY AND INNOVATION

**The Hon. MARK BANASIAK (16:43):** My question without notice is directed to the education Minister. Does the Minister know that the Network of Inquiry and Innovation of New South Wales is run by four school principals and that the entity is not a registered association or business in New South Wales but has charged schools for professional development symposiums to an estimated tune of \$250,000 since 2015? Also, it is alleged that at least one of the principals involved mandated that their staff attend these billable courses under threat of an improvement program. Does the Minister accept that this behaviour constitutes fraud, corruption and maladministration, as defined by the code of conduct? Will she explain the nature of the network's relationship with the Department of Education, including any funding received by it?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:43):** I thank the member for his very serious question, which goes to quite a number of matters of funding but also certain providers of professional development. I am not aware of the specifics. There is quite a bit of detail in the question the member has asked, but I do thank him for raising it and bringing it to my attention. I am very happy to take that question on notice and seek some guidance and advice about the many elements he has raised in relation to those issues. I will come back to him as soon as possible.

#### JERRABOMBERRA HIGH SCHOOL

**The Hon. MICK VEITCH (16:44):** My question without notice is directed to the Minister for Education and Early Childhood Learning. Given that there are 942 students enrolled at Jerrabomberra Public School and the population of South Jerrabomberra is expected to grow, why has the Government decided to build a high school for only 500 students?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:44):** I thank the honourable member for his question. Again there is going to be some déjà vu later in question time because, coincidentally, this was another school site we visited yesterday when we were in Monaro. We had quite a busy morning with all the good news. In relation to the—

**The Hon. Mick Veitch:** Did they ask the same question? Did they ask you why?

**The Hon. SARAH MITCHELL:** No, they didn't ask me that. They were very excited about seeing the new school, which will soon start being constructed. A fly-through is available now, and a virtual information room is opening tomorrow. So plenty of information is going out to the families in that region. The member asked about the size of the school and the way that it is being built. The Government is building, as I said, the initial buildings for the 500, which is again based on the forecast and modelling the department does in line with other government agencies, but the master plan is that it can be expanded if necessary. We have said that that is how we build schools. I have talked quite a lot about that in the House. We build based on projections, but we also plan to have additional space if needed. That is the case with the high school at Jerrabomberra.

**The Hon. MICK VEITCH (16:45):** I ask a supplementary question. Will the Minister elucidate her answer with regard to the master plan? The Minister says that it allows for expansion. When will the expansion commence?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:46):** We are going to build the high school first because we need to make sure that we build the new school—

**The Hon. Mick Veitch:** So there are no plans for expansion.

**The Hon. SARAH MITCHELL:** I will reiterate what I said in my earlier answer. When schools are built, we master plan for expansion if and when it is needed. The core facilities are built to enable growth, should that occur. This is the way in which we build schools, based on the advice from School Infrastructure, from the planning department and from other government agencies. We are excited about building the high school at Jerrabomberra. We know that it is needed by the community. We are working at the moment. That is another school where there is a call for expressions of interest for a principal. I hope that we will see a new principal appointed to that brand new school in the new year. We build schools on advice from experts. We have a principal and a catchment area we are working on. There will be open enrolment shortly, which is very exciting as well. Modern methods of construction, the ability to grow as needed and a plan for future growth, should it be required, is the way in which schools are built these days by this Government.

**The Hon. COURTNEY HOUSSOS (16:47):** I ask a second supplementary question. Will the Minister say or guarantee whether enrolments on the day when Jerrabomberra High School finally opens will exceed 500 students?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:47):** Like I said in my earlier answers, this is a school that is yet to be built. We are starting construction next year. To forecast what enrolments will be and give a guarantee based on a hypothesis of what enrolments may be is farcical. We are building the school in an area where we know they need a high school. They do not currently have one. We are building and delivering that school. We have done it based on advice from other agencies in terms of the demand—

**The Hon. Courtney Houssos:** You promised it 10 years ago.

**The Hon. SARAH MITCHELL:** Well, I feel—

**The PRESIDENT:** I call the Hon. Courtney Houssos to order for the first time.

**The Hon. Bronnie Taylor:** I don't think that Stevie Whan delivered any new schools.

**The Hon. SARAH MITCHELL:** I acknowledge that interjection. John Barilaro, the member for Monaro, delivered these things for his local community, being extremely passionate and recognising the need for Jerrabomberra to have that high school. This Government has funded and will deliver this school. We look forward to welcoming the students in 2023.

#### STATE CULTURAL INSTITUTIONS

**The Hon. CATHERINE CUSACK (16:48):** My question is addressed to the arts Minister. Will the Minister update the House on the Government's Cultural Infrastructure pipeline for State cultural institutions?

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (16:49):** I thank the honourable member for her question. There are not enough question times to update the House on the golden age that cultural institutions are going through with infrastructure development right now. Moving on from exactly where I left off, because of the economic stewardship of the Government, we are able to invest—we have heard about the \$1.3 billion for the Powerhouse—a total of \$2.5 billion on new cultural infrastructure at the moment. Over 138 of those projects are in regional New South Wales. Almost a new one a week is being opened right now.

For example, I opened the Mudgee Arts Precinct a week ago, next week it is the Orange Art Gallery, the week after that it is extensions to the Northern Rivers Conservatorium championed by the Hon. Ben Franklin and on Sunday the Premier and I had great pleasure to attend the topping out ceremony at Sydney Modern. It has now reached the highest point in construction. The progress is incredible since construction began two years ago. I am delighted with that. We know that, when that gallery is finished, it will lead to annual visitations of more than two million people a year, which is more than double what it gets at the moment. That is significant for the arts, artists and the art-loving public, but it is also going to bring people to Sydney.

I also mention, for the benefit of the Hon. Walt Secord, that yesterday I was at Castle Hill for the first concrete pour of the Museum Discovery Centre, which is an outstanding project that is integral to the whole Powerhouse program across the three sites and where 500,000 objects will be stored. It is a very significant place but, as I said earlier, it is going to be a collection in museum conditions so that it can be viewed. There will be more regular open days and programs for school kids to go through and look at the objects. What an incredible collection.

I know that a lot of honourable members have viewed the collection in the long running work of the museum's inquiry. It will have a great home at Castle Hill and everyone should rejoice about how well it has all gone. I also give a shout out to the Australian Museum's Project Discover because recently the extensions at the Australian Museum won the National Architecture Awards for Public Architecture and Heritage Architecture. We are not just getting great museums; we are getting great public spaces as well.

### **FIREARMS REGISTRY**

**The Hon. ROBERT BORSAK (16:52):** Mr President—

**The Hon. John Graham:** Launch an inquiry.

**The Hon. ROBERT BORSAK:** I have got one on the go already. I have got enough going on. My question is directed to the Minister for Sport, Multiculturalism, Seniors and Veterans, representing the Minister for Police and Emergency Services. In response to an earlier question about the backlog in processing internal review applications by the Firearms Registry, will the Minister provide details of exactly what he meant by, "The registry is undergoing realignment of its command structure" and a "broader range of business improvements currently being undertaken by the command". When will these improvements be completed?

**The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (16:53):** I thank the honourable member for his question in relation to the Firearms Registry and the processing of those matters. Clearly that is a matter for my colleague in the other place. I would be delighted to convey that question to him and, acknowledging the honourable member's longstanding interest in this area, provide him with a detailed response. I thank him for his interest and ongoing commitment to the area.

### **JERRABOMBERRA PUBLIC SCHOOL**

**The Hon. PETER PRIMROSE (16:53):** My question without notice is directed to the Minister for Education and Early Childhood Learning. Given Jerrabomberra Public School is now relying on 15 demountable classrooms on its playground to house its 942 students, when will the students and teachers get permanent classrooms to relieve overcrowding?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:54):** I thank the honourable member for his question. Again, I am sensing a theme here today, perhaps not surprisingly.

**The Hon. Walt Secord:** The Minister might get a few more.

**The Hon. SARAH MITCHELL:** I expect I will. Bring it on. I am happy to. I thank the member for his question in relation to Jerrabomberra Public School and the number of demountables. My previous answer, and indeed the investment that we are seeing in the Monaro electorate and across New South Wales, speak for themselves. The reality is that we build and upgrade schools where that is needed. We are seeing massive investments when it comes to public school infrastructure all over New South Wales but including—and not limited to—the Monaro electorate.

I am very happy to seek some advice in relation to the specifics around what enrolments are doing at Jerrabomberra Public, what impact they might be having, the use of the demountables that are there and for what purpose. I do not have that detail here with me in the House. But, like I said, I think our record of delivery speaks for itself when it comes to our investments in education infrastructure and particularly in the Monaro electorate.

**The Hon. PETER PRIMROSE (16:55):** I ask a supplementary question. What concerns did the parents at Jerrabomberra Public School raise with the Minister in relation to demountables when she visited the school yesterday?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:55):** I thank the member for his question. I did not visit Jerrabomberra Public School yesterday. That is alright. I can say what I did but I did not visit that particular school yesterday. I have visited a number of schools in the Monaro electorate over my time as Minister but I did not go to that one yesterday. But, like I said, we know that we manage fluctuating enrolments using demountable classrooms. That has been the case for many governments over the years. We also know that Jerrabomberra is a growing area and that is highlighted by the fact that we are building the high school there. So we will continue to monitor the enrolments at that particular school. Like I said, I am happy to take some of the specifics on notice in terms of what we are seeing in that school community and come back to the member with an answer.

**The Hon. COURTNEY HOUSSOS (16:56):** I ask a second supplementary question. Will the Minister elucidate that part of the answer where she spoke about the way demountables are used for "fluctuating" school populations and outline whether that has been the case at Jerrabomberra over recent years, given that it now has 15 demountable classrooms?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:57):** As I said in my earlier response to the Hon. Peter Primrose, I will take some of the specifics—

**The Hon. Courtney Houssos:** It is not fluctuating.

**The Hon. SARAH MITCHELL:** So you say.

**The Hon. Courtney Houssos:** No, we know. We have talked to the community.

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

**The Hon. SARAH MITCHELL:** As I said, I will seek some advice in relation to what we are seeing in enrolment trends at that particular school. I also note that it is a growing area and I have already indicated, in my earlier answer, that I will provide more information. So I think that has really been answered by what I said earlier. The whole purpose of what we are seeing here is massive investment by our Government in school infrastructure across New South Wales. If you want to talk about what we are doing in the Monaro electorate or that part of regional New South Wales—I will be doing that very shortly—we have delivered a number of projects already with more on the go. If Opposition members are trying to paint some narrative and are so desperate to seek relevance that they say that we do not invest in schools—and particularly that we do not invest in schools in areas like Queanbeyan, Jerrabomberra, Bungendore and Cooma—they are just wrong.

Like I said, I feel the need—more often than I should on my feet—to evoke Duncan Gay. They do not like good news. They do not like the fact that we have delivered multiple new and upgraded schools in that area of the State with more underway. We are seeing investment never seen before in public education in New South Wales. We are talking about a \$15 billion investment in education infrastructure by our Government. We have already delivered \$7 billion and we have got \$7.9 billion to go. So, again, Opposition members can try all they want to paint a narrative that we do not invest in our schools. It is just wrong. We are delivering for families and communities, particularly in the Monaro electorate. Our record of delivery speaks for itself.

#### MONARO ELECTORATE SCHOOLS

**The Hon. TREVOR KHAN (16:59):** My question is addressed to the Minister for Education and Early Childhood Learning. Will the Minister update the House on her recent visit to Monaro?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (16:59):** Now for something completely different, Mr President.

**The Hon. Trevor Khan:** Just incorporate the previous answers.

**The Hon. SARAH MITCHELL:** No, I still have more to say.

**The Hon. Penny Sharpe:** Really? Haven't you used your dixer already?

**The Hon. SARAH MITCHELL:** It is my time. I will talk about important issues, and this is certainly one of them.

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

**The Hon. John Graham:** It is our time too.

**The Hon. SARAH MITCHELL:** No, you will like this. As I said, yesterday I was in the Monaro. I always love visiting there with the Hon. Bronnie Taylor, the Deputy Premier and the member for Monaro. Once again, I give a shout-out to Nichole Overall. She is just a cracking candidate and she will be an excellent local member. As I have said before, we are proud of our record when it comes to delivering in the regions. Particularly as

education Minister, I have not shied away from ensuring that our regional school communities get what they deserve when it comes to our Government's record school-building program. They do not miss out. We are making sure that we build the schools where they are needed and support our regional communities.

I will touch on a few of the new school communities that we caught up with yesterday. The new high school in Bungendore is very exciting. We have submitted our State significant development application and are in the process of finalising our response to submissions from the community. I know that there has been a bit of commentary from those opposite and those who do not want to see a school in that community. We disagree. We think it is important that we give them a public high school in Bungendore. The location of the school is in the centre of town next to the primary school. Community is front and centre when it comes to our planning for the new school. This will be an incredible asset for the kids of Bungendore. It is about giving the students access to a great public education where they live. We are looking forward to seeing work start next year and the school opening in 2023.

Googong, which is a rapidly growing community in the Monaro region, deserves a new primary school, and the Government is incredibly proud that we will deliver it. Again, Jerrabomberra is not missing out and will get a high school as well. The virtual information room, which opens tomorrow, has a great fly-through and the latest designs for people to access support. The Government's investment does not end there, with a new education campus being planned for Jindabyne. Queanbeyan West Public School is getting a new hall. It joins Queanbeyan East Public School, Karabar High School, Queanbeyan High School, Finigan School of Distance Education and the new Tirriwirri School for specific purposes, all of which are enjoying their new facilities delivered by this Government.

Works are also nearing completion at Monaro High School in Cooma, which is a fantastic school that I have visited with the Hon. Bronnie Taylor. Great teaching and learning is now happening at that school in world-class infrastructure, as well as at Braidwood Central School. It is very exciting. We are a government that invests in our children. I take the opportunity, if the House will indulge me, to speak about a particular child, my youngest daughter, Matilda Mitchell. I wish my Tilly a happy birthday and a very big happy fourth year. I apologise for not being there. I promise her that we will have cake when we get home.

#### **SAFEWORK NSW WOLLONGONG TOILET BLITZ**

**Ms ABIGAIL BOYD (17:02):** My question without notice is directed to the Leader of the House in the Legislative Council, representing the Minister for Better Regulation and Innovation. In December 2020, SafeWork NSW reported that it was doing a toilet blitz in Wollongong after an upsurge in reports, via its app, of poor toilet amenities. Will the Minister please advise how many reports were received and, following the blitz, how many provisional improvement notices were issued, along with fines?

**The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (17:03):** I thank the member for her question. How well is Don Harwin doing today? I like this man.

**The Hon. Mick Veitch:** Did you learn anything?

**The Hon. DAMIEN TUDEHOPE:** I am learning. I thank the member for her question. It is clearly outside my area of ministerial responsibility. I am very happy to take the question on notice and obtain an answer for her in due course.

#### **QUEANBEYAN TEACHER CONTRACTS**

**The Hon. ANTHONY D'ADAM (17:03):** My question without notice is directed to the Minister for Education and Early Childhood Learning. Given that more than one-third of teachers across all Queanbeyan public and high schools are in casual or temporary positions, what is the Minister's response to community concerns that her Government is not giving Queanbeyan teachers and students certainty for the future?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (17:04):** I thank the member for his question in relation to temporary and permanent teaching positions. Again, this was an issue that was canvassed last week in question time. I thought I answered it relatively well. I explained how it works and the need for both permanent and casual teacher roles so as to provide flexibility for staff members depending on the stage of life they are at and to fill permanent roles of people who take, for example, parental or long service leave. I also talked about the complexities and nuances of the staffing of our schools. I also make the point that the people who are employed to conduct our COVID tuition program, which is running in all of our schools, are in temporary positions. I talked about that last week as well. Again, we need to look at the reason why certain roles are staffed the way that they are.

There are also opportunities for principals to have autonomy in relation to the type of roles they have in their schools. They may want to use their flexible funding to engage temporary or casual staff to support the

delivery of certain programs or to support specific student needs. These are all things that I canvassed in my answers last week. Particularly in relation to flexible funding, it depends on the needs of the school. Additional positions that are created using this funding can be temporary or permanent, and principals have the autonomy to make that decision. We understand that principals know their school communities and need to manage their staffing accordingly. It is important to keep the numbers of staff in context. We have seen more permanent positions in New South Wales overall. Again, that is something that I mentioned in my responses last week. The Government recognises the importance of flexibility and the very important roles that our temporary and casual teachers play in our school settings.

**The Hon. ANTHONY D'ADAM (17:06):** I ask a supplementary question. Will the Minister elucidate whether the temporary teachers in Queanbeyan public and high schools have been advised whether they will have jobs next year?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (17:06):** Again, it depends on the roles and the positions that the teachers are in. It depends on the decisions made by the principal relating to staffing allocations. The Government made an announcement about our COVID tuition program early so that school principals could plan their staffing arrangements for next year, for which they were all very grateful. There has been a lot of support for that program, even from those opposite, because it is important to help students catch up. As to how staffing works and the advice given on what roles will be available in schools next year and whether teachers will be in temporary or casual roles, obviously a lot of that is the responsibility of the principals and how they manage their staffing in their schools.

**The Hon. COURTNEY HOUSSOS (17:07):** I ask a second supplementary question. Will the Minister for Education and Early Childhood Learning outline how many of the temporary and casual teachers across the Queanbeyan public and high schools have been working under the tutoring program?

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (17:08):** I will have to take that on notice. As I said, all of our public schools have had allocations under the COVID tuition program this year, and that will continue next year. In terms of how schools have filled that staffing allocation, as I have mentioned before, they are doing it in different ways. Some school communities, for instance, might engage casuals that already have a relationship with the school. Some are using retired teachers. Some are using university students. Some schools are using their student support officers in those roles. Some are also providing opportunities for their existing staff to do that work outside of hours, if they so choose.

Again, there is a range of flexibility as to how that program is implemented in individual schools. It is based on what is needed and what best suits the students in those school communities. All of the schools in the Queanbeyan area have had an allocation under the tuition program this year and they will have it next year. I am happy to take on notice the specifics as to how each of the schools is using that funding. They may be using the allocation across multiple members of staff. It depends on the way a school has decided to set up the program and the way it suits their students the best. That is what this is about: the best way to support our students after disruptive periods of time.

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

#### **HUSKISSON HOLY TRINITY CHURCH SITE**

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (17:09):** On 19 November 2021 the Hon. Walt Secord asked me a question relating to the Huskisson Holy Trinity Anglican Church. I advised the House that at the time Heritage NSW was not aware of the matters that were raised by the honourable member in his question. I am now advised that Heritage NSW has recently been in discussion with Shoalhaven City Council in relation to the matter, and I have asked Heritage NSW to provide me with a thorough briefing in that regard.

#### *Supplementary Questions for Written Answers*

#### **SPORT PORTFOLIO GRANTS**

**The Hon. JOHN GRAHAM (17:10:0):** My supplementary question for written answer is directed to the Minister for Sport, Multiculturalism, Seniors and Veterans. I thank the Minister for the information she provided on miscellaneous sporting funds since 27 May 2021. For each of the programs that the Minister outlined, could she identify the number of grants and the amount of funding for each electorate? Could she also provide totals for the number of Coalition, Labor and crossbench electorates?



*Questions Without Notice: Take Note***TAKE NOTE OF ANSWERS TO QUESTIONS**

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

That the House take note of answers to questions.

**GOOGONG PRIMARY SCHOOL  
JERRABOMBERRA HIGH SCHOOL  
MONARO ELECTORATE SCHOOLS  
QUEANBEYAN TEACHER CONTRACTS**

**The Hon. TARA MORIARTY (17:10):** Today the Opposition asked a series of questions in relation to schools in Monaro. I take note of some of the answers, which are of particular interest to the community at the moment given the member has decided to move on mid-term. That is capturing the minds of the local community, as is what might be on offer next in the slow rollout of long-promised schools across Queanbeyan, particularly in Googong, Jerrabomberra and Bungendore. I was lucky enough to visit Queanbeyan, Googong and Jerrabomberra on the weekend with New South Wales Labor Party leader, Chris Minns. We were fortunate to meet with the Googong Residents' Association and the Jerrabomberra Residents' Association about their strong concerns with the slow rollout of those long-promised schools, particularly in Googong. We visited that site, which is an empty field. There is no school.

We met with community groups in Jerrabomberra and they were concerned that the high school has not even been started. They are particularly concerned that it will only have capacity for 500 students. We heard from the Government today and during the past couple of months that it is sticking to its proposal for a school for 500 students in that rapidly growing community. We are already aware that the primary school in Jerrabomberra has around 940 students in it. The high school the Government is proposing to build will only have capacity for 500. The Government does not propose to have it open for at least two years, and we know that the community is growing rapidly. In fact, a new part of the development in South Jerrabomberra will have at least another 1,500 houses in it. Yet the proposed school's capacity will be well and truly below that.

The community is concerned about that because they need to make plans about which schools to enrol their children in over the next couple of years. Unfortunately, the Government is not listening to their concerns. It was interesting to see that half the members of The Nationals were in Queanbeyan yesterday, along with their new candidate for Monaro. It was also interesting to see that they visited sites for those schools that are not yet in existence, but did not meet with the local school in Googong about the overcapacity it is already facing and the 15 demountables it is already using. The residents' associations want the Government to get its act together and build those schools faster than it is proposing to and with the necessary capacity. I am particularly concerned about the site chosen for the much-needed school in Bungendore.

**DR ANNETTE COWIE AND NATIVE FORESTRY BIOMASS**

**Mr JUSTIN FIELD (17:14):** Dr Annette Cowie, a Department of Primary Industries official, provided expert testimony in Land and Environment Court proceedings at the request of Verdant Earth Technologies, a company whose CEO is Richard Poole of Cascade Coal/Eddie Obeid/ICAC fame, over the future of its proposal to turn the Redbank coal tailings power station in the Hunter Valley into a biomass plant to burn about a million tonnes of native forests a year for electricity. Dr Cowie is a principal research scientist in climate in the Department of Primary Industries [DPI]. In budget estimates hearings I asked the director general of DPI questions about Dr Cowie's advice to the Land and Environment Court. At that time we had not seen the evidence. Mr Hansen said of Dr Cowie's expertise and evidence that "She is an international expert in carbon footprints. That was the basis on which she was asked to appear as an expert witness—to handle this question about carbon cycles." I raise that because in the past couple of weeks Dr Cowie's advice has become public and I have been asking questions about it.

While the majority of her submission to the court relates to her expertise regarding the carbon footprint of biomass to electricity, she also inexplicitly raises issues outside her area of expertise, including the application of the principle of ecologically sustainable development and the adequacy of forestry. Importantly, that advice directly contradicts the submission from the Environment Protection Authority [EPA] about the application of the Protection of the Environment Operations (General) Regulation, which is the EPA's core regulatory responsibility. In answer to my question last week about why part of Dr Cowie's advice directly contradicted the EPA submission and how that reflected on her responsibilities under the Expert Witness Code of Conduct, the Hon. Bronnie Taylor, representing the agriculture Minister, justified those contributions, claiming the EPA submission included comments "outside the EPA's statutory responsibilities". So I followed up with an additional question asking the

Minister which part of the EPA submission the Minister considered outside its statutory responsibilities. Her full answer reads:

Questions on matters relating to the Environment Protection Authority should be directed to the Minister for Energy and Environment.

What a disgrace! What doublespeak nonsense! The Minister and the department have sought to obfuscate and mislead from the moment I started raising questions about this issue during budget estimates hearings as well as in the House. Let us be clear: DPI wants our native forests burnt for electricity. It is the author of the *North Coast Residues* report that this proponent is using to claim sufficient biomass to support its project. Despite not being updated to reflect the impact of the fires, Dr Cowie is now providing so-called expert advice relying on those figures. Despite the fact that there is supposed to be a prohibition on the burning of native forest for electricity, those regulations are now being exploited by different views across different government departments, including through disputes within the courts. It is absolutely outrageous and must be fixed. There is no way we can burn our forests for electricity in New South Wales.

### **REGIONAL YOUTH TASKFORCE MONARO ELECTORATE SCHOOLS**

**The Hon. WES FANG (17:17):** I take note of the answer by the fantastic Minister for Mental Health, Regional Youth and Women to my question about the Regional Youth Taskforce. The Regional Youth Taskforce is a unique and invaluable initiative that started with a vision from former Deputy Premier Barilaro and the Hon. Bronnie Taylor to give kids from the bush a seat at the table and have their voices heard when it comes to government policy. That is exactly what the initiative has done. From making it easier for rural young people to get their driver licence, to shaping holiday break programs and wellbeing programs and initiating government-funded careers events to inspire rural and regional youth to pursue their dream jobs, the 2020 and 2021 task forces have been a catalyst for positive changes in country New South Wales.

On behalf of Minister Taylor, I take this opportunity to sincerely thank the outgoing members of the 2021 Regional Youth Taskforce for their dedication and impact this year: Phoebe Sheridan and Jayden Redfern from the Central Coast region, Taje Fowler and Lachlan Hicks from the Central West and Orana region, Isaac Ford and Katelyn Whyman from the Far West region, Clodagh Falvey and Isabella Metcalfe from the Hunter region, Samantha Dunn and Adrian Le from the Illawarra Shoalhaven region, Elka Devney and Imogen McDonald from the New England and North West region, Paris Brailsford and Francois van Kempen from the North Coast region, Bihozagara Ndabagaza and Ben Caghey from the Riverina Murray region and, last but not least, Samuel Pevero and Lola Stravoskoufis from the South East region.

Members of this year's task force have said it has been a truly life-changing experience to be involved and to work with other passionate youth from all walks of life across regional New South Wales. In 2022, 18 new members will form the Government's third Regional Youth Taskforce and continue to drive policy change and advocate for better outcomes for regional people, continuing to be the voice of regional youth at the highest level in their State. As the Minister said, members of the 2021 Regional Youth Taskforce will be in Sydney this week. It is a great opportunity for members to say hello to them. I thank them for the great work that they have done. I also note the response given by the Hon. Tara Moriarty. She needs to thank the education Minister and the regional youth Minister for the great work that they are doing with schooling in the Monaro electorate.

### **CONSULTANT PSYCHIATRISTS STATE CULTURAL INSTITUTIONS SPORT ANTI-RACISM GUIDELINES HEZBOLLAH**

**The Hon. WALT SECORD (17:20):** I participate in the take-note debate in my capacity as shadow Minister for Police, shadow Minister for Counter Terrorism, shadow Minister for the Arts and Heritage, and representing the shadow Minister for Health in this Chamber. First I comment on the answer that the mental health Minister gave to the first question, which was in response to community concerns about the shortage of consultant psychiatrists in New South Wales. That is after college exams were cancelled at the last minute on the weekend for the second year in a row.

Members would be aware that the Hon. Courtney Houssos and I are members of the rural and regional health inquiry, chaired by the Hon. Greg Donnelly. We have heard repeated evidence that there is a shortage of psychiatrists and mental health workers across the State. There are vast parts of the State, entire local government areas and regions of New South Wales, where not a single mental health support worker is available. I refer particularly to south-west New South Wales. The Minister talked about telehealth being useful, but telehealth is not the panacea or magic bullet that the Government claims it is. Telehealth is useful in areas where there is

absolutely nothing else, but evidence to the committee told us it is very difficult and challenging for people suffering mental illness and mental health problems to use telehealth. I also respond to the arts Minister's answer on the Powerhouse Museum costs. In response to the Minister, there is widespread concern in western Sydney and in rural and regional areas about the lack of support for the arts in those areas.

**The Hon. Ben Franklin:** That is just not true.

**The Hon. WALT SECORD:** The Hon. Ben Franklin would get that refrain over and over again in his tours around the State. The Minister also talked about the expenditure in the Sydney CBD. I place on record that I support the Sydney Modern Project. It is worthwhile, and I congratulate the participants who have made their own contributions to that project. As for racism in sport, the answer given by the Hon. Natalie Ward was woefully inadequate. She talked in previous answers about anti-racism programs being in place, and then she was forced to admit in a written answer that no-one was in fact taken to task.

I finish on answers I received to questions Nos 6925 and 6924. They called for the full listing of Hezbollah as a terrorist organisation in Australia. Twenty countries around the world, including Canada, the United Kingdom and the United States as well as the Gulf Cooperation Council in the Middle East, have all banned Hezbollah entirely as a terrorist organisation. On 22 June the Parliamentary Joint Committee on Intelligence and Security recommended that Australia ban it in its entirety. I want to see this Government lobbying the Federal Government to see the banning of Hezbollah in our region.

**The Hon. Don Harwin:** What do your own colleagues say?

**The Hon. WALT SECORD:** It was a bipartisan report. I thank the House for its consideration.

#### **COVID-19 AND ECONOMIC RECOVERY**

**The Hon. LOU AMATO (17:23):** I take note of the answer given by the Minister for Finance and Small Business to the question on how the New South Wales Government's economic recovery strategy is helping to accelerate our strong economic rebound. The Minister highlighted some significant data, including that the New South Wales economy grew by 1.4 per cent in 2020-21 and was more than \$18 billion larger than pre-COVID as at 30 June 2021, according to Australian Bureau of Statistics figures released on Friday. That reflected our strong economic recovery to the end of June 2021, prior to the Delta outbreak. It is a good sign of the inherent robustness of the New South Wales economy and a pointer to how strongly we can recover as we emerge fully from the COVID-19 restrictions and head into the summer trading and holiday season.

I note that a national consumer survey conducted between 28 October and 2 November found significant optimism in New South Wales consumers compared with the rest of the country. Fifty-six per cent of New South Wales residents are planning a leisure trip before Easter 2022. In great news for regional New South Wales, 28 per cent more people than pre-COVID are most interested in a domestic road trip. Small businesses across this great State are open and ready for business, and all across regional New South Wales they are ready to welcome visitors. As the Minister observes from time to time, those opposite always talk down our economy and our small businesses. But all of us on the government side of the Chamber join the Minister in getting behind our economy and encouraging families to get out there, travel to regional New South Wales and spend money at businesses across the State.

#### **GOOGONG PRIMARY SCHOOL**

#### **JERRABOMBERA PUBLIC SCHOOL**

#### **JERRABOMBERA HIGH SCHOOL**

#### **MONARO ELECTORATE SCHOOLS**

**The Hon. COURTNEY HOUSSOS (17:25):** In question time today the Labor Opposition asked questions about a number of public schools that have been built or promised across the Monaro electorate. We asked about Googong primary school, Jerrabombera Public School and Jerrabombera high school. Those three schools are the story of this Government. They are the story of how schools are being built and failing to be built, particularly across growing areas in western and south-western Sydney but also across regional New South Wales.

In Googong, a new development was first opened in 2014. Today there are almost 3,000 residents, and eventually almost 20,000 residents will live there. A child in kindy who moved in when the development opened would now be starting high school, and yet there is still a vacant block of land where the primary school should be built. Since 2014 community facilities have been built, including an aquatic centre, sporting fields and even an independent public school. But the residents and families in Googong who moved there in good faith are still waiting for a public primary school. The Labor leader and deputy leader were there with my colleague the

Hon. Tara Moriarty on Saturday to make it clear that the Government first promised a public primary school there in 2018, and that no construction has started.

Let us pop over the hill to Jerrabomberra Public School, which is an excellent public school. I pay tribute to the teachers, parents and school community. It is a fantastic school. There are 942 kids and 15 demountables, and the Government has failed to upgrade and build new classrooms to account for the growth. The school community is doing its part of the job; it has a fantastic school. The Government is not keeping up its part of the bargain by providing the facilities that they deserve.

Jerrabomberra high school was first promised a decade ago. For the entire period that those opposite have been in government, they have been promising and talking about and re-announcing Jerrabomberra high school, and it is still yet to turn a sod. They have finally announced that they will build it for 500 students—a high school that is supposed to service two growing suburbs across Jerrabomberra and Googong. No doubt it will be an excellent high school; no doubt it will be at capacity before it even starts teaching students. The Government can talk about early planning works and virtual information rooms and all kinds of buzzwords, but the community knows they are empty promises. There is a sea of demountables and vacant blocks where schools should be built, and they have had enough.

### STATE CULTURAL INSTITUTIONS

**The Hon. BEN FRANKLIN (17:28):** I take note of the contribution by the arts Minister on the extraordinary work that the Government is doing in the arts and cultural space. I start by noting the comments from the Hon. Walt Secord, who said that he travels around regional New South Wales and that the Government has done nothing for the regions. That is just garbage; it is absolutely ridiculous. As the arts Parliamentary Secretary, the Minister has tasked me with travelling around the regions. Let me tell members what I hear when I speak to people in the arts and cultural space. I hear that no government in the history of this State has invested more in arts and culture in the regions than this one.

Look at the projects that this Government has done, for example, the Goulburn Performing Arts Centre, which is an extraordinary proposal; the Grafton Regional Gallery, which has needed an upgrade for a long time; and the Northern Rivers Conservatorium that the Minister spoke of. These upgrades are important. The Northern Rivers Conservatorium will now have a lift, which means the conservatorium is inclusive. It allows disabled kids and disabled members of the community to learn how to play an instrument, which, as we know through COVID, is one of the most important mental health provisions that can be given to young people. Music, drama and creativity are so important, but they should not be only for people who are lucky enough to live in Sydney. This Government is providing these facilities, resources and support to every single corner of the State. I will not sit back and accept what those opposite say.

It is fine to contest some matters. There are matters that both sides should be able to argue over. That is appropriate and this is the Chamber to do that. But I cannot allow to stand the sort of commentary that we heard earlier. The Byron Writers Festival is very close to my heart. This Government, through the work it has done and the support it has given, is now supporting the festival's StoryBoard project, which takes writers to small government schools across the region to provide kids with a love of creativity and learning. Importantly, there are six-, seven- and eight-year-olds who say that, for the first time ever, they are engaged in learning, they are engaged in school and they are engaged in reading with a new love and new excitement.

**The Hon. Don Harwin:** Right up and down the North Coast.

**The Hon. BEN FRANKLIN:** Right up and down the North Coast, as the Minister says. Spending money in the regions on the arts is a mainstay and a pillar of this Government's cultural strategy. I am incredibly proud to be the Parliamentary Secretary to the arts Minister and a member of this Government. We will not stop focusing on these issues every single day.

### TAKE NOTE OF ANSWERS TO QUESTIONS

**The Hon. TAYLOR MARTIN (17:31):** In closing the take-note debate, I refer to the contribution of the Minister for Finance and Small Business regarding a question addressed to him by the Hon. Lou Amato. I particularly want to take note of the question regarding how the New South Wales Government's economic recovery strategy is helping to accelerate our strong economic rebound out of COVID-19. The Minister highlighted significant data, including that the New South Wales economy grew 1.4 per cent through 2020 to 2021, according to the Australian Bureau of Statistics [ABS] figures that were released on Friday. That is more than \$18 billion more than pre-COVID levels. What an achievement that is, through such hard times not only for New South Wales and Australia but for the whole world. This reflects strongly on our strong economic recovery to the end of June 2021, prior to the Delta outbreak. It is a good sign of the inherent robustness of the New South

Wales economy, which is the envy not only of other States but of other jurisdictions around the world that have dealt with the pandemic.

After a decade of solid economic management from the Liberal Party and The Nationals in Government, that is what it should be. It is a pointer to how strongly we can continue to recover as we emerge fully from the COVID-19 restrictions as they are lifted and as we head into the summer trading and holiday season, which I am sure everybody in this place, after seven weeks of sittings and budget estimates hearings, as well as everybody across New South Wales, is looking forward to. Small businesses across the State are open and ready for trading. Across all of regional New South Wales, businesses are ready to welcome vaccinated visitors. As the Minister observes from time to time, those opposite always want to talk down our economy in New South Wales and talk down how our small businesses are going, saying it is worse than it really is. That is a shame. It is because of our economic management over the long term that we are able to continue to invest heavily across our State and across a range of portfolio areas.

This leads me to take note of the answer given by the sports Minister. I particularly want to talk about the COVID support for sporting organisations. There has been \$25 million invested in the Sport and Recreation Recovery and Community Rebuild Package that was announced in October 2021. That investment will allow sport and active recreation providers to retain the already redeemed Active Kids voucher money. There is \$7.8 million for New South Wales sporting organisations, alongside PCYC, Surf Life Saving NSW and YMCA, which are all very important organisations particularly throughout the summer. There is \$12.5 million for the Grassroots Sports Fund, which will provide payments of up to \$1,000 to support community sports clubs and associations impacted by COVID-19. I could go on, but I am out of time. Maybe I will do it in a motion.

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

**Motion agreed to.**

#### *Written Answers to Supplementary Questions*

#### **DR ANNETTE COWIE AND NATIVE FORESTRY BIOMASS**

In reply to **Mr JUSTIN FIELD** (19 November 2021).

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

- (1.) Questions on matters relating to the Environment Protection Authority should be directed to the Minister for Energy and Environment.

#### **SPORT ANTI-RACISM GUIDELINES**

In reply to **the Hon. WALT SECORD** (19 November 2021).

**The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans)**—The Minister provided the following response:

As I advised the House on 19 November 2021, staff at Venues NSW operated sporting venues have been trained to respond and escalate immediately, and any offenders are dealt with by police and banned from all Venues NSW venues.

Racism has no place in sport or in the stands from those watching on.

I am advised no fans were banned from any Venues NSW venue for racist activity in 2019-20 or 2020-21.

#### *Business of the House*

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

**The Hon. ANTHONY D'ADAM:** 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. ANTHONY D'ADAM:** I move:

That committee reports and Government responses order of the day No. 12 relating to the report of the Select Committee into the High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody take precedence over all other committee reports and Government responses this day.

**Motion agreed to.**

*Committees***SELECT COMMITTEE ON THE HIGH LEVEL OF FIRST NATIONS PEOPLE IN CUSTODY AND  
OVERSIGHT AND REVIEW OF DEATHS IN CUSTODY****Report and Government Response****Debate resumed from 16 November 2021.**

**The Hon. SHAOQUETT MOSELMANE (17:36):** I make a few remarks on the select committee report entitled *High level of First Nations people in custody and oversight and review of deaths in custody* dated April 2021. I note that the debate continues from last week. I acknowledge the excellent contributions of all members, especially members of the committee who have spoken on this report. I acknowledge their hard work, as well as the work of the secretariat, in producing a report on a matter that has troubled all, particularly First Nations people. In the chair's foreword, the Hon. Adam Searle notes that the tabling of the report marks 30 years since the Royal Commission into Aboriginal Deaths in Custody. "Sadly", he stresses, "we are no closer to addressing the over-representation of First Nations people in the criminal justice system."

I do not know how many times we have heard that we are sadly no closer to addressing the problem. In fact, I do not believe that we are anywhere near scratching the surface of this problem that has shamed the nation. The royal commission report produced 339 recommendations, many of which have largely been ignored or only partially implemented. It is extremely disappointing that it appears that governments have largely given up on monitoring the implementation of many of those recommendations. How many more reports do we need to produce to find solutions? We all know the outcome of the existing issues: more incarceration and more deaths in custody. We do not understand the issues as well as First Nations people do; they understand their people and their communities. Why not allow them to try their hand at resolving the problems? It is imperative that they be given the chance to address the issues the way they know best.

The over-representation of First Nations people in custody, the multigenerational disadvantages that First Nations people have faced in health, housing, employment and education, and the historical dispossession and systemic racism that underscores each First Nations person's experience with the criminal justice system must be tackled through change led by First Nations people—not by us. It certainly should not be led by bureaucrats or State institutions that have failed them in the first place. Clearly, the approaches we have been applying are incapable of providing the necessary solutions. In 2016 to mark the twenty-fifth anniversary of the report of the former Royal Commission into Aboriginal Deaths in Custody, former commissioner and now senator Pat Dodson said:

For the vast bulk of our people, the legal system is not a trusted instrument of justice. It is a feared and despised processing plant that propels the most vulnerable and disabled of our people towards a broken, bleak future.

To have an impact, we must change the way we view the issues surrounding incarceration and deaths in custody. The State has to trust the First Nations people, and give them leadership and responsibility in addressing issues impacting on their communities. They understand the ills of our system. They understand the needs of their own communities. First Nations people should be granted some powers to run their own affairs and elevate community confidence in their own systems. The select committee's report cites:

... pathways to enhance the effectiveness of the current oversight arrangements; one was to improve the resources and jurisdiction of the NSW Coroners Court; the second was the creation of a new independent investigative body; and the third was that the investigative function be undertaken by the Law Enforcement Conduct Commission.

What we are doing is laying oversight upon more oversight, which is like chasing our own tails. Why can we not simply accept that when it comes to Indigenous Australians our system is not fit for purpose? To fix the problem, we must consider alternative approaches endorsed by First Nations organisations that are run and operated by First Nations people. We need root-and-branch change, which will give First Nations people greater say and space to run their own affairs with limited bureaucratic interference. That is why for decades nothing has or will ever change for them under our system. In fact, it is getting much worse for them. I will not go through the statistics, as they are well cited earlier in the debate. All I see is a bleak future. I believe nothing has changed because we are imposing our own perspectives and solutions rather than theirs. The select committee report alludes to some of what is needed to give First Nations people a say in what is happening. In his forward to the report, the chair states:

The second option, which we were sympathetic to, focused on establishing a First Nations-led independent body, but it is our belief that the weight of expectations on this body would be highly problematic, in addition to it taking a significant amount of time to establish. The best way forward the committee agreed on was to expand the functions of the Law Enforcement Conduct Commission to undertake full investigations in relation to deaths in custody, with appropriate resourcing and support. Alongside this, the appointment of a First Nations senior officer, will ensure the Commission is genuine and culturally safe in its approach.

The establishment of a First Nations-led independent body would have been an excellent start but, as always, we know best, so we do not recommend it. The next best option in the report is a recommendation of a First Nations senior officer, whose role supposedly is to "ensure the Commission is genuine and culturally safe in its approach". That is a small step in the right direction, but it falls short of what a First Nations-led independent body would be able to achieve in this space. It would have been a far better recommendation, even if it took some time to establish. We must give First Nations people a chance, even if we do it on a trial basis. Let them have some authority over the affected people and let us work with them on solutions. I understand there are those who are not ready or prepared to concede sovereignty or who do not want to accept First Nations autonomy. At the end of his forward to the report, the chair states:

I hope this report provides a realistic roadmap for the NSW Government to deliver better outcomes for First Nations people and for others in the criminal justice system.

They are well-intentioned objectives but, given the history, I do not have faith in the system that has clearly let First Nations people down. I know the Hon. Adam Searle and every member of the committee are genuine—no question about that—but I do not believe this approach and a few recommendations will resolve what has proven to be a stubborn issue. To succeed, the number one recommendation should begin by handing over some decision-making powers to our First Nations people. If we do not assist in that transition then First Nations people will have to ramp up the work of movements like Black Lives Matter, which has brought the racism, inequality and abuses of power that have haunted our First Nations people for so long to the forefront of public consciousness.

The Black Lives Matter movement views our criminal justice system as a tool of injustice for Indigenous Australians, who are one of the most incarcerated peoples in the world. On many occasions, First Nations people have told us what they want. They want a voice. The May 2017 Uluru Statement from the Heart is one example. It speaks of sovereignty but one that can coexist with the sovereignty of the Crown. We must look beyond our space, go outside of our narrative and listen to what the First Nations people are telling us. We must let go and empower First Nations people with their own voice. In his article entitled *Nationhood and the deadly incarceration pandemic of our First Nations people*, the National Director of Australians for Native Title and Reconciliation—ANTaR—Paul Wright states:

Thirty years on from the Royal Commission, 54 years since the Referendum, 120 years since Federation and 233 years since colonisation and dispossession began – to borrow from Whitlam, 'it's time'.

Yes, it is time we break the cycle. One way to do that is for First Nations people to lead in addressing such pressing issues. I have every trust in the abilities of the First Nations people. They have sustained life for the past 50,000 years. I am confident they can sustain their own lives for thousands of years more.

**The Hon. ADAM SEARLE (17:45):** In reply: I thank members who made a contribution to this important debate: the Hon. Trevor Khan, Mr David Shoebridge, the Hon. Walt Secord, the Hon. Tara Moriarty and the Hon. Shaoquett Moselmane. If I have missed anybody, I apologise. The debate and the committee's deliberations were imbued with a spirit of cooperation, of optimism and of trying to do the right thing—in a practical sense, to set out a road map for practical action to make things better, of course framed with the knowledge of all the previous reports and reviews that went before this one, which are well set out in the report. We found that quite daunting because of the risk that we would produce yet another set of words to gather dust. I draw members' attention to page 14 of the report at paragraph 1.72, which states:

**1.72** Stakeholders emphasised the importance of self-determination, which should underpin any changes or programs in addressing the over-representation of First Nations people in the criminal justice system.

That is vital. In contributions to the debate, particularly those made by the committee members, that is certainly how we tried to phrase everything. The Hon. Trevor Khan made the point that the over-representation of First Nations people in the criminal justice system is not so much the result of overt racism in the police or the courts; rather, it is driven by underlying, complex social conditions. Multigenerational trauma, dispossession and poverty are all key drivers of bringing people into the criminal justice system generally, but particularly for First Nations people.

The Hon. Trevor Khan spoke movingly about First Nations young people being brought into contact with the police being a key determinant of ongoing contact with policing and criminal justice, and not in a positive way—drawing them into the net that then shapes their lives. I note from the Government response that Just Reinvest NSW is one of the areas where government has had a positive response. The difficulty is with government agencies working with communities to build capacity, to build that part of civil society and to create the space for self-determination—to create the space where community can work with government to work out what the solutions for those communities are.

One of the things we learnt about justice reinvestment is that it is not a particular program. It is not a particular set of solutions. It has to be tailored and bespoke, depending on the communities involved. That takes time, resources and investment, whether it is about housing or education or health. Of course, there are profound difficulties in providing those services outside of the major metropolitan centres. All of these things contribute to the very real difficulties of making real change. That, really, is at the heart of the challenge if we are going to make things better. We need to find better ways of doing those things and providing those services in affected communities in a way that is going to work. Sometimes just providing money, products or services will not work because people in those communities will not necessarily accept them unless they have been part of designing the response to which the services are an answer.

Obviously, there are some things that are more straightforward, such as the reforms to the criminal justice system, which the committee did recommend. I note that the Government is still considering a number of those. I also note and welcome the Government's commitment to adequate and proper resourcing of the New South Wales Coroners Court, because many of these difficulties are located in that jurisdiction and its delays. Families who have lost loved ones, particularly First Nations families, are waiting not just months but a number of years—in some cases up to five years—before they hear the truth about how their loved one died. It is too long. That jurisdiction has not been properly resourced, and I welcome the Government's commitment to improve that. Although, I note it will take time and, of course, there are a number of other recommendations for the Coroners Court which the Government has yet to commit to but is still considering. Again, I urge the Government to look favourably and positively on those things that remain outstanding.

One of the things that I think did not get fully ventilated in this debate is the provision of health screening and health services in correctional facilities. There are, obviously, a lot of mental health issues and other health issues afflicting people who find themselves in the custodial system. Many of those are First Nations people and, in many cases, their health issues have not been identified, diagnosed or treated before the person comes into the prison system. One of the things that came out of the hearings and the report was the evidence—and this is not a criticism of those involved in the process—that the prison system, at best, helps people maintain health conditions. It does not really provide a proper treatment regime to address those underlying health issues—particularly mental health issues, many of which were part of the drivers that led people into the prison system in the first place.

We want to cut recidivism, so that when people finish their term of imprisonment those same factors that brought them to prison in the first place do not bring them back. No pun intended, but I remember posing the question in one of the hearings, "Surely we have here a captive audience where you could properly treat them, diagnose them and provide them the support they need?"—assuming, of course, they are willing to avail themselves of that. There is a long road yet to travel in the prison system in terms of the provision of health services. Again, I note in the Government's response that the Department of Health and Corrective Services NSW have commissioned a review of the delivery of offender health services, including consideration of what models will best meet the needs of First Nations people with reference to Closing the Gap targets. That is a positive and a positive response to the committee's deliberations and findings.

There are many other aspects of the report: for example, mental health screening when people go into prison, proper treatment regimes and, of course, improving support for First Nations people leaving custody. That was one of the key things, particularly for women prisoners. We received evidence that offenders leaving prison were not provided with ongoing support, housing or connections with employment or acquisition of skills. Again, the lack of those things—secure housing, secure employment or the skills with which to acquire employment—drove many people to the behaviours that led them to prison. There needs to be better support for all prisoners, but particularly for First Nations people and for women prisoners, when leaving custody so that they can have a proper and better start to life back in the wider community.

I could speak for much longer about these matters. Really, we have only just scratched the surface. Hopefully, the Government will provide a further response when it has finished considering those outstanding matters and we can then continue to have this dialogue, because one thing that came through clearly is that these solutions will not be forthcoming and will not be delivered if this is a partisan conversation. It has to be bipartisan. It has to be multipartisan. It has to involve the goodwill, the creative energies and the support of all of us in this place and the other place. I thank the House.

**The DEPUTY PRESIDENT (The Hon. Catherine Cusack):** The question is that the House take note of the report and the Government response.

**Motion agreed to.**



*Bills***LICENSING AND REGISTRATION (UNIFORM PROCEDURES) AMENDMENT BILL 2021****First Reading**

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

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

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

**Motion agreed to.**

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

That the second reading of the bill stand as an order of the day for Tuesday 22 February 2022.

**Motion agreed to.**

*Committees***PUBLIC ACCOUNTABILITY COMMITTEE****Report and Government Response**

**Debate on report resumed from 12 May 2020.**

**Debate on Government response resumed from 9 November 2021.**

**The Hon. ANTHONY D'ADAM (17:58):** I make a brief contribution to the take-note debate on report No. 6 of the Public Accountability Committee entitled *Regulation of building standards, building quality and building disputes: Final report*, dated April 2020. This is the final report of the Public Accountability Committee in this inquiry. There were two reports in relation to building standards and building quality. The poor state of the multi-unit apartment sector and the construction of multi-unit apartments has obviously been an ongoing issue of public controversy. Very significant concerns have been raised as a consequence of building defects being detected in buildings such as the Opal Tower in Sydney Olympic Park and Mascot Towers. The report has highlighted substantial concerns around the certification system that operates in this State. While I was not directly involved in this inquiry, I have participated in the subsequent inquiry that has been established in relation to looking further at building standards. The Government's response on this matter has been somewhat disappointing.

**The PRESIDENT:** According to the resolution of the House of Wednesday 17 November 2021, proceedings are now interrupted to enable the Hon. Peter Poulos to make his first speech without any question before the Chair.

*Members***INAUGURAL SPEECH**

**The PRESIDENT:** Before calling the Hon. Peter Poulos, I recognise a number of his special guests. I welcome to my gallery this evening his wonderful wife, Mrs Vicki Poulos; their children, Miss Maria Poulos, Master John Poulos and Miss Christina Poulos; his mother, Mrs Maria Poulos; his brother, Mr Emanuel Poulos; his long-suffering mother-in-law, Mrs Christina Patsos; and his sister-in-law, Mrs Joanne Souvaliotis. I have the pleasure of welcoming the Premier, the Hon. Dominic Perrottet; the Treasurer, the Hon. Matt Kean; and the former President of this House, the Hon. John Ajaka. I warmly welcome His Grace Bishop Bartholomew of Charioupolis, representing His Eminence Archbishop Makarios, Primate of the Greek Orthodox Archdiocese of Australia.

I welcome them all for the Hon. Peter Poulos's first speech. I also recognise those people in the upper gallery, and the people gathered in the Strangers' Dining Room, who are watching a livestream of these proceedings. I also note that the Hon. Peter Poulos has informed me that we are going live to Greece via his new website. Indeed, the YouTube channel is broadcasting everywhere else; we are going global from the Legislative Council tonight. With those few words, I call the Hon. Peter Poulos. As it is his first speech, I remind members to provide him with the usual courtesies.

**The Hon. PETER POULOS (18:03):** I deliver my inaugural address with the indulgence of all honourable members in our oldest parliament within this blessed Commonwealth. It is indeed a great privilege to serve in the Legislative Council as it approaches its bicentenary, and my primary focus shall be to represent the people of New South Wales for the betterment of all. In recent parliamentary sittings we have found it necessary to adapt to a set of extraordinary circumstances. Fortunately, through the wonders of technology, I am able to

deliver my first speech virtually to friends and supporters alike. I thank them for watching the live broadcast or doing so by visiting [peterpoulosmlc.com](http://peterpoulosmlc.com). Notwithstanding that many of you would have preferred to be present this evening, I know that it will not be any less special. I am particularly grateful to the small number of guests who are permitted to be here.

I take this opportunity to thank the Clerk and the many parliamentary and professional staff who have afforded me all manner of courtesies and guidance in fulfilling my duties since I was sworn in. I also extend my gratitude to my parliamentary colleagues, who have made me feel very welcome. I express my appreciation to the Liberal Party of Australia (New South Wales Division) for elevating me into this role and, in particular, thank all the members from across the St George-Illawarra province who preselected me for this purpose. The party relies on the decent network of volunteers who selflessly give of themselves in the hope that their representatives defend and uphold our moderate and conservative traditions. I also seek to acknowledge the traditional custodians of this land, the Gadigal people of the Eora nation, and solemnly pay homage to their Elders, past, present and emerging.

True reconciliation remains our most noble quest. In practical terms there should be no reason to refer to any imperative to close the gap, because in a society such as ours, which upholds the laudable principles of promoting social cohesion and egalitarian opportunities for all within this twenty-first century of ours, there should be no gap. A nation that can commit to purchasing nuclear submarines to defend its sovereignty can surely prioritise to restore the dignity of our Indigenous First Australians. As a State, we must likewise fulfil our obligations. Today my children should not have the privilege of benefiting from a life expectancy superior to any other person, irrespective of their background or racial profile. So why is it that some children come into this world facing such an un-level playing field? We are a better society when we confront our own inconvenient truths.

This might at times be unsettling, but a truthful introspection can importantly deliver the necessary antidote against prejudice and help resolve many of those intractable social challenges. Our best days lie ahead in a society which fosters a burgeoning middle class, a society where poverty and hardship are tackled and where public policy is framed to mitigate social inequality. As Liberals we seek to elevate the individual rather than segregate opportunity. When the Commonwealth hesitates to leap forward, New South Wales should do so; this defines us as the premier and leading State.

This is why I support the New South Wales Parliament facilitating its own Indigenous voice to Parliament. We too should engender and formalise a forum for our First Indigenous Australians to curate their preferred solutions to those issues of concern which have continued unabated from one generation to the next. This year marks 50 years since the late Neville Bonner, AO, became the first self-identified Indigenous Australian to enter the Commonwealth Parliament. He was actually born in northern New South Wales. I am proud to acknowledge that this forthright and courageous individual was a member of the Liberal Party. I reflect that during his inaugural speech he observed:

Less than 200 years ago the white man came. I say now in all sincerity that my people were shot, poisoned, hanged and broken in spirit until they became refugees in their own land.

This was a powerful and evocative moment in our political history. Sadly, 50 years later, this remains a poignant reminder of how important it is today to heal the wounds and close the divide. This is our opportunity to work as equal partners to remedy Indigenous disadvantage once and for all. This must become our first and foremost priority. As honourable members file into this Chamber, they will recognise a most splendid oil painting known as *The Founding of Australia*, which was commissioned for the 150th anniversary of the landing of the First Fleet. The raising of the flag is emblematic of those English traditions and influences within our institutions, which permeate across this State and beyond.

The rule of law, the separation of Church and State, our language, our independent judiciary, our freedom of religion, our parliamentary democracy, our freedom of association and expression, our right to lawfully own a firearm and—something we sometimes forget—the presumption of innocence until proven otherwise: These are fundamental rights and privileges which cement Western thought and Liberal ideals. Some of us are rightfully offended by alternative models which aim to suppress the freedom of the individual. Some of us remain offended by totalitarian precepts.

As Liberals, we remain steadfast in upholding those liberties preserved and fought for on the blood-stained battlefields of the past. Indeed, this served as a rallying cry for Sir Robert Menzies and those founding members who came together in 1944 to establish a party centred on a universal ballast of Liberalism. They sought to repudiate the horrors associated with the Second World War and, as returned service men and women and former prisoners of war, they recognised how a better society should and could look, by reinforcing the very foundations which all generations leading up to this day have benefited from. I too will commit myself to defend these very ideals. I am dutifully bound to do so. This is why I am a lifelong Liberal.

It is true that symbolism is important and serves a key plank in our discourse. Not far from here, situated in Loftus Street, is a sandstone plinth signifying where on the 26 January 1788, some 233 years ago, Captain Arthur Phillip marked the focal point for European settlement. In my time, I have seen more distinguished transformer boxes. Such a historic site is barely noticeable. The time is now right to appropriately recognise this culturally significant landmark by incorporating it with any transformation of Circular Quay, which must include the removal of the Cahill Expressway to reveal, through a design competition, far more expansive views of the harbour. Just as Jeff Kennett delivered Federation Square in Melbourne, this is the most opportune moment to create our very own Reconciliation Square, reflecting a new beginning and recognising the fusion of our Indigenous heritage with our longstanding multicultural and migrant traditions.

My hope remains that Sydney is architecturally ambitious and bold. As such, we should attract investment and encourage buildings which compete with the world's tallest skyscrapers. In a century which is rapidly changing, we cannot afford to stammer and be left behind. Our regional competitors apply a can-do approach, and so must we. Sydney is our nation's gateway and a global destination, and this must remain so. The new 24-hour Western Sydney Airport, which we championed, will enhance our standing. To further assist, the Commonwealth should relocate its naval defence facilities and operations from Sydney Harbour to Port Kembla and Jervis Bay. The freed-up available space and capacity would be ideal to accommodate more tourism from cruise shipping, which will only reinforce the international visitor experience when entering the world's greatest harbour. Yarra Bay cannot achieve this and does not even come close.

Several months ago I was bestowed with the great honour of being sworn into the Legislative Council. At the time, New South Wales, other States and Territories as well as other nations across the globe continued to grapple with the ongoing impacts of the pandemic. During this calamitous period, Gladys Berejiklian and her Ministers demonstrated great leadership and a resolute temperament. Gladys helped keep our State safe and functioning. She helped fortify our resolve in facing this threat and, with all our skilled health professionals, New South Wales did not experience the huge losses of life recorded in other parts of the world. I thank Gladys Berejiklian for her selfless service to this State and to the Liberal Party over many years. She will be missed but never forgotten.

There are many people across New South Wales who are still hurting. The mental and financial wounds run deep. Anyone who resided in a locked-down local government area; self-funded retirees who relied on investment properties as a source of income; elderly parents who were often isolated or unable to interact with their families; children who were homeschooled and parents who became teachers overnight: These are some examples among so many deserving recognition for displaying such levels of resilience.

Small businesses have also borne the brunt of this crisis and once again will spearhead our State's economic recovery. The Government must not be a hindrance but an enabler of small business. This is non-negotiable. I grew up in a small business family and observed the long hours over seven days and the constant pressures attached to it. I remain and will always be a strong supporter of small business because if we enable the entrepreneurial zeal which is innate within every individual to flourish, then society as a whole prospers. It remains true that small business entrepreneurs are not leaners but lifters. We cannot therefore allow them to become our forgotten people, and we won't.

There has been much debate about the efficacy of vaccination. At times this has been an unnecessarily polarising issue. I assert that vaccines save lives and recognise that our scientists and professional medical staff, doctors and nurses project and showcase the best attributes of humanity. So I am unequivocal in supporting vaccinations and the advice of our medical experts. I acknowledge that overwhelmingly here in New South Wales adults have done the right thing for themselves, their families and our great State. They have diligently sought to be vaccinated and certainly deserve our gratitude for how they have adapted and responded to this unprecedented crisis.

However, there remains to this day a number of our citizens who choose not to be vaccinated. This is their choice, and I respect their right to do so. It is my considered view that a just and fair society should both accommodate and see a purpose for conscientious objectors. As Liberals we once expressed our strenuous opposition to voluntary student unionism because we felt that the individual has and must retain the fundamental right to choose whether to join a union or not. Similarly, the individual should retain the same right to decide whether they are vaccinated or not. Indeed, a Liberal pluralist society enshrines a set of fundamental principles which I avowal and embrace and will fight to uphold.

Any civil society has an obligation to adhere to a set of values and ideals. As a Liberal I am no different. I see it as my role to play a small part in seeking to remain anchored to our philosophical traditions, which guide our responses to political events or in formulating policies which encourage free enterprise and recognise the unique worth of the individual. It has never been my style to prevaricate on fundamental core values. I do not consider capitalism antithetical. It remains the foundation of delivering a standard of living which is unsurpassed,

because there is no other alternative. Market-based solutions optimise outcomes, and in the rare circumstances where there is failure, then governments have a role to assist. But it does not just end there. I believe that when it comes to matters of conscience, our Liberal party room must continue to uphold the fundamental privilege of a conscience vote.

I came into the Legislative Council to fill a casual vacancy caused by the retirement of the Hon. John Ajaka. I wish to acknowledge John's stewardship and his tremendous and ongoing contributions as a member, Minister, President and party stalwart. I once served on Rockdale City Council with John. He has been a mentor to me, and I will strive to build on his legacy. I thank him for his friendship.

My own continuous 28-year journey in the Liberal Party has afforded me tremendous opportunities and in senior roles. If the party can be described as a broad church, then it is fair to say that I have pretty much sat on every pew on both sides of every aisle within it. I am also a Coalitionist. I recognise that the Liberal Party functions at its best when the National Party is at its best. Our State has benefited from a great many and varied projects being delivered across regional and rural New South Wales as a result of the efforts of our Coalition.

Perhaps the greatest everlasting project currently underway is the massive inland rail, which will buttress regional centres and achieve significant economic and longstanding environmental benefits. A new steel spine will crisscross New South Wales, turbocharging our regional economic renaissance, helping to transfer goods and ancillary benefits along key intermodal junctions and in the new regional activation precincts, culminating in more job opportunities and business enterprises.

The Renewable Energy Zones will catalyse a huge investment pipeline into renewables and clean energy initiatives. This has already attracted global acclaim as the State recalibrates its capabilities towards net zero emissions and a more sustainable future. As we find ourselves in a post-COVID reconstructive environment and with interest rates still at historic lows, the time is now more than ideal to build our first very fast train network. Ideally, any dedicated high-speed rail corridor must accommodate speeds in excess of 300 kilometres per hour and in the first instance should run from Sydney to Canberra, and Newcastle to Sydney. Currently China accounts for two-thirds of the world's entire total high-speed railway network. And yet here we cannot even begin one. The Government sensibly sought advice for its future blueprint through the scholarship of Professor Andrew McNaughton. Now let's make it happen.

I expect more because this Government has achieved such a remarkable and herculean transformation of our ageing infrastructure. We are proven performers because we deliver on what we promise. This Government more than any other has completed projects unravelling bottlenecks and overturning through methodical planning 16 years of gross Labor intransigence and inaction. For this reason, I am confident to push ahead with further ambitious programs of renewal in anticipation that families would be able to relocate from across greater Sydney into regional centres where lifestyle changes would engender more affordable housing, facilitate further decentralisation, create more jobs and help us to value capture.

So you can add my voice and strong advocacy with many others in urging the Government to duplicate the South Coast rail line to Wollongong together with completing the Maldon to Dombarton rail corridor to establish additional freight capacity and achieve faster travel times for commuters from the South Coast, in particular Wollongong, to Sydney. As someone who worked in Wollongong and travelled there each day from Sydney, I recognise the expectation that these projects are finally delivered. Additionally, the remaining stages of the M6 should be finalised and work commenced to complete the missing links connecting the Illawarra with Sutherland and St George. The Government has advocated to reinstate a ferry service from La Perouse to Kurnell, but perhaps a more visionary approach would be to connect the Eastern Suburbs with the south by extending the light rail to Cronulla via Kurnell and under the heads of Botany Bay, a proposal previously referred to as the Bay Light Express.

Whilst I welcome the benefits of a coalition because it undoubtedly helps us achieve Government, I know that, like any partnership, occasionally there will arise circumstances where we need to manage our differences. I will be respectful and, when necessary, forthright in expressing views that resonate with Liberal supporters. Our universal obligation must be to preserve our environment and shield it from continuous aftershocks. Last year's bushfires were a devastating reminder that our sensitive habitats remain exposed and must be preserved and valued based on proven conservation approaches. It is time for a rethink. The overwhelming number of wild horses in the delicate and very significant Kosciuszko National Park is unacceptable. Nature must be prioritised and given the benefit of the doubt. So I wholeheartedly applaud the current draft plan aimed at providing relief to these wilderness areas.

Time also is not a luxury for any of us when it comes to our current approaches to native forest logging and rates of land clearing. This is not good for our native habitats, this is not good enough for our koalas and it will invariably compound the ongoing impacts of climate change. Of course, we need a sustainable and ongoing

timber industry to help create jobs, deliver economic opportunities for our regions and provide essential building materials. But what is the end game here? Our current practices have us on a trajectory which emasculates the very timber industry we want to continue and disrupts the environmental stewardship for future generations.

Today, land clearing rates are unsustainable. In some instances, satellite images cannot keep pace with what is happening on the ground. It is important to further incentivise private landholders to immediately preserve our precious biodiversity assets. Private property rights are fundamental. As a Liberal, believe me, I know. And so we must fairly incentivise landholders to adopt a different and more sustainable approach as much as we must deliver a financial assistance package for industry to cease logging in native forests. We ought to be guided by sound scientific and sustainability principles. We are obligated to do so both to current and future generations. And we owe it to nature.

Sir Robert Menzies remains our foremost exemplar as both a political thinker and successful statesman. He experienced personal setbacks but rose above each hurdle to establish a formidable political movement. One of his enduring legacies included focusing on home ownership and affordability, ensuring that one's ability to own a home should be an achievable aspiration and within the reach of all who seek it. Today, the astronomical housing bubble makes it profoundly difficult especially for young entrants to achieve this dream. Comprehensive tax reform can address some of this and it just so happens that the Commonwealth remains in the pole position to further assist.

The 2021 NSW Intergenerational Report reinforces that our revenue growth is projected to drop and will be surpassed by spending growth. Everyone knows what needs to be done. You just need the courage of John Howard and Peter Costello to make it so. Whilst first homebuyer packages provide a useful head start, the need remains for more supply to be delivered into the market. However, I am concerned that the current housing bubble will once again drive through higher land valuations financial imposts onto landholders ending up being transferred to buyers and tenants.

More often, land tax hurts our self-funded retirees and our mum and dad investors who appear asset rich but experience limited income returns and more frequently become smothered by additional charges such as rates and insurance. Similarly, those who landbank and intend to deliver more housing lots cannot remain in an indefinite holding pattern, sinking under the weight of debt, hoping through pot luck that a planner might emerge to sign off on these critical projects. This remains unacceptable and especially during the current pandemic the State has similarly transferred a greater risk profile onto the landlord. Without landlords there would be no household or commercial properties to rent from.

So, let's stop our universal predisposition towards hammering landlords, investors and developers by taking their contributions for granted. Today there is another factor which is impacting our housing market and relates to an intergenerational impasse. Our aging baby boomers lack the incentive to downsize and help provide for more options for families eager to move into well-established communities. This is why as an immediate measure I support the over-65 downsizers receiving stamp duty concessions when purchasing their next primary place of residence or when they contribute towards their children's first home purchase in their role as a mum and dad bank. This could assist in achieving more property listings and is an area where New South Wales currently lags behind other States.

I have been shaped and influenced by numerous factors in my life. My Orthodox faith is an important consideration and construct in guiding me. Whilst it is not my role to proselytise and I respect everyone's right to maintain their religious beliefs in equal measure to those who do not believe at all, I am somewhat comforted that, for all the historical missteps committed in the past in the name of religion, there do exist numerous examples where Christian teachings have preserved humanity in the face of great and monumental upheaval. The first relates to the courage of Archbishop Damaskinos of Athens who, during the Second World War, confronted the scourge of Nazism and interceded to protect thousands of Jews from deportation.

He famously marched into the office of SS General Jurgen Stroop, the very individual who had personally overseen the destruction of the Warsaw ghetto, and presented him with a letter condemning any attempt to further discriminate on racial or religious grounds. The general was so outraged by the temerity of Damaskinos that he threatened to have him shot, to which the Archbishop retorted in part, "According to the traditions of the Greek Orthodox Church, our prelates are hanged and not shot. Please respect our traditions!" The defiance of Damaskinos directly saved Jews through his edict to issue false baptismal certificates and identification cards to any person seeking refuge. For his actions, he was honoured as Righteous Among the Nations.

The second significant figure who exemplified the teachings of the Orthodox Church is encapsulated by the actions of Archbishop Iakovos of America. Not only did he join shoulder to shoulder with Reverend Dr Martin Luther King Jr in the march to Selma, Alabama, together they graced the cover of the iconic *Life* magazine. Archbishop Iakovos championed civil rights and the emancipation of African Americans to register to vote. For

his efforts he faced persecution, condemnation and threats. He excelled in a turbulent part of history and was awarded the Presidential Medal of Freedom. These were two extraordinary men of faith representing hope. Like them, I repudiate discrimination and injustice against anyone.

Our Government's unique asset recycling and reform agenda helps to accelerate renewing our infrastructure and deliver contemporary public benefits. The time is right to completely decouple the State from the energy distribution market. Such proceeds should be reinvested towards a regional hospital rebuild fund, in addition to boosting the Community Housing Innovation Fund for social housing and directing more funding into Investment NSW to enhance our research and innovation capabilities. The future of work will be correlated towards our investments around the digital economy and new startups associated with the smart economy. Our benchmark should be Israel. The work around Tech Central is a great initiative. But just as Israel takes the punt and invests significant capital in new enterprises, so must we.

Water security and the health of waterways will also be a great challenge for all of us. The water quality and overall health of our urban waterways such as the Georges River, Cooks River and Wolli Creek deserve greater funding for rehabilitation. In as much as our current dam levels remain high, it cannot be assumed that this will always be the case. For this reason, I encourage the expansion of the Kurnell Desalination Plant to help preserve Sydney's long-term drinking water supply. Such a response does not negate any further measures to expand our capacity to use recycled water for industry and commercial means. We can, in fact, do both.

In recent times our conventional thinking around work-life balance has been tested, and rightfully so. Advances in technology will consolidate working-from-home arrangements. Moving forward, I believe that New South Wales should trial a shortened four-day working week without compromising workers' pay or entitlements. Importantly, this enables individuals to pursue other interests or family responsibilities and recognises that our productivity need not fall because we can work smarter and we do. This approach will make us a world leader and expand our life choices. The Liberal Party advanced paid parental leave and can lead on this initiative as well. A four-day working week will importantly enable more women to return to the workforce. This century should be about empowerment and a new paradigm of balancing all our needs and wants.

Throughout my political odyssey, I have benefited from the support of so many. To all of you who have assisted me, I extend to you my appreciation. I have gained much practical experience in the political arena and during my employment with several members of Parliament. Amongst them, I recognise my time with you, Mr President, and periods working for the Hon. Don Harwin, the member for Miranda Eleni Petinos and Senator the Hon. Concetta Fierravanti-Wells. To each of you, I thank you for affording me the great privilege of working for you and granting me access to learn about the true inner workings of the Parliament and the functions of government in as much as it is the special art that is politics.

There are several pillars of longstanding and individual friendships which have endured over many years and assisted me to be where I am today. I acknowledge the vice president of the party, Christopher Rath, and thank him for his great support, loyalty and friendship. The Parliament is waiting for someone like you, Chris, and I look forward to the moment when you too can fulfil your personal aspirations. I similarly thank several great friends over many years: Richard Shields; Nickolas Varvaris and his wife, Dorette; John Chedid; and Anthony Vourdanos, along with one of the most upstanding individuals I know, Councillor Michael Nagi. I appreciate your collective and unwavering support.

Amongst my many friends and supporters, there is one individual who is relentless in his support for me. He is indefatigable and one of the most focused thought leaders in this Government. To Matt Kean, I thank you for your guidance and friendship and for inviting me to work for you. Matt Kean doesn't fire blanks. In years to come he will be remembered for, importantly, amongst so many things, expanding our national parks, accelerating the take-up of electrical vehicles whilst formalising fast-charging networks across New South Wales, phasing out single-use plastics, slashing emissions by 50 per cent below 2005 levels by 2030, making New South Wales a global hydrogen superpower, transitioning our energy market to more renewables, and improving the capacity of the electricity transmission network. Now as our Treasurer, there is no doubt you are only warming up.

I acknowledge my late grandparents, Emanuel and Diamanta Livanos who, following the war, paved the way in the early 1950s for a generation to follow and prosper in a new-found haven. To my uncles, aunts and cousins, I thank each of you for your longstanding influences and support. To my mother-in-law, Christina Patsos, as well as Andrew, Joanne and Katerina, I give thanks for everything you have done in support of the family. To Trent Zimmerman, who I once served with as a vice president of the party, James Wallace, Mark and Adla Coure, Gareth Ward, Lee and Gayle Evans, Mark Speakman, and Carmelo Pesce, I recognise what you do every day for our party and for your role in helping me.

I seek the leave of the House to incorporate in *Hansard* a list of names of persons to whom I express my thanks and appreciation.

## Leave granted.

To Hassan and Sue Awada, Ned Mannoun, Jai Rowell, George Greiss, Chris Spence, Gab Habib, Matthew Camenzuli, Matt Hana, Sam Elmri, Larissa Mallinson, Jesse Martin, Cameron Walters, John Dorahy, Adam Zarth, Patrick Wynne, Margaret Bowcher, Louise Sullivan, Nicholas Mickovski, Sam Stratikopoulos, Rami Abdallah, Ron Bezic, Chris Pettett, Wally Klukiewicz, Rick Forbes, Steve Nikolovski, David and Elizabeth Hughes, Brigid Meney, Michael Kitmiridis, Chris Murphy, Bill Aslanidis, Rhonda Holt, Gary Sandry, Jessie Nguyen, Will Nemesh, David Tsor, Yosi Tal, Alex Clark, Renee Gorman, John Claydon, Chaneg Torres, Tim Millar, Deyi Wu, Nik Kaurin, Ray Touma, Sam Issa, Jerome Boutelet, Anthony and George Bouteris, Mark Croxford, Dr Fiona Martin, Jeremy Vine, Simon Olsen, Philip Ruddock, AO, Arthur Sinodinos, AO, Rhonda Cristini, Christian Dunk, Andrew O'Sullivan, Dylan Whitelaw, Richard Hodge, Christine Chalker, Matt Cross, Norman Lee, Chris Downy, Teena McQueen, Alex Dore, Naji Najjar, Jim Daniel, Colleen Hodges, Magdi Mikhail, Elias Sioutas, Wayne Brown, Ali Jaafar, Kent Johns, Melanie Gibbons, Michael Azzi, Michael Douglas, Mark Neeham, Noel McCoy, Simon Moore, Paul Theodore, Bill Kamper, Diane McInerney, Paul Ell, Wade McInerney, Sam Tedeschi, Hugo Robinson, Dimitry Palmer, Hannah Eves, Anthony Samaras, James Skibinski, Daniel Rindfleish, Frank Zivkovic, Arthur Karoutzos, John Yannakis, Mark Connell, Ben Coles, Ava Hancock, Teaghan Wilson, George and Peter Gabriel, and of course Anthony Brewster. I give thanks to each and every one of you.

**The Hon. PETER POULOS:** I thank the House. Finally, I thank my close friends from the Local Government Oversight Committee community—Charles Perrottet, Dallas McInerney, Harry Stutchbury and Aaron Henry—for helping to rejuvenate our focus in local government and collaborating with Mary Lou Jarvis, Sally Betts, Jacqui Munro and Aileen Macdonald to boost our female representation. To my staff, Nicholas Smerdely and Haris Strangas, thank you for kickstarting the next phase of the journey. I sincerely thank Premier Perrottet, whom I have known for many years. We have certainly shared a few adventures together. He endorsed my candidacy with warm words of encouragement and wise counsel. When he delivered his inaugural speech he thanked me, and today I can reciprocate. I have had the benefit of knowing what motivates the Premier and recognise that the times do in fact suit him and our Government best. Premier, I am always around and if you need anything just text me your coordinates and air support will be on the way.

To my father, John, born in Platanos, Achaia, and my mother, Maria, born in Agios Nikolaos, Laconia, I acknowledge your immeasurable sacrifices when supporting my brother Emanuel, whom I am immensely proud of, and me. Both of you migrated to New South Wales over 65 years ago. Each of you experienced great hardship and poverty. You survived the war and a famine to somehow venture to a great southern land when Sir Robert Menzies was Prime Minister so that your son could stand here today as a proud Greek Australian, reflecting the diversity and presenting the changing face of the Liberal Party. To my precious children, Maria, John and Christina, I hope I can make a difference in your lives and those of others. I am proud of each of you and I will always be your favourite dad.

To my wife, Vicki, I recognise your special qualities, which are often sorely tested as a mother, wife and friend. Our union began 21 years ago and remains unbroken. I can never thank you enough for what you have done to support my political aspirations and the family. You grew up in western Sydney as part of an often marginalised community, which you have never forgotten about. As we approach Christmas in what has been an especially tough time, your old neighbourhood will project all that they can through their outdoor lighting displays. They remain a group of individuals who work hard and occasionally dedicate their limited disposable incomes to life's pleasures. They are aspirational, decent and productive and keep our State going. They are western Sydney.

Ultimately our objective must remain that no-one should be left behind. No-one. This is what I genuinely believe and this is what a good government such as ours should always remember. Before almighty God, I reaffirm my faith and know that my path towards salvation and everlasting life can only come through my Lord and Saviour Jesus Christ. In years to come, before I am laid to rest in a place of green pasture, I hope that my children, nephew George and nieces Constance, Angeliki and Anastasia, and perhaps some of you, might feel with pride that through the Liberal Party, in my public service, in defence of liberty and individual freedom, in the pursuit of happiness and by my actions, I helped in a small way to make tomorrow a little better than it is today.

**The PRESIDENT:** I will now leave the chair. The House will resume at 8.00 p.m.

## Documents

### TABLING OF PAPERS

**The Hon. SAM FARRAWAY:** I table the following papers:

- (1) Annual Reports (Departments) Act 1985—Report of Public Service Commission for year ended 30 June 2021.
- (2) Annual Reports (Statutory Bodies) Act 1984—Reports for year ended 30 June 2021:
  - Art Gallery of New South Wales Trust
  - Australian Museum Trust

Historic Houses Trust of New South Wales  
Library Council of New South Wales  
Museum of Applied Arts and Sciences  
New South Wales Electoral Commission  
State Records Authority of New South Wales  
Sydney Opera House Trust

I move:

That the reports be printed.

**Motion agreed to.**

### *Bills*

## **MOTOR SPORTS BILL 2021**

### **First Reading**

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

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

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

**Declaration of urgency agreed to.**

### **Second Reading Speech**

**The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (20:05):**

I move:

That this bill be now read a second time.

I am pleased to introduce the Motor Sports Bill 2021. As we emerge from the shadows of COVID, the Government has front of mind the need to bring extra economic opportunities to New South Wales, including our regions. Motorsport events are already a key part of New South Wales's annual major events calendar. The Motor Sports Bill 2021 will improve our capacity to host major motor races. Of course, we can already do that. We currently have legislation that permits races at Mount Panorama, which will be seen in action when the Bathurst 1000 is held in early December. We have legislation that permits major motor races in Newcastle, which will be seen in action during the Newcastle 500 in March 2022. We also have legislation that permits rallies in northern New South Wales. Those Acts are tried and tested, and they work. The problem is that they are geographically or event limited. We can have a big race on the streets of Newcastle, but not in Wollongong. We can have a big rally in northern New South Wales but not southern or western New South Wales. There is no rhyme or reason to that, and fundamentally what this bill does is fix that artificial limitation.

We will have a single Act that replaces the Mount Panorama Act, the Motor Racing (Sydney and Newcastle) Act, and the Motor Sports (World Rally Championship) Act. This bill draws on their best features but allows events to be held all over New South Wales. These are not regular local events on established raceways. Wakefield Park at Goulburn, for instance, is a dedicated raceway on private land. It does not need this bill to work. Nor is this legislation about converting a general stadium into a race track. Those remain private facilities.

This legislation is about large, rare events that are held on public roads and in general business and residential areas. This is a significant change to the established uses of land. It does affect the lives of residents and businesses for a short time where it is desired by those communities in the interests of supporting their local and regional economies. So what this legislation does is allow the Government to select a major race promoter and authorise it to conduct such a race while placing comprehensive limits and tailored controls on where and how the promoter will carry on a major race event, and do so in close consultation with local communities, local governments and stakeholders unique to the area.

I will now outline some of the key clauses in the bill. Clause 5 sets out the beginning of the process to host a motor sport event. The sport Minister makes an order which sets out the location and duration of the event and which promoter is authorised to apply to conduct the event. This is not a tender process. As I mentioned, we are talking about a small number of major race events, and it is appropriate to simply nominate the relevant promoter. An order under clause 5 lasts up to five years and can authorise up to two events at the same location every year.



The intent of this provision is to give some business certainty to encourage promoters to make a multi-year investment. Mount Panorama orders are different in that an order can allow up to five full-scale events a year. That reflects that Mount Panorama is a unique case, as a dedicated race circuit on a public road. Clause 5 also appoints the government coordinating agency for the event. The government coordinating agency has an important role in coordinating the relevant agencies to support a successful event, including the police, Transport, Health and others. The promoter is in charge and responsible for holding the event, but government services need to be wrapped around the event and coordinated, including to support local residents and amenities.

The government coordinating agency also ensures that the promoter fulfils its obligations. These obligations are described in clause 7 of the bill, which sets out the race authorisation conditions. They are intentionally wideranging and include the capacity to impose conditions on the promoter for public safety; to require community engagement, environment and heritage protection; to impose health protection measures and noise management obligations; to establish alternative transport and access arrangements for locals; and to force timely remediation after the race is over. Clauses 9 and 10 support the enforceability of these conditions. Clause 9 allows the government coordinating agency to direct the promoter to perform its obligations. Clause 10 creates an offence where the promoter breaches these obligations, to a maximum fine of \$1 million.

Another major feature of the bill is how works are conducted. As I mentioned, this bill facilitates the conversion of already existing public roads and spaces into a race area. To do this it is necessary for works to be conducted, such as the building of grandstands, maintenance areas, media communications facilities, security fencing and measures such as pedestrian bridges to allow residents to move around even when roads are closed. Clause 17 describes the kinds of works that may be authorised. It is important that affected members of the public, businesses and councils are consulted on this proposed works program. Clause 13 sets out who must be consulted, in particular those who occupy land on which works will be built or who occupy land adjacent. Clause 14 requires that these affected parties be given the opportunity to make submissions to the promoter on its planned works.

Ultimately, the government coordinating agency will sign off on the works, pursuant to clause 16. As an important safeguard, the government coordinating agency may not give works approval until it has consulted with council and considered the submissions from affected persons. Under subclause 16(c), the government coordinating agency must be satisfied that the promoter's works plan will prevent or minimise harm to the environment or heritage, and disruption to lawful activities of other persons. Under clause 18, the works order can impose conditions relating to noise management, environmental protection and reinstatement. Reinstatement is a critical step. Once the event is over, people want to resume the normal pattern of their lives and want their local area restored. Clause 20 provides that the promoter must remove all rubbish, repair all damage and reinstate the land. Clause 20 further requires that this be done in a reasonable time. If it is not, the government coordinating agency can step in, have the clean-up and reinstatement done, and then recover the costs from the promoter.

Transport arrangements are another critical piece. The setting up of the race, its conduct and then the reinstatement will all inevitably cause traffic impacts. These need to be called out and managed to ensure a successful event and also to ensure residents and businesses know in advance about road closures and alternative arrangements. Division 3 of part 2 of the bill contains these provisions. Clause 24 requires the promoter to produce a traffic management plan and this must be consulted on with Transport for NSW, the police and the relevant council. Ultimately, Transport for NSW must sign off on it. Once active, the plan is the basis for how transport issues are managed. For instance, subdivision 4 provides for road closures and subdivision 5 provides that vehicles can be removed. Clause 29 provides that advance notice of road closures must generally be given, but experience shows that we do need the final power to remove vehicles if they are left in the way of the race course or are preventing works.

The bill also provides necessary facilitation powers by affecting how other legislation works. This is contained in division 5 of part 2. These events are disruptive and they are in public places, but they are only temporary. So, in the interests of the economic benefit to communities, some legislation can be overridden temporarily if it is necessary for the conduct of a race or ancillary activity. This is the model currently used in the Major Events Act and the three motor racing event Acts. For example, it simply is not possible to go through the normal development application [DA] planning process to have one of these events. So, in consultation with affected councils and with the approval of the government coordinating agency, a necessary temporary work—for example, a grandstand—can be built without going through the normal DA process. The Local Government Act 1993 requirement for a DA is suspended. To balance this out, such works can occur only following consultation with affected residents and businesses.

The bill will continue the existing legislative scheme for major motor sports events and override the noise provisions of the Protection of the Environment Operations Act. Instead, the conditions of the event authorisation may establish special noise management plans for the event. I am pleased to note, however, that in the interests of protecting sensitive habitats, the bill will do away with the capacity to override laws relating to national parks

and State conservation areas. Currently the National Parks and Wildlife Act can be overridden in its entirety by the existing Motor Sports (World Rally Championship) Act 2009. In this bill, it will not be. This bill does not override national parks and State conservation area legislation—that is, it will be effectively impossible to run a rally in a national park or a State conservation area.

Finally, the bill sets up a range of security-related measures. Division 4 of part 2 provides for access control and the removal of disruptive individuals. Part 3, more broadly, establishes a category of enforcement officers with appropriate powers. In summary, this proposed legislation allows the Government to select a major race promoter and authorise them to conduct such a race while placing limits and controls on where and how the promoter will do their job. The Government has consulted widely in developing this bill. We consulted key motor sports industry participants including Motorsport Australia, Rally Australia and Supercars. Consultation was also undertaken with key councils, including Bathurst Regional Council, City of Newcastle Council and Coffs Harbour City Council, and the Office of Local Government.

Let me end by talking about motor sports and the economic benefits they bring. Motorsport encompasses a range of disciplines, including motor racing, rally and off-road activities. This bill will facilitate major motor races of any discipline—cars, motorbikes, karts and any format, whether rally or circuit racing or anything else. These events provide sporting, social and economic benefits and legacy programs, particularly in regional communities. The Bathurst 1000 typically injects \$21 million into the Bathurst regional economy. In 2019 the Coates Hire Newcastle 500 and Liqui-Moly Bathurst 12 Hour combined attracted over 34,000 visitors, generating over \$21.5 million in total visitor expenditure for these regions. In 2018 the Kennards Hire Rally Australia attracted over 31,000 people and generated over \$6.2 million in total visitor expenditure.

These events help promote New South Wales destinations to a global audience. For example, television coverage for the 2018 Rally Australia event attracted over 88 million viewers across key markets including Australia, New Zealand, the United Kingdom, Germany, the United States of America, Japan and Malaysia. I want this bill to put New South Wales firmly in front in terms of attracting new events and drawing motor fans from around the country. The delivery of major motor sports events is complex, especially when hosted on public roads, public land or public venues, over multiple land tenures and council jurisdictions, and with large volumes of temporary infrastructure. If New South Wales is to be the premier visitor economy in Australia and the Asia-Pacific, the facilitation of these events across New South Wales now and into the future will be important. This bill is critical to put New South Wales at the front of the queue for that future. I commend the bill to the House.

**Debate adjourned.**

#### *Documents*

### **DISQUALIFICATIONS FROM GREYHOUND RACING**

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

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

That the resolution of the House of 17 November 2021, under Standing Order 52, relating to disqualifications from greyhound racing be amended by omitting "Department of Better Regulation and Innovation" and inserting instead "Minister for Better Regulation and Innovation".

**Motion agreed to.**

#### *Bills*

### **TEACHER ACCREDITATION AMENDMENT BILL 2021**

#### **Second Reading Debate**

**Debate resumed from 16 November 2021.**

**The Hon. COURTNEY HOUSSOS (20:19):** I lead for the Opposition on the Teacher Accreditation Amendment Bill 2021, and I indicate that Labor will support the bill. The bill will amend the Teacher Accreditation Act 2004 to strengthen child protection requirements in response to the Royal Commission into Institutional Responses to Child Sexual Abuse and make additional amendments to improve the effectiveness of the New South Wales accreditation scheme. The proposed amendments were developed by the NSW Education Standards Authority [NESA] in consultation with education sector bodies and union representatives, and I note that they are supported by those key stakeholders across the education sector.

At the outset I pay tribute to teachers around the State and around the country. They are incredibly committed and dedicated professionals who work each and every day with their students—our children and young

people—to give them the best opportunities in life. I note that 5 October was World Teachers' Day. We know that the quality of the teacher is the single biggest factor in a student's success in the classroom. With those initial comments, I turn to the bill. The bill will amend the Teacher Accreditation Act 2004 to strengthen child protection requirements. Parents and the wider New South Wales community should have confidence that the State's child protection arrangements are strong and effective, especially when it comes to teachers. The Government has proposed the bill in response to the Royal Commission into Institutional Responses to Child Sexual Abuse.

The bill removes the requirement for NESA to provide a teacher with 14 days' notice of an intention to suspend or revoke their accreditation in only those cases where a bar or interim bar has been placed on a teacher's Working with Children Check clearance by the Office of the Children's Guardian. The bill strengthens information sharing, which is crucial in ensuring that child protection arrangements are strengthened in situations where teachers move across jurisdictions. The bill will also make further amendments to improve the New South Wales teacher accreditation scheme. I note that NESA will have the sole authority to make teacher accreditation decisions across New South Wales, providing consistency across all schools. The bill will provide for a register of teachers, which will enable parents and caregivers to check the accreditation of any New South Wales teacher.

The bill will remove the time restriction for a teacher to move from conditional to provisional accreditation once they have completed a teaching qualification. It will also introduce a non-practising teacher accreditation for qualified teachers who are not currently working in a school or early childhood service setting. The Opposition is keen to see that child protection measures are strengthened and improvements are made to teacher accreditation in New South Wales to ensure that the Department of Education is implementing best-practice child protection measures. The protection of children should be the foremost consideration of NESA in relation to teacher accreditation. With those brief remarks, I commend the bill to the House. I thank each and every teacher who works each and every day to ensure that our children have access to the best quality of education.

**Mr DAVID SHOEBRIDGE (20:22):** On behalf of The Greens I indicate that we will be supporting but seeking to make some minor amendments to the Teacher Accreditation Amendment Bill 2021. Not surprisingly, the bill amends the Teacher Accreditation Act 2004. The main purpose of the bill is to put in place statutory provisions that come from the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. I note that the bill takes the opportunity to make a series of further amendments to the New South Wales teacher accreditation scheme that go well outside the bounds of the recommendation of the royal commission.

The Greens have been on record as not only backing in the creation of the royal commission but also, rather unusually for royal commissions, backing in their recommendations. The institutions that so appallingly failed children and so appallingly failed to monitor the behaviour of their employees and officers were schools, churches and other State institutions. For present purposes, I note that a substantial amount of the institutional abuse identified by the royal commission happened in State schools, independent schools and schools run by religious bodies. It has taken a long time for the New South Wales Government and the Coalition to respond to that royal commission and put in place the necessary statutory responses to do everything we can to make schools safe for children.

I firmly believe that the amendments being proposed in the bill, which put as the paramount consideration the best interests and protection of children, have come about two years too late. Nevertheless, they are now before the House, and The Greens will be supporting them in order to implement those recommendations from the royal commission. The recommendations were made in 2018, three years ago, and they form the basis of the amendments to the Teacher Accreditation Act. The royal commission asked for there to be minimum national requirements for assessing the suitability of teachers across the country, which makes sense because teaching is very much a portable profession. Without national minimum standards, there is a danger that teachers who lose their accreditation in one jurisdiction could move and forum-hop to another jurisdiction even though very substantial concerns have been raised, sufficient to disqualify them on the grounds of protecting children.

The royal commission therefore urged States and Territories to put in place national minimum requirements for assessing the suitability of teachers. In addition to that, it sought to have the different jurisdictions put in place information-sharing arrangements so that information in relation to child safety could seamlessly flow from jurisdiction to jurisdiction. With this bill, New South Wales will finally do that. It is one of the last States to implement the recommendations from the royal commission. Those royal commission findings eventually led to the national child safety framework, which underpins the approach to the bill and the accreditation requirements relating to child safety found in the bill. I note that in her second reading speech the Minister said it is imperative for New South Wales to step up. Yes, it is, but it was imperative that we do this two years ago. This is very much unfinished business from the royal commission.

The key provisions of the Act are as follows. The first is to amend the Teacher Accreditation Act to provide that the protection of children is to be the paramount consideration in all of the NSW Education Standards

Authority functions related to teacher regulation, such as accreditation, discipline and the like. That is an amendment The Greens fundamentally endorse. The bill also provides additional powers to the NSW Education Standards Authority, or NESA. It provides that assessment of the "suitability to teach" requirement must be a condition of initial and ongoing accreditation in New South Wales, underpinned by the national framework that I referred to earlier. With this bill, New South Wales will finally align its child-safe practices on teacher accreditation with other jurisdictions, consistent with the national framework for child safety.

The bill also provides that NESA will have the sole authority to make teacher-accreditation decisions at all levels. At the moment it would be fair to say that the accreditation of teachers in New South Wales is a bit of a dog's breakfast. There are at least nine different accreditation procedures within the Catholic education system, one for each diocese. I do not think one could count the number of different accreditation systems that operate in the private, non-Catholic sector. The intent in the bill is to make NESA the sole authority. The Government says that change will ensure accreditation requirements are communicated consistently for all teachers across New South Wales.

It will make New South Wales consistent with the practice in other jurisdictions and address some of the criticisms raised in the Auditor-General's performance audit of this space. The Greens support the change at this stage. But, if we are looking at consistent child-safe standards, we have a concern about there being only one authority. This matter should be under close review in the next statutory review of the Act. The bill also clarifies the definition of "teach" to make explicit that accreditation is a mandatory requirement for all teachers, including those who are principals and those in educational leadership positions within schools and early childhood education centres. There are no more important teachers than the principals and other leaders within schools. Of course they should be unambiguously covered by the accreditation under the Act.

The publishing of a public register of teachers has caused some consternation for some stakeholders. The register is designed to enable interested members of the public, including parents and caregivers, to check the accreditation of any New South Wales teacher. The need for a public register might be like cracking a walnut with a sledgehammer. There must have been ways to enable parents and caregivers to check the accreditation of a New South Wales teacher that do not involve a statewide public register of all teachers. We have some concerns about how that may operate in practice. There should be a watching brief over that too.

The bill removes the requirement for NESA to provide a teacher with 14 days' notice of an intention to suspend or revoke accreditation in cases where a bar or an interim bar has been placed on a teacher's Working with Children Check clearance by the Office of the Children's Guardian. If we are going to make the protection of children the paramount consideration under the Act and the clearance has been removed, it makes no sense to have a 14-day period when no action can be taken. The bill strengthens the information-sharing arrangements to enable NESA to share and access relevant information with employers and other agencies. That allows NESA to make informed judgements of teachers' accreditation. There will be some further discussion of that in Committee. There are some genuine procedural fairness issues that should be discussed. We will not be supporting the Shooters, Fishers and Farmers Party amendments relating to sharing information, but we acknowledge the concerns.

With those brief comments The Greens indicate that we will be supporting the bill. We look forward to the discussion in Committee of a couple of narrow amendments. We indicate clearly that this bill has come through rather quickly at the end of the parliamentary session. The Greens would have liked to have seen the grab bag of accreditation matters outside of the child-safe protections coming from the royal commission sent off to a committee for further review. But, at this late stage of the year, we do not see a way of separating the bill. Because we want the child-safety provisions in place, we will be supporting it somewhat reluctantly at this stage of the parliamentary sitting.

**The Hon. MARK BANASIAK (20:32):** I will speak only briefly. I will not go through all of the details of the bill; they have been fairly well covered. The Shooters, Fishers and Farmers Party supports in principle what the bill is trying to achieve. I note that we have some amendments to provide clarity around some of the matters, particularly around when an accreditation can be suspended or revoked, what the reasons are, and who the fit and proper person is. But I will go into that when we get to Committee. As Mr Shoebridge says, it has been a long time coming. I could take you back to 2004, when the accreditation process first came in and a lot of teachers were floundering around, going, "What do we do here?" In the absence of any sort of real guidance, they just bombarded the NSW Education Standards Authority with thousands and thousands of pages of paperwork, because they did not know. That process has been refined. This bill will bring further improvements to that process.

I note Mr David Shoebridge's comments about the public register. We share those concerns. We do not want to see it become a de facto "rate your teacher" website, which already exists. That is not to say that this will. But the accreditation status of a school's teachers is not an indication to parents of the quality their kids are getting

at that school. There are fantastic, proficient teachers who have no ambition to become accredited at highly accomplished or lead teacher levels. Having every teacher accredited as only proficient is not necessarily an indicator of that school not being a great school to send your kids to. We will watch that closely to make sure those concerns do not eventuate. To suit the convenience of the House and so that we may get out early, I will leave it with that.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (20:34):** In reply: I thank all of the members who contributed to the debate on the Teacher Accreditation Amendment Bill 2021: the Hon. Courtney Houssos, Mr David Shoebridge and the Hon. Mark Banasiak. I thank everybody for supporting the bill. It is good that we have broad support for this legislation, because it is important, as many have said and as I said in my second reading speech. The amendments address the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse relating to the regulation of the teaching profession. The Government and education Ministers around the nation have committed to implementing within our own legislative schemes the changes recommended by the royal commission. The bill accomplishes that commitment.

The bill seeks to achieve a number of positive outcomes for the profession in New South Wales. It consolidates all accreditation powers relevant to teachers in schools and early childhood services in New South Wales with the NSW Education Standards Authority [NESA]. That is important because it is the regulatory authority for the profession with all major stakeholders, such as the three sector authorities, two teacher unions, principals' organisations and others represented on its board. NESA is the appropriate authority to exercise accreditation decisions in a similar fashion to other jurisdictions and professions. It will do so now with an overriding view to protect the safety of children in its accreditation decisions, which is a key recommendation of the royal commission. The bill introduces a suitability-to-teach assessment, which is an important step for New South Wales; new powers to share relevant information across the key agencies and school authorities, in line with the royal commission's recommendations; and a number of other efficiencies and improvements to the Teacher Accreditation Act 2004, which are outlined in the explanatory memorandum to the bill.

In her contribution, the Hon. Courtney Houssos thanked our teachers in New South Wales. I add to that and also acknowledge the key stakeholder organisations and authorities who have contributed, through consultation, to this bill being brought forward. The commitment of all of those organisations to a teaching profession of the highest quality and public standing in New South Wales is acknowledged by all of us in this House. I thank those who have contributed to this debate. We will see if we can do this in record time on a Tuesday night with a lot of items on the agenda. Passing this important piece of legislation puts into effect the recommendations from a royal commission but also means that as a Parliament we are demonstrating our care for the children and young people of New South Wales and for the standing and integrity of the teaching profession in New South Wales.

**The DEPUTY PRESIDENT (The Hon. Catherine Cusack):** The question is that this bill be now read a second time.

**Motion agreed to.**

#### **In Committee**

**The CHAIR (The Hon. Trevor Khan):** There being no objection, the Committee will deal with the bill as a whole. I have two sets of amendments, being Shooters, Fishers and Farmers Party amendments appearing on sheet c2021-226D and The Greens amendments appearing on sheet c2021-240A. The Greens amendments are amendments to the Shooters, Fishers and Farmers Party amendments.

**The Hon. MARK BANASIAK (20:39):** I will not move the Shooters, Fishers and Farmers Party amendment No. 1 on sheet c2021-226D. By leave, I move Shooters, Fishers and Farmers Party amendments Nos 2 to 4 on sheet c2021-226D in globo:

**No. 2 Clarify grounds for revocation or suspension of accreditation while accreditation on hold**

Page 8, Schedule 1[18], proposed section 24D(3A)(b), line 17. Insert "under section 24 or 24A" after "accreditation".

**No. 3 Clarify grounds for refusal of accreditation application**

Page 9, Schedule 1[25], proposed section 32, line 14. Insert "on a ground on which the Authority may revoke or suspend an accreditation under section 24 or 24A" after "level".

**No. 4 Authority may reject application not properly completed**

Page 9, Schedule 1[25], proposed section 32. Insert after line 14—

(2A) The Authority may reject an application to accredit a person at proficient teacher level if the person does not complete the application in accordance with section 22.

These amendments essentially try to provide some clarification with respect to a couple of clauses around revocations of suspension of accreditation while accreditation is on hold, as well as revocations of suspension that may occur during an accreditation process for someone that is provisional. They also make it clear that the authority has the ability to reject an application if it is not done according to section 22.

I speak to the first two amendments initially. Within the Act already, and within the proposed amendments, there are these clarifying clauses around other areas of suspension and revocation. So this is just about providing consistency and making it clear that the only reasons that an accreditation can be revoked or suspended while the teacher accreditation is on hold is for the reasons that are listed in the Act. I am not seeking to create new reasons or excuses. It is just making it clear that those are the reasons why the revocation or suspension can occur. There is nothing sinister about it. It is just providing a bit of clarity and making sure that they are the only reasons, as indicated with other sections in the Act.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (20:41):** The Government will be opposing these three amendments. In relation to amendment No. 2, all grounds for suspension and revocation of accreditation can be found already in sections 24 and 24A. The addition as per this amendment is unnecessary as those sections already set out the way that accreditation can be suspended or revoked. There is no need to make that explicit again in section 24D of the legislation. The Government believes that the amendment is redundant, and we will be opposing it.

The concern with amendment No. 3 is that it has incorrectly linked misconduct with meeting the proficient teacher standards. The amendments in the bill to section 32 of the Act set out that the NSW Education Standards Authority [NESA] can refuse to accredit a teacher at proficient level if they cannot show that they meet the standards at that level. This section transfers the decision-making role from the previous teacher accreditation authorities to NESA and is not related to misconduct. Given that NESA does not refuse to accredit a teacher at proficient level under the sections relating to misconduct, the Government will not be supporting this amendment.

Finally, I refer to amendment No. 4, which the Government is not supporting. The amendment introduces an unnecessary distinction between refusing an application and rejecting it in instances in which the person does not complete the application with all the requisite information. It introduces a new notion of "reject" that is unnecessary and that is dealt with already in procedural matters rather than legislation. If NESA continues to receive a deficient application despite requesting completion, refusal is appropriate. However, there is no need to introduce a new category of reject which would potentially worsen a teacher's circumstances. NESA does not require legislative power to return an application for completion if aspects have not been completed correctly or information is missing, which is currently the case. On this basis the Government will also be opposing this amendment.

**The Hon. COURTNEY HOUSSOS (20:43):** I will briefly outline why the Labor Opposition will not be supporting these amendments. A number of members around this Chamber have a deep passion for education and improving our schools, but I acknowledge that the Hon. Mark Banasiak is the only one who has a unique perspective because he is a former teacher. I place on the record that we have a deep respect for that unique experience, which he brings to the Committee. Although we will not be supporting these particular amendments because we do not think that they are necessary to provide that clarification, as the Minister has outlined, I put on the record that we deeply respect the unique and practical experience that he brings to the debate. We talk a lot in theory about the way we would like to improve our schools, but he has done that on the ground and that gives him a unique perspective. We really value that, particularly in these kinds of discussions.

**The CHAIR (The Hon. Trevor Khan):** The Hon. Mark Banasiak has moved Shooters, Fishers and Farmers Party amendments Nos 2 to 4 on sheet c2021-226D. The question is that the amendments be agreed to.

#### **Amendments negatived.**

**The Hon. MARK BANASIAK (20:45):** I move Shooters, Fishers and Farmers Party amendment No. 5 on sheet c2021-226D:

#### **No. 5 Restriction on Authority's requirement for an individual to undergo a health assessment**

Page 10, Schedule 1[27], proposed section 37. Insert after line 23—

- (1A) The Authority may only require an individual to undergo a health assessment if, in the opinion of the Authority—
  - (a) a relevant complaint alleges the individual's suitability to teach may be affected by a medical condition, or
  - (b) the individual's criminal or disciplinary history indicates the individual's suitability to teach may be affected by a medical condition, or

- (c) information provided in the individual's application for accreditation indicates the individual has a medical condition that may impact the individual's suitability to teach.

This amendment once again is providing some guidance particularly around an area of the assessment of suitability to teach. The amendments proposed by the Government in the bill give the authority the ability to essentially request a teacher to undergo a health assessment. I think there needs to be some guidance as to when the authority would do this. I have several cases on my desk where teachers have been asked to get medical assessments through the Professional and Ethical Standards process and that has been a fairly traumatic experience for some of them. They are concerned about this process perhaps being abused. This amendment essentially provides clarity around some guidance to the authority as to when it can utilise this power and direct teachers to get a health assessment. It is specifically about complaints coming forward that are linked to a potential medical condition that may impact their teaching performance or their ability to be suitable to teach. So it is fairly simple. I do not see it as anything controversial. It just provides some guidance to the authority.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (20:47):** The Government will not be supporting this amendment either. We certainly note the intention of the amendment and that it reflects the considerations that the NSW Education Standards Authority [NESA] would—and, in fact, will—apply in policy. However, providing these considerations in the legislation may end up being restrictive by seeming to be the only grounds for triggering such a health assessment requirement. As is usually the case, NESA will establish the internal guidelines that govern these assessments in practice. The concern is that introducing this degree of procedural detail goes far beyond what is generally included in the legislation. Instead it would ordinarily be included in the rules of NESA and in the policy, which has the status of the NESA rule.

The Government is also concerned that the three paragraphs do not provide a benchmark for such an assessment but would only specify sources of information and, to that extent, may be unnecessarily limiting. As I said, we appreciate the intention but feel strongly that NESA can implement the requirements through its policy and that a legislative amendment is not needed. Therefore, we will not be supporting the amendment.

**The Hon. COURTNEY HOUSSOS (20:48):** I will be brief and indicate that the Labor Opposition will not be supporting this amendment. Given that there will be a statutory review under the legislation, this is one of the things that should be considered as part of that review. Indeed, it might need to be covered by regulation in the future. We acknowledge that, in a very practical way, the member's experience leads him to move this amendment. Therefore, we ask that the Government consider that as part of the review.

**Mr DAVID SHOEBRIDGE (20:48):** I indicate on behalf of The Greens that we support this amendment. Sections 36 and 37 operate together. My understanding is that the NSW Education Standards Authority [NESA] essentially will be dependent upon the investigation by other bodies—whether it be the Commissioner of Police, the Children's Guardian, the employer—or an investigation that has been done in another jurisdiction. NESA's role is not to undertake the investigation but rather to review the findings from the school, the Catholic education authority, the department, the Commissioner of Police or the Children's Guardian and assess whether or not an accreditation should be withdrawn on the basis of those findings.

Therefore, I cannot work out the purpose of the powers in new section 37, which allow the authority to require a teacher to undergo a health assessment in the first place. If it is not the investigating body, why does the power allow NESA to compel a teacher to undergo a health assessment? There may be a narrow set of circumstances where, notwithstanding the investigation done by those other bodies, there is some unresolved issue that must be determined, in which case if there is a very narrow class of issues to be determined the power to direct the teacher to undergo a compulsory health assessment should be narrow. Indeed, the amendment proposes that:

The Authority may only require an individual to undergo a health assessment if, in the opinion of the Authority—

- (a) a relevant complaint alleges the individual's suitability to teach may be affected by a medical condition—

that seems good, or—

- (b) the individual's criminal or disciplinary history indicates the individual's suitability to teach may be affected by a medical condition—

Perhaps, or—

- (c) information provided in the individual's application for accreditation indicates the individual has a medical condition that may impact the individual's suitability to teach.

Maybe paragraph (c) provides criteria where NESA may have a separate role to get an assessment. But given it is not really NESA's role to be the fact finder, we think this power should be limited. It is extremely intrusive to require someone to have a health assessment and to provide that report to their putative employer. That is why we support the amendment.

**The CHAIR (The Hon. Trevor Khan):** The Hon. Mark Banasiak has moved Shooters, Fishers and Farmers Party amendment No. 5 on sheet c2021-226D. The question is that the amendment be agreed to.

**Amendment negatived.**

**The Hon. MARK BANASIAK (20:51):** I move Shooters, Fishers and Farmers Party amendment No. 6 on sheet c2021-226D:

**No. 6 Authority's considerations in forming opinion person not suitable to teach**

Page 11, Schedule 1[27], proposed section 38A. Insert after line 18—

- (2A) In forming an opinion about whether an individual is a fit and proper person to teach, the Authority must consider the following—
  - (a) whether a relevant associate of the individual reasonably suspects the individual may engage in improper conduct in carrying out the person's vocational duties,
  - (b) whether the individual has provided false or misleading information,
  - (c) whether the individual's accreditation has been revoked or suspended by the Authority or by an equivalent entity in another jurisdiction, including outside Australia.
- (2B) In forming an opinion about whether an individual is a fit and proper person to teach based on particular conduct of the individual (the *relevant conduct*), the Authority may consider the following—
  - (a) whether the relevant conduct is relevant to the exercise of the individual's vocational duties,
  - (b) whether proceedings relating to the relevant conduct are prevented from being instituted by a statute of limitations,
  - (c) whether the relevant conduct happened only once and is unlikely to happen again,
  - (d) whether the relevant conduct is of a minor nature,
  - (e) whether the individual's overall conduct demonstrates the individual is highly unlikely to further engage in the relevant conduct.
- (2C) In this section—
 

*relevant associate* of an individual includes the following—

  - (a) another person employed at the same school or centre as the individual,
  - (b) the parent or guardian of a child attending the school or centre at which the individual is employed,
  - (c) a member of the public who knows the individual.

The amendment also deals with some of the clauses around the suitability-to-teach assessments. There is a fairly obscure and vague reference to a "fit and proper person" as an addendum to all the other criteria in the assessment of whether someone is suitable to teach or not. This fit-and-proper-person concept is not necessarily unique to teaching. It is seen across a wide variety of departments. The next comments do not indicate that the NSW Education Standards Authority [NESA] will necessarily abuse that fit-and-proper-person concept, but I put on record that it has been abused by other government departments because of its vagueness. Some Federal legislation and case law point to how this fit and proper person can be defined, which this amendment has drawn from.

The amendment essentially says that, in forming an opinion as to whether an individual is a fit and proper person to teach, the authority must consider a few things. New subsection (2B) provides the authority with the option to consider some potentially mitigating factors around a person's history or behaviour, or the nature of the complaint. The amendment provides a bit of clarity and guidance to the authority as to how it can make a determination under this fit-and-proper-person concept, because without it it is quite vague and is subject to inconsistent decision-making and perhaps abuse. That is not to say that NESA would do that, but this closes the loop to make sure it does not happen. I note Mr David Shoebridge has amendments to the amendment. I indicate that we support those because they give a bit more flexibility for NESA to include other things that might be present in relevant regulation, obviously when that regulation is created as part of this.

**Mr DAVID SHOEBRIDGE (20:54):** By leave: I move The Greens amendments Nos 1 and 2 on sheet c2021-240A in globo, which amend the Shooters, Fishers and Farmers Party amendment No. 6:

**No. 1 Authority's considerations in forming opinion person not suitable to teach**

In Shooters, Fishers and Farmers Party Amendment No. 6 insert after the words "including outside Australia." the following—

- (d) other criteria prescribed by the regulations.



**No. 2 Authority's considerations in forming opinion person not suitable to teach**

In Shooters, Fishers and Farmers Party Amendment No. 6 insert after the words "in the relevant conduct." the following—

- (f) other criteria prescribed by the regulations.

I will not repeat what the Hon. Mark Banasiak said, but I adopt his argument on the substantive amendment. This test of "fit and proper" is very broad and somewhat amorphous. His amendment tries to put some tofu on the bones, if you like, which we support, and does it in a way that draws upon some of the case law and some of the statutory provisions in other analogous situations. For those reasons we support it.

**The Hon. John Graham:** Soft or firm?

**Mr DAVID SHOEBRIDGE:** Definitely firm. It is going on bones. However, we think that there is an argument for including a regulation-making power to add additional criteria, which would respond to the practice of the NSW Education Standards Authority [NESA] and also respond to further consultation between organisations such as the Teachers Federation or the Independent Education Union and NESA. We move the amendments in order to add that flexibility to the definition, but we also support the substantive amendment, because otherwise it is a very amorphous test. We think, contrary to what the Minister said in another contribution, that there is a role for giving significant power to statutory authorities to provide some clear statutory guidelines as to how that power is exercised.

**The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (20:56):** The Government will not support either the amendment moved by the Shooters, Fishers and Farmers Party or the amendments to the amendment moved by Mr David Shoebridge on behalf of The Greens. We appreciate the sentiment behind these amendments, but we feel that they provide an unnecessary detailed expansion of what is already provided for in section 24B of the Act. The proposed provisions are what might be included in an internal manual rather than in legislation. In addition, they are of quite different orders of seriousness and simply expand what is already provided for. Given that these provisions are already provided for in section 24B, we feel that it is unnecessary for them to be included in legislation, which is why the Government will not be supporting these amendments. I also reiterate that, in relation to the ability to effectively review these changes and indeed the Act itself, section 55 of the Act provides for a statutory review every three years, which will give an opportunity to ensure that the Act is being implemented in line with the intention of these amendments to the bill.

**The Hon. COURTNEY HOUSSOS (20:57):** I indicate that the Labor Opposition will not support the amendment either, but I again acknowledge the legwork that has been done by the Hon. Mark Banasiak to put it together and to provide some clarity around this new idea of a "fit and proper person" who is suitable to teach. I acknowledge that he has done quite a lot of work to find Federal regulations elsewhere where this could be applied. I again reiterate that we think this should be done in consultation with the key stakeholders in the education sector going forward, that being the Teachers Federation, the Catholic schools, the Independent Education Union and other stakeholders. We think it could come into regulations in the future, maybe as part of the statutory review or perhaps just initiated into regulations. But I commend the work the member has done to provide some clarity around what a fit and proper person will be. It is a really important introduction into the legislation, but we do think that additional clarity going forward would be useful.

**The CHAIR (The Hon. Trevor Khan):** The Hon. Mark Banasiak has moved Shooters, Fishers and Farmers Party amendment No. 6 on sheet c2021-226D, to which Mr David Shoebridge has moved The Greens amendments Nos 1 and 2 on sheet c2021-240A. The question is that the amendments moved by Mr David Shoebridge to the Shooters, Fishers and Farmers Party amendment No. 6 be agreed to.

**Amendments of Mr David Shoebridge to Shooters, Fishers and Farmers Party amendment No. 6 negatived.**

**The CHAIR (The Hon. Trevor Khan):** The Hon. Mark Banasiak has moved amendment No. 6 on sheet c2021-226D. The question is that the amendment be agreed to.

**Amendment negatived.**

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

**Motion agreed to.**

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

That the Chair do now leave the chair and report the bill to the House without amendment.

**Motion agreed to.**

**Adoption of Report**

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

That the report be adopted.

**Motion agreed to.**

**Third Reading**

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

That this bill be now read a third time.

**Motion agreed to.**

**ELECTORAL AMENDMENT (COVID-19) BILL 2021****Second Reading Debate**

**Debate resumed from 16 November 2021.**

**The Hon. JOHN GRAHAM (21:02):** On behalf of the Opposition, I contribute to debate on the Electoral Amendment (COVID-19) Bill 2021. I indicate at the outset that the Opposition does not oppose the bill, although I foreshadow that we will move an amendment. We are supportive of the approach, as we were with similar provisions introduced in the Local Government Amendment (COVID-19—Elections Special Provisions) Bill 2021. It is no small matter to organise a democratic election, or a number of by-elections, across New South Wales safely, and to have people come out of their homes and gather together to exercise their democratic rights, particularly because the franchise extends to everyone—the vaccinated, the unvaccinated, the healthy and the sick. It is important that the commission is able to give people the ability to exercise that important right in a safe way during the pandemic. We have raised concerns in other forums of the Parliament in relation to some of the measures that those powers headed towards in the local government election. I note that in his second reading speech the Minister indicated that there were some restrictions on the way the Government would like to see that power used. He said:

Further, and consistent with the Local Government Act provision, a regulation cannot be made to enable a by- election to be conducted exclusively by postal voting or a combination of postal voting and technology- assisted voting.

That is similar to the provision in the local government powers, and that was one of the things that the Opposition raised in conjunction with a range of other parties to ensure that it did not extend to widespread use of postal voting or iVoting. The Minister went on to say:

Similarly, there is no provision in the bill that would give the Electoral Commissioner a further directions power that would limit the handing out of how-to-vote cards at polling stations.

The Opposition was glad to hear the Minister make that commitment. It has been of concern in the local government elections that the commissioner has used those powers in a way that is cautious but impacts heavily on the rights of volunteers, political supporters, political parties and independents to provide information to voters. While I note that the Minister said that it does not extend to a further directions power and therefore the Government does not believe it could be used for that purpose, the Opposition will seek to rule that out explicitly in an amendment. We think that is a better way to do it. The Government has advocated its view but our strong view—and that of a range of other parties and participants in the political system—is that it would be best to make it explicit so that there is no confusion on the part of either the Electoral Commissioner or other people going into an electoral contest in relation to the 100-metre rule.

I note that the issue which caused concern in the local government election was section 356TB (1) of the Local Government (General) Regulation 2021, which was made on 9 July this year. That direction indicated that tangible electoral material would not be allowed to be handed out within 100 metres of a polling place. In amending the bill, we seek to make sure that a similar direction could not be made—that that power does not exist within the bill and that a regulation to that effect could not be made. I have spelt that out in some detail so there is no doubt. A second matter that has come to our attention is the direction indicating that a person must not display a poster within 100 metres of a polling place, which was again made under section 356TA (1) of the regulation. That has also led to some directions from the commissioner on the ground to say that people should not be touching or moving those displays between 7.00 a.m. and 7.00 p.m. Perhaps the best way to put it is that we have interpreted that as a strong social-distancing measure.

At this point in the pandemic the Opposition does not seek to criticise the commission because those directions were made on 9 July when New South Wales was in a very different place. That is important to say. But we would not want to see those provisions apply to future by-elections, except by public health order. The Opposition has been uncritical and supportive of the public health advice, so if something was to be done by way

of public health order we would obviously be supportive. Short of that, again, this was a matter of direction for local government elections, but it should not be in the by-elections.

**The Hon. Don Harwin:** It can't.

**The Hon. JOHN GRAHAM:** I acknowledge the Minister's interjection. The third matter has not been the subject of direction but was under consideration as a possible direction by the Electoral Commissioner, and that is in relation to the number of scrutineers. I would like to be more specific for the House tonight, but the potential direction and the COVID safety plan for the Electoral Commission have not been available for more than 24 hours since Monday, because the main website for the Electoral Commission is down at the moment. A range of functions are available, for example the ability to iVote. However, the COVID safety plan and the potential direction that was considered are no longer available while the site is undergoing maintenance. The home page indicates the commission is having difficulties. I will return to that matter shortly, but my understanding from viewing it previously is that it was about potentially regulating the number of scrutineers. The Opposition does not consider that should be a matter of regulation for the by-elections and will seek to deal with that by way of amendment.

I have flagged the potential issues. One principle that may be attractive for future regulation in this space is the approach that has been taken at the Federal level. The Australian Electoral Commission takes the view that what happens inside the polling booth or within six metres of the polling booth is its business, essentially as a work health and safety issue to protect not only voters but also importantly the commission staff. It reserves the right to put in place COVID safety measures within those boundaries. Outside of that six metres, the traditional mark that is respected every polling day, it is really a matter for public health order. Outside of six metres, at a Federal level, one would not see the sorts of measures that have been put in place at the local government level. Beyond that, it is a matter for the relevant health authority to say what is safe while outside, and those activities might be regulated by way of public health order. The Opposition would perhaps prefer that principle. We are not raising that by way of amendment today, but I place it on the record as a way that we might deal with what are difficult issues. In saying that, it is acknowledged that they are very difficult issues and that these are difficult times to be conducting elections.

Another matter we will not raise by way of amendment is that the commission has changed the way it is dealing with declared institutions and the support it has often provided to voters in those places. The Opposition would encourage the Government and the commission to very clearly articulate the changes to both the local government election and importantly to any by-elections that unfold. It is understood that restrictions may well be required as a result of COVID to keep staff safe, but it should be clear what changes occur. As has been reported to the Opposition, a change in practice has taken place in many towns and suburbs across the State for the current election. I make a couple of observations in closing. I reiterate the view we took in the debate on the Local Government Amendment Bill 2021, which conferred those powers. We do not want to see widespread postal voting or iVoting replace the traditional polling day, and that has been the view of a range of political parties through the Joint Standing Committee on Electoral Matters. I will not labour that point, but I place it on the record.

I return to the point that it is a very inconvenient time for the commission's website to go down as voting opens for the local government election. I hope it is not a result of the much-publicised funding issues, concerns about cybersecurity and concerns about the Electoral Commission's systems that the commissioner has been very frank about. We credit him for that; it is not easy to be that frank about some of the pressures one is under. The Minister has made it clear that the Government will be engaging with those issues, and we hope there is a resolution to them. It is a very bad sign to have that website collapse as voting opens. Finally, I thank Opposition members of the Joint Standing Committee on Electoral Matters: Paul Scully, the Hon. Courtney Houssos and the Hon. Peter Primrose. Members know it is a very good committee and generally quite a cooperative one. I also thank the member for Heffron, Ron Hoenig, for his advice on the matter. The Opposition does not oppose the bill and will be moving a single amendment.

**Mr DAVID SHOEBRIDGE (21:15):** I speak on behalf of The Greens to the Electoral Amendment (COVID-19) Bill 2021. I say at the outset The Greens are not opposing the bill, which is designed to make a series of special provisions for the upcoming by-elections. A significant number of lower House members have indicated that they will be moving on to alternate pastures, and therefore there are likely to be five by-elections in the first two months of next year. Those by-elections will happen under the shadow of the COVID-19 pandemic. Looking at the state of the pandemic at the moment, we would hope that the provisions will not be needed. But as we have seen, this pandemic is insidious.

In other jurisdictions we have seen numbers rise and fall dramatically, and none of us can safely predict what the numbers will be like in February next year when the by-elections are likely to be held. We support the bill in order to have reserve powers to put in place regulations to enable those by-elections to be held in a

COVID-safe manner. The bill puts in place an express statutory ability to engage in early voting and postal voting under the proposed new section 273, which provides:

If a by-election is held during the prescribed period—  
the prescribed period ends on 30 June 2022—

an elector may apply under section 113 to vote before election day, whether or not the elector is unable to attend at a voting centre on election day ...

The section basically opens up early voting to anybody who wishes to avail themselves of it. The second provision relates to postal voting. It provides that if a by-election is held during the prescribed period, then an elector may apply under section 143 to vote by post if they are self-isolating because of COVID-19 or they reasonably believe that attending a voting centre on election day will pose a risk to their health and safety or they are resident in a facility that has a vulnerable population, such as a hospital, nursing home, retirement village or similar facility. There is also a regulation-making power. I will not repeat the observations that the Opposition made, but we hold very much the same concerns about ensuring as much democracy as possible and as few restrictions as possible on election day.

I understand the difficulties the Electoral Commissioner was labouring under when coming up with provisions for the upcoming 4 December local government elections. It was a very difficult time in which to make decisions; it was hard to predict the course of COVID. As we have noted repeatedly on this side of the House, the Electoral Commissioner does not have the resources that he requires in order to do his job as effectively as possible. In an environment of limited resources and with a lot of uncertainty, some decisions and orders were made by the Electoral Commissioner that The Greens believe are not helpful to the running of the election on 4 December. But I note that they were made with a vast amount of uncertainty and without adequate resources, let alone the time that would have been needed to put the orders in place. The Electoral Commissioner was trying to get clarification of powers 18 months before this happened and unfortunately was not given that by the Government.

The Greens note the limitations proposed under the regulation-making power in the bill. We think it is an advance on where we got with the local government amendments. We appreciate the limitations that the Government has put in. We will be backing in the Opposition's further limitations on regulation-making power, having had the experience of the lead-up to the local government elections. We will be reiterating our amendments, which seek to have advice from the Electoral Commissioner and the Chief Health Officer tabled in Parliament before any further restrictive regulations to voting are made for the purposes of managing COVID-19. We hope those amendments will be supported in Committee.

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (21:19):** In reply: I thank all members for participating in the debate on the Electoral Amendment (COVID-19) Bill 2021. As canvassed, the object of the bill is to amend the Electoral Act 2017 to make special provision for by-elections held during COVID-19. The bill has been drafted in response to a request by the Electoral Commissioner. I outlined at some length the circumstances for expanded access to postal voting in my second reading speech. To reiterate, those circumstances are where a voter is self-isolating due to a COVID-19 exposure or diagnosis; reasonably believes that attending a voting centre will pose a health and safety risk to themselves or others due to COVID-19; or is a permanent or temporary resident in a hospital, nursing home, retirement village or similar facility. The bill also expands access to early voting.

All of the provisions will be automatically repealed on 30 June 2022. A further provision of the bill allows the Governor to make a regulation to allow for modifications to electoral procedures that may be required in order to safely and efficiently conduct a by-election during the pandemic. This is to ensure that a by-election held during COVID does not fail due to technical irregularities or missed deadlines because of COVID-19 impacts. The Minister can only recommend the making of a regulation under the provision in limited circumstances and in accordance with advice issued by the Electoral Commissioner. Any regulation made under the provision will also be automatically repealed on 30 June 2022. We will proceed to some amendments during Committee of the Whole. I defer my remarks on those until then. In the meantime, I commend the bill to the House.

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

**Motion agreed to.**

#### **In Committee**

**The CHAIR (The Hon. Trevor Khan):** There being no objection, the Committee will deal with the bill as a whole. I have two amendments: The Greens amendment appearing on sheet c2021-235A and Opposition amendment appearing on sheet c2021-228B. We will proceed with The Greens amendment first.

**Mr DAVID SHOEBRIDGE (21:23):** I move The Greens amendment No. 1 on sheet c2021-235A:

**No. 1 By-elections**

Page 3, Schedule 1, proposed section 274. Insert after line 31—

- (2A) A copy of the following must be tabled in each House of Parliament before a regulation is made under this section—
- (a) advice issued by the Electoral Commissioner referred to in subsection (2)(a),
  - (b) any advice obtained by the Minister from the Chief Health Officer in relation to the making of the regulation.

This amendment proposes to put a new subsection (2A) in proposed section 274 in schedule 1 to the bill. That section is the regulation-making power. The amendment provides that a copy of the following must be tabled in each House of Parliament before a regulation is made under this section: advice issued by the Electoral Commissioner referred to in subsection (2) (a) and any advice obtained by the Minister from the Chief Health Officer in relation to the making of the regulation. The Greens believe, if we are going to have regulations that respond to a COVID-19 crisis, and those regulations are being crafted following advice from the Electoral Commissioner, that advice should be tabled. If we are going to have regulations that respond to a COVID-19 crisis, it goes without saying that the opinion of the Chief Health Officer, and the views about how those proposed amendments would actually affect a COVID-19 response, should also be tabled. As a matter of transparency, we had this argument in the debate on the local government amendments. We were not successful then, but, with a little more experience, we are hoping we will be successful now.

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (21:24):** The Government supports the amendment regarding the tabling of advice received by the Electoral Commissioner and any advice received from the Chief Health Officer. The Government notes that under proposed section 274 (2) (a) in schedule 1 to the bill, the Minister may only recommend to the Governor that regulations be made if the proposed regulations are in accordance with advice issued by the Electoral Commissioner. The Government trusts that any advice it gets from the Electoral Commissioner will be based on what is reasonable to protect the health, safety and welfare of persons from risk of harm caused by COVID-19. I certainly hope that the Electoral Commissioner will get that advice. However, in the interest of greater transparency, and to increase confidence in how the proposed regulation-making power will be used—should it be used—the Government supports the amendment.

**The Hon. JOHN GRAHAM (21:25):** The Opposition supports the amendment. In the interest of transparency, it did not support this approach relating to the local government changes, but two things have changed. Firstly, the Electoral Commission was very frank at budget estimates about what arrangements were in place. I was surprised that those were not slightly more formal, given the significant impact on the franchise that these potentially have if we get them wrong. Secondly, Mr David Shoebridge is in a far more persuasive mood in this debate than he was in that particular debate. As a result, he will be more successful.

**The CHAIR (The Hon. Trevor Khan):** Mr David Shoebridge has moved The Greens amendment No. 1 on sheet c2021-235A. The question is that the amendment be agreed to.

**Amendment agreed to.**

**The Hon. JOHN GRAHAM (21:27):** I move Opposition amendment No. 1 on sheet c2021-228B:

**No. 1 By-elections**

Page 3, Schedule 1, proposed section 274. Insert after line 39—

- (4A) A regulation must not be made under this section in relation to a by-election held during the prescribed period that—
- (a) restricts or prevents a person from displaying a poster or handing out tangible electoral material in accordance with this Act, or
  - (b) enables the Electoral Commissioner or an election official to give a direction to a person restricting or preventing the person from displaying a poster or handing out tangible electoral material in accordance with this Act, or
  - (c) restricts or otherwise modifies provisions of this Act relating to the following—
    - (i) the number of scrutineers that may be appointed by a candidate or registered party,
    - (ii) the entitlement of a scrutineer to be present in a voting centre or ballot counting place,
    - (iii) the functions of a scrutineer, or

- (d) enables the Electoral Commissioner or an election official to give a direction to a person that restricts or otherwise modifies the matters specified in paragraph (c).

This amendment deals with the matters outlined in the second reading speech. It seeks to strike out some matters that, in our view, should not be regulated. It deals with the 100-metre approach to tangible electoral material and posters, and places some restrictions on the number and entitlements of scrutineers.

**Mr DAVID SHOEBRIDGE (21:27):** We addressed the substance of this amendment in the second reading debate. Again, it follows on from the experience that we have been having with the Local Government Act 1993. The Greens think the amendment is sensible, and we support it.

**The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (21:27):** The Government will not object to the amendment, even though it is unnecessary. I note at the outset that the regulation-making power contained in the bill is already subject to significant constraints. The proposed power relating to by-elections only allows for regulations to be made to modify the application of the Electoral Act 2017 for by-elections for the purposes of responding to the public health emergency caused by COVID. The bill does not give the Electoral Commissioner a directions power that would enable him to restrict the handing out of electoral material. Let us be clear that the restrictions are in place not because the Government regulated but because the Electoral Commissioner, of his own volition and despite the feelings of a large number of people, went ahead and did it. Similarly, there is no proposal that would allow for a regulation to be made that would limit the number of scrutineers or the entitlement of a scrutineer to be present at a counting place.

The Government notes that between the improving COVID-19 situation, high vaccination coverage and the anticipated timing for the upcoming by-elections, there is limited need for such a directions power or, for that matter, regulation power. Nevertheless, as the Government has no intention of allowing such a direction again or making such a regulation, we see no reason to object to the honourable member's amendment. Of course, we have argued, as I did earlier, that it is moot, but we also appreciate that the purpose of the amendment is to put the question beyond doubt. Unfortunately, that has proved necessary because of the behaviour of the NSW Electoral Commissioner. The Government will support the amendment.

**The CHAIR (The Hon. Trevor Khan):** The Hon. John Graham has moved Opposition amendment No. 1 on sheet c2021-228B. The question is that the amendment be agreed to.

**Amendment agreed to.**

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

**Motion agreed to.**

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

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

**Motion agreed to.**

### Adoption of Report

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

That the report be adopted.

**Motion agreed to.**

### Third Reading

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

That this bill be now read a third time.

**Motion agreed to.**

## GREATER SYDNEY PARKLANDS LEGISLATION AMENDMENT (SUBSTRATUM) BILL

### Second Reading Speech

**The Hon. TAYLOR MARTIN (21:32):** On behalf of the Hon. Natalie Ward: I move:

That this bill be now read a second time.

On behalf of the Minister for Planning and Public Spaces, I introduce the Greater Sydney Parklands Legislation Amendment (Substratum) Bill 2021. To suit the convenience of the House, I seek leave to have the balance of the second reading speech incorporated in *Hansard*.

**Leave granted.****Purpose and Brief Summary of the Bill**

The purpose of this Bill is to enable the acquisition of substratum—that is, the underlying layer beneath the surface of the ground—at Callan Park and Parramatta Park to enable the construction of the Sydney Metro West.

The Bill makes amendments to the *Callan Park (Special Provisions) Act 2002* and the *Parramatta Park Trust Act 2001* to allow Sydney Metro to acquire the substratum or "underground" land of Callan Park and Parramatta Park, which are located along the alignment of the Sydney Metro West. Delaying this process may impact the delivery of the Sydney Metro West.

In a nutshell, substratum acquisition is another way of saying the acquiring of underground land for the purposes of tunnelling.

These tunnels are planned to be approximately 40 metres to 90 metres underneath Callan Park and Parramatta Park, and I can assure the community and my parliamentary colleagues that it is not intended to impact the surface of parklands, including at Callan Park and Parramatta Park.

There are many examples of tunnels for trains, metros or motor vehicles that run underneath parklands with no impact to the surface land. For example, the Saint James Tunnels that run underneath Hyde Park.

While the provisions in this Bill were originally in the *Greater Sydney Parklands Trust Bill 2021* debated in the other place last week, it is important that we prioritise the enactment of the specific provisions in this Bill to make the necessary amendments as soon as possible to ensure that the Sydney Metro West project can be delivered.

And in a way this Bill, despite being small in stature, does represent a lot of what the Minister for Planning and Public Spaces was seeking to achieve with the *Greater Sydney Parklands Trust Bill 2021*.

**The Sydney Metro West Project**

The Sydney Metro West project will support a growing city and deliver world-class metro services to more communities.

Greater Sydney Parklands will also support a growing city and deliver world-class parkland services to more communities.

The Sydney Metro West project will connect our city together, tying the eastern city to the Central and Western Sydney.

Greater Sydney Parklands seeks to do the same, stitching our city's parklands together through a green and blue grid.

The Sydney Metro West project is a once-in-a-century infrastructure investment that will transform Sydney for generations to come, doubling rail capacity between the two CBDs, linking new communities to rail services and supporting employment growth and housing supply.

**Outline of the Provisions of the *Greater Sydney Parklands Legislation Amendment (Substratum) Bill 2021***

I will now outline the provisions of the Bill in more detail.

The provisions of the Bill are proposed to commence once they are passed and enacted on the date they are assented to.

Schedule 1 to the Bill inserts a new provision into the *Callan Park (Special Provisions) Act 2002* to enable the acquisition of the substratum or the "underground" of Callan Park or a part of the underground of Callan Park for a "public purpose".

Schedule 2 to the Bill inserts a new provision into the *Parramatta Park Trust Act 2001* to enable the acquisition of the substratum or the "underground" of the principal trust lands of the Parramatta Park Trust, that is, Parramatta Park or a part of the underground of Parramatta Park for a "public purpose".

Please rest assured that the substratum or "underground" of Callan Park or Parramatta Park must be acquired for a "public purpose", which is already a long established concept in statute law and is defined as "any purpose for which land may by law be acquired by compulsory process under the *Land Acquisition (Just Terms Compensation) Act 1991*."

**Conclusion**

This Bill prioritises the enactment of necessary amendments to the *Callan Park (Special Provisions) Act 2002* and the *Parramatta Park Trust Act 2001* to ensure the timely delivery of the Sydney Metro West project.

As we look to bounce back better after the pandemic and focus intently on economic recovery, it is essential for our State that we get on with delivering the Sydney Metro West

This Bill will enable us to do this without further disruption

I commend the bill to the House.

**Second Reading Debate**

**The Hon. PENNY SHARPE (21:32):** I lead for Labor in debate on the Greater Sydney Parklands Legislation Amendment (Substratum) Bill 2021. Labor will not oppose the bill. The bill is a specific one; it deals with the limited provisions taken out of the Greater Sydney Parklands Trust Bill 2021, which has been referred to committee. It allows for substratum acquisition under Callan Park and Parramatta Park for the purposes of progressing the Sydney Metro West project. We understand the acquisitions will be made in accordance with the Land Acquisition (Just Terms Compensation) Act 1991. Labor has had quite a lot of discussion with the Government in relation to the bill. There has also been correspondence between the Opposition and the Government in relation to it. We understand the bill is necessary because Transport for NSW has advised that legislative amendment is required to allow tunnelling to progress the Sydney Metro West project and that the necessary amendments are proposed to be included within the Greater Sydney Parklands Trust.

We note that the route of the Sydney Metro West has been developed over a long period and has changed many times. Those changes and the resultant planning considerations should have identified legislative impediments with respect to tunnelling. Considerable concerns from individuals, community groups and local government have been expressed to NSW Labor about the Greater Sydney Parklands Trust Bill exposure draft. As noted, this House has decided that that bill will be subject to an inquiry, which is appropriate and supported by Labor. Notwithstanding our concerns about the Greater Sydney Parklands Trust Bill, we understand the need to continue the Sydney Metro West project. As such, Labor is prepared to support the passage of this limited legislation to facilitate progress of the project. We do not oppose the bill.

**Mr DAVID SHOEBRIDGE (21:34):** The Greens do not oppose the Greater Sydney Parklands Legislation Amendment (Substratum) Bill 2021. We understand the purpose of the bill is narrow: to amend the Callan Park (Special Provisions) Act 2002 to provide for the acquisition of the substratum or a part of the park for a public purpose within the meaning of the Land Acquisition (Just Terms Compensation) Act 1991, and to amend the Parramatta Park Trust Act 2001 in the same terms. The amendments are needed in order to provide the underground tunnelling for the metro. The Greens understand the rationale for that. We said to the Government earlier that if the Greater Sydney Parklands Trust Bill 2021 did not proceed in full, The Greens would support the substratum component because we understand the urgency of it. It does not affect the operation of the parks or any of the above-ground activities in the parks. I have consulted with my colleague Jamie Parker, the member for Balmain. He has consulted with the Friends of Callan Park, who do not oppose the bill. For those reasons, The Greens support the bill.

**The Hon. TAYLOR MARTIN (21:36):** On behalf of the Hon. Natalie Ward: In reply: I thank the Opposition for its support of the Greater Sydney Parklands Legislation Amendment (Substratum) Bill 2021 and the Hon. Penny Sharpe for her contribution. I also thank Mr David Shoebridge for his contribution, and The Greens and other crossbench members for supporting the bill, which will enable the Government to get on with the job of ensuring the delivery of Sydney Metro West. I am sure those members who are members of the Select Committee on the Greater Sydney Parklands Trust Bill 2021 will enjoy spending time over the summer inquiring into that bill. I commend the bill to the House.

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

**Motion agreed to.**

### In Committee

**The CHAIR (The Hon. Trevor Khan):** There being no objection, the Committee will deal with the bill as a whole. I have two amendments, being The Greens amendments appearing on sheet c2021-231A.

**Mr DAVID SHOEBRIDGE (21:37):** By leave: I move The Greens amendments Nos 1 and 2 on sheet c2021-231A in globo:

No. 1 **Open tender process—GSPT estate**

Page 3. Insert after line 10—

#### **Schedule 1A Amendment of Centennial Park and Moore Park Trust Act 1983 No 145**

##### **Section 9A**

Insert after section 9-

##### **9A Open tender process to be used for leases and certain licences**

The Trust must not grant a lease, or a licence with a term of 10 years or more, over all or part of the Trust lands unless the granting of the lease or licence has been the subject of an open tender process.

No. 2 **Long title**

Omit "1991.". Insert instead "1991; and to amend the *Centennial Park and Moore Park Trust Act 1983* to require the granting of leases and certain licences to be the subject of an open tender process."

When the Greater Sydney Parklands Bill 2021, of which this bill is a small subset, was debated in the other place, some positive amendments were agreed by the Legislative Assembly to protect Centennial Park and Moore Park from being subject to unsolicited proposals. These amendments would live up to that commitment by changing the law now, while we can, to protect the Centennial Park and Moore Park trust lands. Amendment No. 1 proposes a new section 9A, which provides:

##### **9A Open tender process to be used for leases and certain licences**

The Trust must not grant a lease, or a licence with a term of 10 years or more, over all or part of the Trust lands unless the granting of the lease or licence has been the subject of an open tender process.



The purpose of that amendment is to put paid once and for all to things such as the unsolicited bid to, effectively, take over the Moore Park Entertainment Quarter and build on it buildings up to 20 storeys with private office and retail space, as came from Carsingha Investments Pty Ltd only two years ago. Members may recall that Carsingha Investments made an unsolicited proposal to the New South Wales Government to basically take over the former Sydney Showgrounds site and turn it into a commercial hub. Who was behind that? The consortium behind it was Gerry Harvey, John Singleton and Mark Carnegie—the three horsemen of the retail apocalypse, running in with an unsolicited proposal to take over critical public land. We never want to see that happen again.

Centennial Park and Moore Park are too valuable as public spaces to allow those kinds of unsolicited proposals to come in and take over such a critical part of public land. There was agreement on that in the lower House. The Greens cannot work out why there is not agreement here today. Protecting public land should be uncontroversial. It should be uncontroversial putting these protections in the Centennial Park and Moore Park Trust Act 1983. The Greens look forward to the support of the Committee for these amendments.

**The Hon. TAYLOR MARTIN (21:40):** The Government opposes the amendments put forward by The Greens. If Mr David Shoebridge would like to make amendments, he should probably not have sent the Greater Sydney Parklands Trust Bill 2021 to a committee itself, and we could have instead considered the bill holistically and in its original context this week. However, this is the path that we are now on, so it is important that we continue with this bill and that the bill is looked at also in its entirety rather than by making selective amendments here and now without due and proper consideration, as The Greens seek to do. The Government does not support the amendments. Let us get on with it. We will have the committee inquiry looking into these matters, without standing in the way of delivering new public transport.

**The Hon. PENNY SHARPE (21:41):** I admire Mr David Shoebridge for attempting to tack new things onto this Greater Sydney Parklands Legislation Amendment (Substratum) Bill 2021. Labor is very clear about what we are prepared to support in relation to this bill at this time, and that is the facilitation of the Sydney Metro West project. I understand that those amendments were passed through the lower House and are actually now within the bill. The bill has been sent to a committee, for very good reason. Labor is very supportive of that process. The Opposition does not support this attempt to tack something on that is already going to be dealt with via an inquiry.

**Mr DAVID SHOEBRIDGE (21:41):** I thank both members for their contributions. Of course, there is always a danger that something positive like this that actually protects the public interest will not survive when the thing the Government most wants from the bill—in this case, the substratum acquisition—is taken off the table. The Greens are of the view that if the Government is desperately wanting something then that is the time to bargain and get something for the public interest. It is most unfortunate that we do not have Labor's support to insist upon the public interest—being to get something clear here—at a time when the Government desperately needs the rest of the bill.

I note the Parliamentary Secretary's view that we could have somehow magically debated the Greater Sydney Parklands Trust Bill 2021 in the 2¼ hours left to us tonight. I think that is a heroic assumption. I do not think we would have got through the bill in the time available to us, regardless of the referral to the committee. But perhaps I am wrong in that. It is unfortunate that The Greens are not seeing support for these amendments. Sometimes the public interest requires you to chance your arm and take it while you can. Unfortunately, it looks like Centennial Park and Moore Park will not get the protections tonight.

**The CHAIR (The Hon. Trevor Khan):** Mr David Shoebridge has moved The Greens amendments Nos 1 and 2 on sheet c2021-231A. The question is that the amendments be agreed to.

**Amendments negatived.**

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

**Motion agreed to.**

**The Hon. TAYLOR MARTIN:** I move:

That the Chair do now leave the chair and report the bill to the House without amendment.

**Motion agreed to.**

#### **Adoption of Report**

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

That the report be adopted.

**Motion agreed to.**

### Third Reading

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

That this bill be now read a third time.

**Motion agreed to.**

### **STRONGER COMMUNITIES LEGISLATION AMENDMENT (CHILDREN) BILL 2021**

#### First Reading

**Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Taylor Martin, on behalf of the Hon. Natalie Ward.**

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

**The PRESIDENT:** The question is that the bill be considered an urgent bill.

**Declaration of urgency agreed to.**

#### Second Reading Speech

**The Hon. TAYLOR MARTIN (21:46):** On behalf of the Hon. Natalie Ward: I move:

That this bill be now read a second time.

The Stronger Communities Legislation Amendment (Children) Bill 2021 introduces a number of miscellaneous amendments to address emerging issues, support procedural improvements and clarify uncertainty in legislation. I acknowledge the presence of Minister Henskens in the Chamber. This is the second time he has attended in as many weeks. I seek leave to have the balance of the second reading speech incorporated in *Hansard*.

#### **Leave granted.**

The Government is pleased to introduce the Stronger Communities Legislation Amendment (Children) Bill 2021.

The bill introduces a number of miscellaneous amendments to address emerging issues, support procedural improvements and clarify uncertainty in legislation.

The amendments will provide certainty and improve the clarity of a number of pieces of legislation that affect children and young people in New South Wales.

These amendments are necessary to improve the safety, welfare and well-being of children and disadvantaged adults, and to improve the juvenile parole framework.

Many of the amendments will ensure that the original legislative intention is made clearer in the relevant acts, or existing practices of the Children's Court based on implied powers are made explicit in legislation.

Some of the benefits of the proposed amendments include:

- a. specifying that serious animal cruelty offences are disqualifying offences for working with children checks;
- b. ensuring the Children's Court has an express power to rescind or vary an order revoking parole, similar to that provided in the adult parole regime;
- c. ensuring that all magistrates (not just children's magistrates) may make bail decisions related to breach of parole by children and young people; and
- d. preventing significant delay in court and tribunal proceedings by specifying that at the time a Court or Tribunal appoints a guardian ad litem (which is a representative for an individual considered incapable of providing legal instructions) it is not required to identify the specific individual appointed to that role.

I now turn to the detail of the bill.

#### **Clarifying the appointment of guardians ad litem**

Schedules 1, 3, 6 and 7 contain amendments to validate the procedure by which courts and tribunals appoint guardians ad litem for certain parties to proceedings.

These amendments allow courts and tribunals to order the appointment of a guardian ad litem without identifying the individual who will be appointed in that role. In doing so, they confirm the validity of the longstanding practice of courts and tribunals, which has been in use for at least 12 years. The amendment is retrospective, to confirm that all past appointments of guardians ad litem using that procedure were validly made.

Guardians ad litem are appointed to assist parties to proceedings who are considered incapable of giving legal instructions. They have typically been appointed for parents in care proceedings with intellectual disability, mental illness, or other circumstances that affect their capacity to instruct in legal proceedings without assistance.

The role of the guardian ad litem, once appointed, is to protect and promote the interests of that parent during proceedings. For example, a guardian ad litem has the authority and the responsibility to retain, instruct and dismiss a legal representative as appropriate.

The longstanding practice, under these Acts, is that courts and tribunals would make an order for the appointment of a guardian ad litem, and then write to the Guardian ad Litem Panel requesting an individual to fulfil that role. The Guardian ad Litem Panel would identify a member of that Panel who is available for proceedings and willing to take on the role, and provide the member's details to the court or tribunal. The court or tribunal would then write to the parties with the name of the individual to fulfil the role of guardian ad litem.

However, the NSW Court of Appeal recently determined that s 45 of the Civil and Administrative Tribunal Act 2013 required the tribunal to appoint a specific person for the appointment to be valid. That decision, *Choi v NSW Ombudsman* [2021] NSWCA 68, invalidated the standard practice I have outlined of ordering the appointment of a guardian ad litem and using an administrative process to specify the individual to fulfil that appointment.

The Choi decision relates to Tribunal appointments under the Civil and Administrative Tribunal Act 2013, but might also have implications for similar provisions in the Adoption Act and the Children and Young Persons (Care and Protection) Act 1998, referred to as the Care Act. This bill therefore amends the provisions of each of those three Acts.

The amendments to those Acts will enable courts and tribunals to continue to appoint guardians ad litem where deemed appropriate without imposing a requirement on courts and tribunals to name a specific representative.

Without these changes, there is a risk that previous appointments of guardians ad litem may be invalidated by a party dissatisfied with an outcome in the relevant proceedings, merely because the appointment was made via an administrative process rather than directly by the Court naming the guardian ad litem.

A wide range of orders and outcomes under the Adoption Act, Care Act and AT Act could be affected. That would generate significant uncertainty for all parties to, or persons affected by, the many orders in those cases on serious matters such as the adoption of a child, or placement of a child into care.

Challenges to those decisions and orders would pose a significant burden on court and tribunal resources, particularly for the Children's Court, which is responsible for hearing the majority of care proceedings. It would also open a procedural avenue to challenge substantive decisions of great importance, such as care and protection orders or adoption orders, with the potential for significant and upsetting disruption for a wide range of parties, particularly vulnerable children the subject of those orders.

As an interim measure, following the Choi decision, a two-step process was implemented by the relevant courts and tribunals, who now must adjourn proceedings pending the nomination of an available guardian ad litem from the guardian ad litem panel, and reconvene the parties once the guardian ad litem has been identified, in order to make the appointment. During this period, the proceedings are stalled, since one of the parties is considered incapable of giving legal instructions.

These amendments will therefore save the courts, tribunal and parties the need for an additional court date for the court or tribunal to officially nominate a specific person as guardian ad litem.

No additional benefits is gained by the two-step process, as the court or tribunal does not involve itself in assessing the suitability of the guardian ad litem; it simply increases cost and delays in important matters, many of which involve children's living arrangements.

The two-step process is also unnecessary, as there are existing mechanisms for addressing issues that may arise with a particular guardian ad litem, and safeguarding parties' rights. In particular:

- a. Parties may raise concerns about a guardian at any point in the course of proceedings;
- b. The Guardian Ad Litem Code of Conduct requires guardians ad litem appointed from the Panel to report any actual or potential conflicts of interest; and
- c. Parties have the opportunity to be heard on a court or tribunal's finding of incapacity and decision to appoint a guardian ad litem, and may appeal this decision.

For these reasons —avoiding unnecessary challenges to settled decision, and avoiding the costs and delay of a two-step appointment process —these amendments are both appropriate and urgent.

#### **Child Protection (Working with Children) Act 2012**

I now move to Schedule 3 of the bill, which amends the Child Protection (Working with Children) Act 2012 to:

- a. include serious animal cruelty offences as disqualifying offences for working with children checks;
- b. specify other animal cruelty offences as assessment triggers for risk assessments of working with children check clearances; and
- c. allow certain animal welfare agencies to provide details of individuals subject to certain animal cruelty proceedings.

The object of the Working With Children Act is to protect children by not permitting certain persons to engage in child -related work and by mandating those engaged in child -related work to obtain a working with children check clearance. Those with a clearance are subject to ongoing monitoring and relevant new records may lead to the clearance being revoked.

Research has shown for some time that there is a link between people who abuse animals and commit other offences, including other violent offences. Given that we know that people who abuse animals are more likely to be involved in criminal activity, it stands to reason that animal cruelty offences should be flagged when someone applies for a working with children clearance, and that serious animal cruelty offences disqualify a person from working with children.

The Act already partly reflects this. For example, aggravated cruelty offences under section 6 of the Prevention of Cruelty to Animals Act 1979 and serious animal cruelty offences under section 530 of the Crimes Act 1900 are both already assessment triggers under Schedule 1 of the Act.

These amendments will expand the relevance of animal cruelty offences when assessing Working with Children clearances and resolve unintended loopholes.

The introduction of proposed section 33A will allow the RSPCA and the Animal Welfare League to disclose to the Children's Guardian information about anyone who is found guilty of, or against whom proceedings have been commenced for commission of, two kinds of animal cruelty offences. Those offences are:

- a. cruelty to animals under sections 5(1) or (2) of the Prevention of Cruelty to Animals Act 1979,
- b. aggravated cruelty to animals under section 6 of the same Act,
- c. bestiality under section 79 of the Crimes Act 1900, and
- d. serious animal cruelty under section 530 of the Crimes Act.

This is an important amendment because it will allow these animal welfare groups to give an early indication to the Children's Guardian if any applicant for a Working with Children clearance has been charged with one of these offences and not yet convicted.

Amendments to Schedule 2 will make the criminal offence of serious animal cruelty (under section 530 of the Crimes Act) a disqualifying offence under the Act. The offence of bestiality (under section 79 of the Crimes Act) is already listed as a disqualifying offence under Schedule 2.

Amendments to section 26 will add both those offences, bestiality and serious animal cruelty, as offences which exclude convicted persons from applying for a review or appeal under the Act in the circumstances set out in that section, if the offence was committed as an adult.

The amendments will bring New South Wales in line with the National Standards for Working with Children Checks (National Standards). The aim of the National Standards is to ensure children, wherever they are located in Australia, are provided an appropriate level of protection. The establishment of these standards were recommended as part of the Royal Commission into Institutional Responses to Child Sexual Abuse.

Under National Standard 14, an applicant who has a conviction for bestiality and serious animal cruelty offences will not be issued with a working with children check clearance provided the applicant was at least 18 years old at the time of the offence. There is no right of appeal against such a decision except on the grounds of mistaken identity.

#### **Authorised residential care worker amendments**

I now move to the parts of Schedules 3 of the bill that introduce amendments to exclude authorised carers who are residential care workers from several provisions of the Care Act. They are the amendments to sections 796, 137, 146, 147 and 149E, and the insertion of section 137AA.

These amendments support a larger reform being led by the Office of the Children's Guardian to establish an electronic register for residential care workers in statutory and supported out-of-home care. This type of register was recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse as a means of making information available to agencies or bodies with responsibility for assessing, authorising or supervising carers and ensuring the safety of children in out-of-home care.

With the introduction of the register, the Children and Young Persons (Care and Protection) Regulation 2012, known as the Care Regulation, will be amended to require residential care workers who provide direct care to children be authorised as "authorised carers" under the Care Act.

Current legislative provisions relating to authorised carers do not always differentiate between different types of authorised carers. Many provisions are targeted at foster carers, who are full-time, volunteer carers, providing care in their own homes. Some such provisions are therefore not appropriate for residential carers, who provide care as part of their employment, outside of their own home, on a roster basis. The setting in which care is provided is different, as is the nature of the relationship between the carer and the child or young person.

These amendments ensure that residential care workers are not unintentionally covered by five provisions that are relevant to foster carers only.

Those five provisions are as follows:

- a. **[guardianship]** section 79A of the Care Act allows authorised carers to apply for guardianship orders under —this supports a path to permanency for children placed in foster care, but it is not appropriate for a residential care workers to apply for a guardianship order in their professional capacity as a child's residential care worker. Those workers will still be able to apply for a guardianship order for a child in their private capacity, say, if they are also a foster carer.
- b. **[notification]** section 137(3) of the Care Act requires authorised carers to notify of persons residing with them for more than three weeks —this is appropriate in the case of foster carers, who are providing care in their own homes, but is not necessary or appropriate for residential care workers, as children are not cared for at the worker's home address.
- c. **[decision making]** section 146 of the Care Act entitles an authorised carer to participate in the making of decisions, going beyond those relating to daily care and control, concerning the safety, welfare and well-being of a child or young person in the care of the authorised carer —this entitlement is not appropriate for residential care workers who are caring for a child or young person in their professional capacity only.
- d. **[indemnity]** section 147 indemnifies authorised carers for loss or damage caused by a child in their care —unlike foster carers, residential care workers have a direct employment relationship through which they may be entitled to be compensated for loss or damage suffered in the course of their employment, so it is not appropriate for such workers to be indemnified by the Minister.
- e. **[personal info]** section 149E requires an authorised carer's consent to be sought before a designated agency may disclose high-level information about a child's placement —these provisions are intended to apply to foster carers as the identification information required includes the carers' private home address, but is not appropriate in the case of residential care workers, since personal information such as their address would not be exposed.

#### **Amendments to the Children (Detention Centres) Act 1987**

I now move to Schedule 4 to the bill, which introduces amendments the Children (Detention Centres) Act 1987 to:

- a. clarify that bail decisions for juveniles can be made by all magistrates, not just children's magistrates, even if the bail decision is related to a breach of parole;
- b. provide the Children's Court with an express power to rescind or vary the revocation of parole; and
- c. clarify that a child in custody on an unrelated charge is not "at large" for the purposes of calculating "street time", but has been "taken into custody" for the purposes of the Act.

These amendments will provide legislative clarity to current Children's Court practices and certainty to both the court and parties to proceedings.

#### **Bail hearings**

In relation to the first issue, bail decisions can be made by all magistrates in relation to children and young people, not just adults. However, section 41 of the Children (Detention Centres) Act 1987 provides that the Children's Court, constituted by the President of the Children's Court or a Children's Court magistrate, has jurisdiction to determine matters relating to parole, and conditions of parole, for juvenile offenders. The purpose of the amendment proposed to section 41 is to clarify that section 41 does not prevent other magistrates hearing bail applications and making bail decisions, even where the bail decision may relate to a question of parole or conditions or parole. That is the current practice, and this amendment simply clarifies the Act.

As hearings related to bail at the Children's Court do not occur every day, if a juvenile's bail was to be considered only by a Children's Court magistrate or the President of the Children's Court, the juvenile would suffer unnecessary delay. The amendments clarify that all magistrates may make decisions related to bail of juveniles.

This amendment is consistent with the guiding principles of the Children (Criminal Proceedings) Act 1987, which provide that it is desirable that children who commit offences be assisted with their reintegration into the community so as to sustain family and community ties and therefore that it is desirable that time in custody should be avoided where possible.

#### **Revocation of parole**

In relation to the second issue, currently there is no express power to rescind or vary a parole revocation order for the Children's Court. This differs from the adult regime under section 175 of the Crimes (Administration of Sentences) Act 1999, and it means that, if the Children's Court revokes parole without a hearing under section 67(2) of the Children (Detention Centres) Act, and is therefore required to hold a hearing within 28 days under section 67(3), at that hearing the Court currently has no explicit power to rescind the revocation order, effectively reversing its earlier decision made without a hearing, to keep the individual out of custody.

The amendments to sections 67 and 75 will align the juvenile regime with the adult regime on this issue and provide a specific power in legislation so that it is clear that the Children's Court may, where appropriate, vary, rescind or confirm parole revocation orders. These powers will be available to the Children's Court both for a hearing following a revocation of parole required by section 67(3) and for a reconsideration of a parole decision or revocation on application of a juvenile offender under section 74.

#### **When a juvenile offender is "at large" for the purposes of calculating "street time"**

The third issue also clarifies the legislation to reflect existing Children's Court practice, following the case of *Palizio v NSW Parole Authority* [2013] NSWSC 1829. *Palizio*, which was a case in the adult jurisdiction, decided that time spent in custody on a matter other than that for which parole has been revoked, counts as "street time" and not towards the sentence for which parole was revoked.

That is, in the adult jurisdiction, if a person is on parole for Offence A, then commits Offence B, prompting their parole to be revoked, and is taken into custody specifically for Offence B (that is, they are not taken into custody consequent on the parole revocation), the time spent in custody for Offence B does not count as custodial time served for Offence A, so the Court must add to the sentence for Offence A the period of time the offender was in custody for Offence B.

This runs counter to the Children's Court practice, where time spent in custody following parole revocation on separate offending is counted as custodial time for the offence for which parole was revoked, noting that at this point the child will have already served time in custody and been released on parole.

The basis of the Children's Court practice was an interpretation of s.68 and its legislative purpose, which is to address the mischief that an offender who is at large and not complying with their parole should not be able to avoid performing their sentence. It was reasonable for the Court to consider that a juvenile offender who is in custody is effectively complying with their parole obligations and therefore not "at large" for the purposes of their original sentence.

This interpretation is supported by the principles enshrined in the Children (Detention Centres) Act that parole decision-makers must have regard to, being that:

- a. the purpose of parole for children is to promote community safety, recognising that rehabilitation and reintegration of children into the community may be highly relevant to this purpose;
- b. children who commit offences must be assisted with their reintegration into the community so as to sustain family and community ties.

However, following the clear decision of *Palizio*, amendment is required to ensure the Children's Court can continue to interpret the provisions in this manner.

#### **Amendments to the Children's Guardian Act 2019**

I now move to Schedule 5 of the bill, which introduces amendments to the Children's Guardian Act 2019

to:

- a. clarify that the Children's Guardian can give exemptions from the notification requirements for reportable conduct, but not from the scope of what constitutes reportable conduct;

- b. clarify that the Children's Guardian and the relevant entity both have responsibilities to ensure that their investigations under the Children's Guardian Act 2019 do not prejudice police investigations; and
- c. extend the transitional regulation making powers until various regulations are consolidated.

The amendments are all minor modifications to the Act to ensure it operates as was originally intended.

#### **Exemptions from notification requirements**

In relation to the first of those issues, currently, section 29 of the Children's Guardian Act 2019 requires a head of a relevant entity to notify the Children's Guardian of reports, reportable allegations or reportable convictions. Section 30 of the Act then allows the Children's Guardian to exempt a class or kind of conduct of employees of a relevant entity from being reportable conduct. The intention of the section was to enable the Children's Guardian to provide exemptions from the notification requirements, not from whether a class or kind of conduct is reportable conduct or not.

The proposed amendments to sections 29 and 30 clarify that the exemption is from the notification requirement only, not from the scope of what constitutes reportable conduct.

Importantly, however, regardless of any obligation to inform the Children's Guardian of the conduct, the relevant entity must still investigate and make findings in relation to the alleged conduct.

#### **Head of relevant entity to ensure investigations do not prejudice police investigations or court proceedings**

In relation to the second of those issues, amendments to section 33 relate to when either the NSW Police or the Director for Public Prosecutions informs the Children's Guardian or another relevant entity that investigations under the Act is likely to prejudice a police investigation or court proceeding. Currently, section 33(4) requires the Children's Guardian to ensure the investigation is carried out in a way so as not to prejudice the police investigation or court proceedings. However, the relevant investigation may have been undertaken by either the Children's Guardian or a head of a relevant entity. If the head of a relevant entity is carrying out the investigation, it is impossible for the Children's Guardian to ensure the investigation is carried out without such prejudice, and unreasonable to place that obligation on the Children's Guardian in circumstances where it does not control the investigation. The amendments will ensure that whomever is carrying out the investigation —the Children's Guardian or the head of the relevant entity—that same body carries the obligation to ensure that investigation does not prejudice police investigations or court proceedings.

#### **Extension of savings and transitional provisions**

In relation to the third of those issues, the extension of the transitional regulation-making power under clause 1 of Schedule 4 of the Children's Guardian Act until 1 September 2022 is to allow extra time for a consolidation of regulations to occur.

The Children's Guardian Act came into force on 1 March 2020. Powers and functions of the Children's Guardian from the Adoption Act, the Care Act, the Community Services (Complaints, Reviews and Monitoring) Act 1993, and the Ombudsman Act 1974 were consolidated into the new Act. Regulations under these Acts remain in force until new regulations are made under the Children's Guardian Act. Clause 1 of Schedule 4 of the Children's Guardian Act enables transitional regulations to be made that are necessary for the transition from regulations under those Acts to regulations under the Children's Guardian Act. That transitional regulation-making power is due to expire 2 years after the commencement of the Act, or on 1 March 2022.

This amendment will extend the expiry of the transitional regulation-making power a further six months to 1 September 2022. That is consistent with the date for expiry of clause 2 of the same Schedule, which preserves those existing regulations as if they were regulations under the Children's Guardian Act until 1 September 2022. The amendment dovetails the two expiry dates of clause 1 and clause 2 to allow for the consolidation to occur by that date.

An extension of the transitional provision will ensure that any regulations required to be made to facilitate the consolidation can be made up until the specified date for consolidation.

#### **Conclusion**

Many of the amendments in the bill are technical in nature and are important steps in streamlining the day-to-day work performed by the various agencies working within the Stronger Communities Cluster, including courts, tribunals and the Children's Guardian. They address emerging issues, support procedural improvements, clarify uncertainty, and correct errors in legislation.

I commend the bill to the House.

### **Second Reading Debate**

**The Hon. PENNY SHARPE (21:47):** On behalf of the Opposition, I contribute to the second reading debate on the Stronger Communities Legislation Amendment (Children) Bill 2021. I indicate at the outset that the Opposition does not oppose the bill. It makes a number of technical amendments to the following Acts: the Adoption Act 2000, the Child Protection (Working with Children) Act 2012, the Children and Young Persons (Care and Protection) Act 1998, the Children (Detention Centres) Act 1987, the Children's Guardian Act 2019, the Civil and Administrative Tribunal Act 2013, and the Civil and Administrative Tribunal Regulation 2013. Most of these amendments are clarifying in nature and simply codify uncontroversial current practice within the law.

One genuinely urgent provision in the bill is under schedule 5 [7]. The regulation-making powers of the Children's Guardian currently expire in March 2022. This bill extends those powers to 1 September 2022, with a view to making them permanent after a regulation consolidation process takes place. Secondly, the bill incorporates serious animal cruelty offences into what the Children's Guardian may take into account when deciding whether or not to issue a Working With Children Check. This new obligation will create a need for additional training for staff conducting working with children checks. The Opposition is supportive of this change. I note the advocacy of the Animal Justice Party in relation to these matters.

Thirdly, the bill removes a number of unintended obligations on residential care workers who are currently subjected to a number of the same requirements as foster carers. Residential care workers are employees who do not permanently reside with children in out-of-home care, so it is appropriate to make these changes. The bill removes the personal life reporting obligations currently unintentionally put on residential care workers, such as when and if the worker has a personal visitor staying at their home for more than three weeks. The bill also removes their right to apply for guardianship orders for a child in their care and clarifies that these workers would be indemnified by their employers, rather than the Minister, as is the case for foster carers.

The bill also reaffirms the longstanding practice of allowing a court to appoint a guardian ad litem to assist parties who are judged to be incapable of giving legal instructions, without needing to specify the particulars of the guardian. A recent appeals court decision overturned this practice, which now forces proceedings to adjourn until a panel can appoint a specific guardian. This causes unnecessary delay and additional costs in court proceedings. Rather than being a change, the provision in the bill reaffirms a prior practice. A series of other amendments in the bill clarifies the current practice relating to bail and parole revocation orders, including codifying that all magistrates, not just Children's Court magistrates, are able to consider bail hearings for juveniles. The Opposition is advised that this is current practice, given that the Children's Court does not consider bail hearings every day and given regional limitations.

Finally, the bill creates a new obligation for the Children's Guardian with respect to conducting investigations. If the guardian is conducting an investigation alongside a relevant police investigation or prosecution, the guardian will generally suspend its investigation so it will not prejudice the other investigation or prosecution. The bill seeks to allow concurrent investigations, providing that the Children's Guardian or the head of a relevant agency deems it appropriate, as long as they carry the obligation to ensure that their investigation does not prejudice the police or court proceedings. The Opposition does not oppose the bill.

**The Hon. EMMA HURST (21:50):** On behalf of the Animal Justice Party I speak in debate on the Stronger Communities Legislation Amendment (Children) Bill 2021. In particular, I want to talk about the important changes to the Child Protection (Working with Children) Act 2012 contained in the bill. The changes will better recognise the link between violence against animals and violence against children, and will provide better protections for children in New South Wales. The Animal Justice Party has been fighting for those reforms for some time and, frankly, they are long overdue. I first approached former Minister Gareth Ward about this issue in 2020. In May this year I moved a notice of motion calling for these changes, with the Government's support. I have also met with the current Minister, Alister Henskens, and his team on several occasions about the need for these changes. I am pleased that he has brought them before the Parliament today.

A significant body of research shows that the abuse of animals in the home is a strong indicator that children are also being abused. One study found that in 83 per cent of households where animal abuse occurred there was also a risk of child abuse. Right now, the Working with Children Check system does not properly address this critical link. The issue first came to my attention when I learned that a man who was charged with tying a dog to a tree, stabbing her with a pitchfork six times, leaving her strung up to the tree to die and returning sometime later to smash her head in with a mallet was still potentially working with children. I was shocked to find that people convicted of high-level, intentional acts of animal cruelty were not automatically disqualified from holding a Working with Children Check.

When I looked into the issue further, I found even more problems. I discovered that many animal cruelty offences were not mandatory triggers for assessment, meaning that animal abusers can slip through the system unnoticed and obtain a Working with Children Check clearance. Even worse, I found out that the RSPCA and the Animal Welfare League were not routinely reporting charges and convictions to the Office of the Children's Guardian. That was a major oversight in the system. It meant that a whole chunk of relevant information about criminal charges and potential dangerous animal abusers was not getting through to the Children's Guardian when it was making its assessment about whether it was safe for someone to work with children. I cannot imagine anyone in the Chamber would want to see someone capable of heinous acts of animal abuse caring for their, or anyone else's, children.

The bill will make critical improvements to the Working with Children Check scheme. First, it will make serious animal cruelty a disqualifying offence under section 530 of the Crimes Act 1900, meaning that people convicted of those offences can never work with children. Secondly, it will make animal cruelty a trigger offence under section 5 of the Prevention of Cruelty to Animals Act 1979, meaning that anyone charged or convicted of that offence will be subject to special assessment by the Children's Guardian. Thirdly, and perhaps most importantly, the bill will ensure that the RSPCA and the Animal Welfare League can report to the Children's Guardian on all proceedings they commence and convictions they obtain relating to animal cruelty, aggravated animal cruelty, bestiality and serious animal cruelty.

That new provision will correct the major oversight in our system that has existed to date and ensure that critical data about animal abusers is not being missed when conducting a Working with Children Check. I foreshadow that I will be moving an amendment when the bill goes to the Committee stage, but overall I am very pleased to see the bill before the House today. The common factor between animal abuse and child abuse is that the victims are incredibly vulnerable. In many cases they are reliant on adult guardians and human guardians to look after their wellbeing, which is why restrictions around working with children were brought in in the first place and why it is so important to get these protections right. I urge all members to support the bill.

**Mr DAVID SHOEBRIDGE (21:53):** On behalf of The Greens I indicate that we will be supporting the Stronger Communities Legislation Amendment (Children) Bill 2021. The bill deals with a number of matters. I note the presence of Minister Henskens in the President's gallery tonight. The bill makes amendments to a series of Acts, including the Adoption Act 2000, the Child Protection (Working with Children) Act 2021, the Children and Young Persons (Care and Protection) Act 1998, the Children (Detention Centres) Act 1987, the Children's Guardian Act 2019, the Civil and Administrative Tribunal Act 2013, and the Civil and Administrative Tribunal Regulation 2013. All of those Acts are within the somewhat Orwellian Stronger Communities cluster and deal with a number of fairly modest but important issues that have arisen in the operation of legislation in that cluster.

The Government indicated that it has consulted with a variety of stakeholders, including the courts, the Law Society of New South Wales, the New South Wales Bar Association, Legal Aid NSW, the Aboriginal Legal Service, the Women's Legal Service and others. I indicate that in our consultation with stakeholders some wished for certain amendments to go further and wished for further clarification. I note that in the time we have had to deal with the bill we are not in a position to progress some of those, but I will run through the core elements in the bill and indicate our position on those amendments. One of the amendments clarifies that courts and tribunals ordering appointments of guardians ad litem are not required to specify the identity of the guardian, and for this to apply retrospectively. That is needed to deal with the process that has happened to date where the court has traditionally made a broad appointment of a guardian ad litem and it has then been for the Minister and/or the department to identify who that guardian is.

Unfortunately that has required a two-step process, including having to come back to the courts to specify who that guardian is. The area I ask the Parliamentary Secretary to respond to briefly in that regard is this: What are the current administrative checks and balances in place to ensure that the guardian ad litem who is appointed has the cultural, linguistic and other characteristics most appropriate to address the needs of the child? Are there checks and balances? If there are not, is it intended that processes will be put in place to ensure, for example, that if a child is Aboriginal and Torres Strait Islander, wherever possible an Aboriginal and Torres Strait Islander guardian will be chosen? If a child is from a non-English-speaking background, is it possible that the guardian ad litem identified be from that background? That is a concern that has been raised by some stakeholders. We would like to get some kind of commitment from the Government on that point.

The bill also amends the Children and Young Persons (Care and Protection) Act to exclude residential care workers from provisions that are not intended to apply to those providing out-of-home care as a part of their employment. The Minister knows full well that The Greens are very concerned about alternative care provisions and residential care provisions. Our largest concern is about alternative care arrangements in which residential care workers are effectively cycling in and out of a serviced apartment or motel room, where a child does not have foster care provisions. Residential care facilities can provide a more permanent arrangement for a child; effectively a home, but a home without a family, where residential care workers are employed. The Greens are very much of the view that those are far less than optimal arrangements.

Our only concern with those amendments is that they make those arrangements somewhat easier to put in place. However, I do accept the Minister's statements—and he has made them a number of times since he has taken office—that he too wants to ensure that wherever possible alternative care arrangements are concluded as rapidly as possible and not entered into. Because we have had that clear statement from the Minister, and because we recognise that there is a rationale behind those amendments, we will not be opposing them. The amendments make the Royal Society for the Prevention of Cruelty to Animals and the Animal Welfare League bodies share information with the Children's Guardian. I note the advocacy of the Hon. Emma Hurst on this, and I commend it. The connection between cruelty to animals and abuse of children and sexual offending is now well established, and sharing that information is obviously for the good of protecting children.

I note as well that the bill makes serious animal cruelty offences disqualifying offences and makes other specified animal cruelty offences triggers for risk assessments for working with children checks. We support those amendments and the amendment to be moved by the Hon. Emma Hurst, who will be seeking to increase the number of offences that would permit a report to be made to the Children's Guardian. The bill seeks to codify the current practice of the Children's Court in calculating what is called "street time" and provide an express power for the court to rescind or vary a parole revocation order in the Children (Detention Centres) Act 1987. The street



time provision allows that for a child who has been detained for one purpose and has been given parole and then is charged with a second offence and not bailed, any time spent in incarceration on the second offence will count as time served for the first offence. The Greens support that type of concurrent time. It works towards the public policy the Minister has said is behind this bill—that is, to do everything we can to ensure that children spend as little time as possible in jail.

**The PRESIDENT:** According to sessional orders, proceedings are interrupted to permit the Minister to move the adjournment motion if desired.

**The House continued to sit.**

**Mr DAVID SHOEBRIDGE:** The bill also clarifies the Bail Act 2013 to allow for a bail decision to be made not just by a Children's Court magistrate but by any magistrate. The Greens have concerns about this because we believe that Children's Court magistrates are best suited for dealing with bail decisions. The rationale provided by the Minister in support of this provision is that sometimes it is not possible to make available a Children's Court magistrate. Therefore, in those circumstances, rather than having a child not being able to make a bail application, it would be preferable to allow the bail application to be made to a magistrate who is not a Children's Court magistrate. We acknowledge the rationale behind that. We understand that it has the intent of allowing the bail application to be determined as rapidly as possible.

We will have a watching brief on how it works in practice, because we do not believe that magistrates who are not part of the Children's Court have the cultural understanding and jurisdictional direction to do what they can to ensure that children spend as little time as possible in jail. In order to allow this amendment to be tested in the field, we will not be opposing it. But we do have those concerns about having magistrates not of the Children's Court deal with bail for children. A better solution is to fund more Children's Court magistrates. But we do not have that option before us tonight.

Amendments are made in relation to reportable conduct, which allow the Children's Guardian to give exemptions about notification requirements for reportable conduct but retain that conduct as reportable conduct. That would enable the Children's Guardian to have a class of provisions with organisations such as the Department of Education, in which very minor incidents of reportable conduct, though still constituting reportable conduct, would be dealt with within that organisation under accepted procedures put in place by the Children's Guardian without the need to report them to the guardian. There has been a longstanding practice in that regard. It requires ongoing oversight, but we understand the rationale behind it.

The bill also clarifies that if an investigation or determination is not suspended by a relevant entity under the Children's Guardian Act 2019, the relevant entity must ensure that the investigation does not prejudice a police investigation. The Greens support that. It also extends transitional provisions in the Children's Guardian Act 2019. We understand that the rationale for that is to do all of the regulations in one go, and we see some sense in that. It is unfortunate that we are having these detailed amendments so late in the parliamentary sitting. It is likely that additional improvements could have been made with more consultation with stakeholders. But, by and large, the bill is supportable, and we will be supporting its second reading.

**The Hon. TAYLOR MARTIN (22:04):** On behalf of the Hon. Natalie Ward: In reply: I thank the Hon. Penny Sharpe, the Hon. Emma Hurst and Mr David Shoebridge for their contributions to this debate. The Stronger Communities Legislation Amendment (Children) Bill 2021 will make several amendments to legislation within the Stronger Communities cluster to address emerging issues, support procedural improvements, clarify uncertainty and correct errors in legislation. The bill includes amendments to strengthen the community by clarifying that at the time when a court or tribunal appoints a guardian ad litem, it is not required to identify a specific individual appointed to that role. This will reduce unnecessary delays in proceedings. In regard to members' specific concerns, I am advised that there are in place strong processes regarding the appropriateness and sensitivities of particular cases. The bill will expand the consideration of animal cruelty offences under the Child Protection (Working with Children) Act 2012. I thank the Hon. Emma Hurst for her contribution and hard work over a very long time. I commend the bill to the House.

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

**Motion agreed to.**

#### **In Committee**

**The CHAIR (The Hon. Trevor Khan):** There being no objection, the Committee will deal with the bill as a whole.

**The Hon. EMMA HURST (22:06):** I move Animal Justice Party amendment No. 1 on sheet c2021-233B:

No. 1 Notification of animal cruelty offences

Page 4, Schedule 2[2], proposed section 33A, lines 18 and 19. Omit all words on those lines. Insert instead—

5, 6, 11, 12, 15, 16, 17, 18, 18A, 21A or 23, or

(b) an offence under the *Crimes Act 1900*, section 79, 80, 530 or 531.

As I foreshadowed in my speech in the debate on the second reading, the aim of this amendment is to further improve and strengthen the changes the Government is already making to the Working With Children Check regime. I am moving this amendment following discussions with the Government, wherein it has agreed to slightly expand the offences the RSPCA and the Animal Welfare League [AWL] can report to the Children's Guardian as part of the regime. This expanded list will include serious offences, such as poisoning an animal, which is very relevant to the Children's Guardian's assessment. This amendment is important because it gives the RSPCA and the AWL the legal authority to share information about these offences with the Children's Guardian.

I know from speaking with the RSPCA that it had concerns about the legal ramifications of sharing these offences, whether it was because of privacy or other concerns. It makes no sense that the authorities would be withheld from reporting important information. Imagine a situation in which someone intentionally poisons a neighbour's dog as a form of revenge. Should that act not be considered by the Children's Guardian? My preference is for the RSPCA and the AWL to be authorised to report the full range of animal cruelty offences, but this compromise will at least see some more offences reported to the Children's Guardian, which on balance is a positive step forward. I commend the amendment to the Committee.

**The Hon. TAYLOR MARTIN (22:07):** The Government supports this amendment to the bill. The proposed amendment would authorise an animal welfare body to notify the Office of the Children's Guardian about proceedings that have been commenced against a person and convictions recorded for specified offences in the Prevention of Cruelty to Animals Act 1979 in relation to an animal, and specified animal cruelty offences in the Crimes Act 1900. The bill currently proposes the following offences as those about which the Office of the Children's Guardian can be notified and which will then be considered triggering and disqualifying offences: offences under section 5 (1) and (2) and section 6 of the Prevention of Cruelty to Animals Act 1979, and offences under section 79 and section 530 of the Crimes Act 1900.

The proposed amendments would include offences under sections 11, 12, 15, 16, 17, 18, 18A, 21A and 23 of the Prevention of Cruelty to Animals Act 1979 as being able to be reported to the Office of the Children's Guardian for consideration in its determination of whether to allow someone to pass a Working With Children Check. Additionally, the proposed amendments would include offences against sections 81 and 531 of the Crimes Act 1900 as being able to be reported to the Office of the Children's Guardian for consideration in its determination. Again I acknowledge the hard work by the Hon. Emma Hurst and congratulate her. I commend the amendment to the Committee.

**The Hon. PENNY SHARPE (22:09):** Labor supports this amendment from the Animal Justice Party and thanks it for its continued advocacy in this area. This is an improvement to the bill, and we are happy to support it.

**Mr DAVID SHOEBRIDGE (22:09):** The Greens support the amendment. It is somewhat frustrating that, even when these offences have been proven, the information has not been provided to the Children's Guardian. We are talking about very serious offences—bestiality, serious animal cruelty and the like. I am grateful for the work of the Hon. Emma Hurst in filling that gap because, if we have people convicted of those offences, we do not want them anywhere near or looking after our children.

**The CHAIR (The Hon. Trevor Khan):** The Hon. Emma Hurst has moved Animal Justice Party amendment No. 1 on sheet c2021-233B. The question is that the amendment be agreed to.

**Amendment agreed to.**

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

**Motion agreed to.**

**The Hon. TAYLOR MARTIN:** I move:

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

**Motion agreed to.**

### **Adoption of Report**

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

That the report be adopted.

**Motion agreed to.**

### **Third Reading**

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

That this bill be now read a third time.

**Motion agreed to.**

## **NATIONAL PARKS AND WILDLIFE AMENDMENT BILL 2021**

### **First Reading**

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

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

**The PRESIDENT:** The question is that the bill be considered an urgent bill.

**Declaration of urgency agreed to.**

### **Second Reading Speech**

**The Hon. BEN FRANKLIN (22:13):** On behalf of the Hon. Don Harwin: I move:

That this bill be now read a second time.

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

### **Leave granted.**

The Government is introducing amendments to strengthen the National Parks and Wildlife Act 1974 - to improve conservation outcomes, to establish the iconic Gardens of Stone conservation reserves, to streamline park management planning and approvals, and to harness philanthropic donations in support of our State's national parks.

These amendments support the Government's vision to ensure that our national parks in New South Wales are the best managed national parks in the world and that they provide the community with accessible, world class visitor experiences.

Our national parks are the jewels in our conservation crown — the centrepiece in our efforts to protect biodiversity. They are also great places for the community to visit, to explore and to spend time with family and friends. The most recent data — from 2018 — indicates there are 60 million visits to national parks each year, generating around \$17.9 billion in annual economic output and supporting 74,000 jobs.

Our national parks are vital for conservation; they are vital for community health and well-being; and they are great for the economy, especially in regional areas.

The amendments that I am introducing today are part of a plan for strengthening our national parks that has delivered exceptional progress since March 2019:

- The national park estate has expanded — when our latest additions are formally reserved (including the Gardens of Stone reserves provided for in this bill), the size of the national park estate will be increased by over 560,000 hectares to 7.72 million hectares. That will represent an expansion of almost 8% in the area of the national park estate in little more than 2 years. It includes three of the 10 largest acquisitions of land for national park since the NPWS was established in 1967. These acquisitions have been carefully targeted, protecting a suite of landscapes that are not represented or are under-represented in the national parks estate; the habitat for a large number of threatened species such as the Grey Grasswren and the Kultarr; and contain vitally important Aboriginal cultural heritage.
- On threatened species day this year, I announced a commitment by NPWS to zero extinctions on the national park estate — a globally significant commitment that positions NPWS as a world leader in threatened species conservation. Specifically, NPWS is committed to improving or stabilising the on-park trajectory of every threatened species by 2030. A range of innovative measures are in place to help deliver this commitment including the declaration of areas of important habitat as Assets of Intergenerational Significance. The most important habitat — critical habitat — for over 90 species has already been declared and conservation action plans are being prepared. This initiative is a game-changer for our threatened species and highlights our commitment to halt and reverse the tide of biodiversity loss in Australia. This bill further strengthens the protections for Assets of Intergenerational Significance including our threatened species habitat.
- We are also expanding the number of feral predator-free areas including a 500 hectare area at Shanes Park in western Sydney where up to 30 locally extinct species will be reintroduced, creating an exciting new visitor destination. At Yathong Nature Reserve, we are set to build a feral predator-free area that is massive — at 40,000 hectares, it will be four times larger than the area that is currently the largest cat and fox-free area on mainland Australia. In total, more than 50 threatened species will benefit from our network of feral-free areas. This includes at least 10 species that disappeared from New South Wales over the last century or so. The return of these species — the Bilby, the Numbat, the Bridled Nailtail Wallaby — has been a truly historic moment for conservation. Within the next decade, New South Wales will likely remove at least 10 species from its "extinct list" — an extraordinary outcome.
- I am pleased to report that the National Parks and Wildlife Service feral animal control program has also been taken to a new level. It is an essential task if we are to protect our native wildlife and habitats, and ensure that the impact of feral animals on productive land is minimised. Feral cats alone kill over a billion native animals every year across Australia.

The impact of pigs, goats and deer can be devastating. To this end, the National Parks and Wildlife Service tripled the level of aerial shooting in 2020/21, carrying out more than 1,700 hours of shooting operations in accordance with the highest possible welfare standards. The ecological health monitoring framework established in this bill will help measure and report on the results of feral animal control in a scientifically rigorous manner.

- Fire management is another critical priority for the National Parks and Wildlife Service. Around 75 per cent of all hazard reduction burning across New South Wales is typically carried out on national park, led by the National Parks and Wildlife Service working with the Rural Fire Service and other partners. After the 2019/20 bushfires, the Government funded the National Parks and Wildlife Service to increase its targets for hazard reduction in high risk areas by 20 per cent. An additional 125 firefighters have been recruited to the NPWS team. Over 700 National Parks and Wildlife staff are now remote area firefighters. An additional helicopter has been purchased to support fire management. And last year — 2020/21 — around \$30 million was invested by the National Parks and Wildlife Service in the management and upgrade of fire trails. Importantly, a new ecological risk team is in place within the National Parks and Wildlife Service to ensure ecological factors are embedded in fire planning and to ensure our ecological health monitoring framework, established by this bill, includes scientifically rigorous metrics related to our fire management.
- In addition to our conservation initiatives, the National Parks and Wildlife Service is rolling out the largest investment in visitor infrastructure ever undertaken on the national park estate. During the term of this Government, around \$450 million of projects are being delivered or are scheduled to be delivered — more than tripling the historic level of investment in park infrastructure. This will include 10 new multi-day walks, over 30 campground upgrades and over 750 kilometres of new and upgraded walking tracks, plus new mountain bike trails and a suite of new and upgraded lookouts. It also includes the stunning new initiatives announced recently for the Gardens of Stone reserves — ziplines, a via ferrata and elevated canyon walkways and more.
- Aboriginal joint management and identifying further opportunities for Aboriginal engagement and involvement on Country is another priority, and I am proud to have handed back land to the Aboriginal owners at Mt Grenfell and at Nuntherungie as part of our efforts to expand partnerships with Aboriginal communities.
- Finally, I have already mentioned our ecological health framework, which will be supported by these amendments. This is a science-driven initiative that will enhance the health of national parks by tracking and reporting key ecological indicators and using that data to refine management actions. For the first time, Ecological Health Scorecards will enable the National Parks and Wildlife Service to systematically collect and apply the critical information required to design and deliver effective park management. And citizens will be able to go on-line and track the health of their favourite national park. Work is already underway in designing the ecological health frameworks for Royal National Park and Kosciuszko National Park.

To support this ambitious agenda, the Government has increased its investment in national parks — as at 1 October 2021, there were 2,014 Full Time Equivalent staff working for NPWS. I am advised this is the highest level of staffing in the history of the National Parks and Wildlife Service, reflecting the scale and significance of our work on conservation priorities, visitor infrastructure and working with communities. Given the scale of our agenda, and the important economic role that our national parks play in regional areas, we will continue to review the appropriate level of resourcing for the National Parks and Wildlife Service.

However, there are opportunities to further improve and appropriately modernise the way the National Parks and Wildlife Service operates: to deliver better conservation outcomes and protect the precious flora, fauna and Aboriginal cultural heritage found in our national parks estate.

I turn to the provisions of the bill.

#### **Improving conservation outcomes**

##### **Gardens of Stone reserves**

The bill will convert 31,576 hectares of unproductive State forests and Crown land to create a new Gardens of Stone State Conservation Area, as well as additions to Wollemi and Gardens of Stone National Parks. These iconic new reserves protect ancient sandstone pagodas and rich eucalypt forests, an array of threatened species — such as Spotted-tailed Quolls and the Blue Mountains Water Skink - and important cultural heritage.

I want to recognise and pay tribute to the community groups that have advocated for the protection of these areas for decades. I know many individuals have worked tirelessly to secure the protection of these areas and, on behalf of all of us and future generations, I thank them for their passion and persistence.

Importantly, I also recognise the Aboriginal owners of these areas and look forward to working closely with them to manage this precious landscape.

The establishment of these Gardens of Stone reserves will be supported by significant investment to create iconic visitor experiences which will deliver substantial economic and employment benefits to the Lithgow region with an investment of nearly \$50 million by the New South Wales Government. It is my expectation that this will include economic opportunity for the Aboriginal owners of this land. This investment will create a spectacular new destination — an adventure playground that draws an estimated 200,000 visitors and supports an estimated 190 jobs in the Lithgow region.

Existing mining will not be affected as underground coal mining is permitted under State conservation areas. The Gardens of Stone State Conservation Area reservation will also be restricted to a depth of 50 metres.

The provisions of the bill that establish the Gardens of Stone reserves will commence on proclamation. It is intended that the proclamation will be made after an offset strategy is agreed with the Commonwealth Government for the Springvale Mine Extension project, consistent with the relevant conditions of approval under the Environmental Planning and Assessment Act 1979 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

In this way, the establishment of the Gardens of Stone reserves will support the implementation of an offset strategy by enabling, and providing security for, the substantial investment needed in land management to protect and restore threatened upland swamp

communities on the Newnes Plateau and other environmental assets. New South Wales will be aiming to finalise the offset strategy with the Commonwealth Government before the end of 2021.

#### **Ecological health monitoring and reporting**

The bill provides for regulations to be made requiring the Secretary of the Department of Planning, Industry and Environment - which I expect will be delegated to the National Parks and Wildlife Service - to design and implement a program to measure and report on the ecological health of national parks. This program, which I launched earlier this year with pilot programs commencing in Kosciuszko National Park and Royal National Park, represents a critical investment in the science required to ensure New South Wales national parks are the best managed parks in the world.

The ecological health scorecards which will be produced under this monitoring program will, for the first time, provide regular public reports on the health of our national parks including science-based metrics related to:

- populations of key threatened species (for example, koalas, brush-tailed rock-wallabies, Wollemi pines)
- the extent of threats (for example, the density of feral pigs, goats)
- whether fire regimes are impacting on the health of our parks.

By integrating ecological data with financial and activity data, this scorecard approach will help NPWS continually improve park management, delivering the best ecological return on our investment in national parks. Importantly, it will also ensure transparent reporting on the effectiveness of feral animal control and other park management activities, as well as an early warning system for changes that may come about as a result of climate change and other stressors.

This program is initially supported by a \$10 million investment, announced earlier this year. The first four-year phase of the program is expected to cover 30 per cent of the national park estate, including the Blue Mountains World Heritage Area, Macquarie Marshes, Myall Lakes, the Pilliga, part of the Gondwana Rainforests World Heritage Area and the Sturt-Narriearra Caryapundy Swamp National Park complex.

This is another example of a world leading conservation initiative, with few other systematic examples like it in the world.

Measuring ecological health is complex. Accordingly, the details of the program will be set out in regulations that will allow for a practical and adaptable approach. Progress and outcomes will be reported publicly. However, the details and locations of some measures will be kept confidential, if required, for conservation purposes.

#### **Assets of Intergenerational Significance**

I will now turn to Assets of Intergenerational Significance. The New South Wales Independent Inquiry into the 2019-20 bushfires highlighted the need to identify and prioritise the protection of significant environmental and cultural assets, including planning for better protection in advance of bushfires and other threats.

In November 2020, the Act was amended to enable the Minister for Energy and Environment to declare land in a national park or other reserve as an environmental or cultural Asset of Intergenerational Significance. The declarations boost protection, requiring the National Parks and Wildlife Service to prepare and implement dedicated, risk-based conservation action plans.

There are now 222 sites declared as Environmental Assets of Intergenerational Significance to protect important habitat for 93 threatened plant and animal species such as the original declaration for the Wollemi pine and the most recent declaration for a newly described species, the Wollumbin pouched frog.

This is a critical statutory mechanism for helping to achieve zero extinctions in New South Wales national parks. This year I announced the NPWS target of zero extinctions in national parks — that is — no loss of threatened species for the national park estate as a whole. I also announced an overall target to stabilise or improve the on-park trajectory of all threatened species by 30 June 2030.

New South Wales, like Australia as a whole, has a tragic extinction record and continues to suffer a significant decline in biodiversity. The provisions in the Act recognising and protecting Assets of Intergenerational Significance help support the zero extinction target and allows us to draw a line in the sand, making our national parks the centrepiece of our efforts to halt, and turn back, the tide of extinctions and biodiversity loss. We want our national parks to be a fortress for threatened species.

To further improve protections for Assets of Intergenerational Significance declared under the National Parks and Wildlife Act, the bill will provide for the identification of the relevant environmental and cultural values when land is declared.

Assets of Intergenerational Significance will be further protected by proposed changes that allow the Minister to keep the location and management actions of an Asset of Intergenerational Significance confidential when necessary for conservation purposes. An example of this is the Wollemi Pine, the location of which is kept secret to protect it from threats.

Importantly, the bill will also provide for penalties for offences against land that is declared to be an Asset of Intergenerational Significance. Interfering, damaging, harming, or disturbing the values of the land declared to be an Asset of Intergenerational Significance can be fined 10,000 penalty units for a corporation or 5,000 penalty units or 2 years imprisonment for an individual. Currently these fines would equate to a \$1,100,000 for a corporation and \$550,000 for an individual. These penalties are equivalent to the penalties that apply for harm to an Aboriginal Place. Relevant defences are identified including actions undertaken in accordance with planning approval or under the Rural Fire Service Act.

These provisions will commence on assent.

#### **Carbon sequestration rights**

The bill ensures that the Minister may create, acquire, hold, sell or otherwise deal in carbon sequestration rights in relation to land acquired or reserved under the National Parks and Wildlife Act. Any income from carbon sequestration rights must be invested in national park management.

However, the activities giving rise to the right can be carried out only if consistent with the objects of the Act. This provision highlights the need for carbon sequestration activities on land reserved under the Act — whether tree planting, feral animal control or other activities - to be carried out in a manner that is consistent with and supportive of biodiversity conservation and the protection of cultural heritage. This is also central to the National Parks and Wildlife Service's Carbon Positive strategy.

It is significant that this bill, through these provisions, recognises the need for an integrated approach to two of the biggest challenges faced by our planet — climate change and the loss of biodiversity.

In this context, the bill recognises the broad range of activities on land reserved or acquired under the National Parks and Wildlife Act that may generate carbon benefits. These include revegetation, vegetation management, improvements in soil carbon, the management of feral animals, fire management, carbon sequestered through land use changes or rehabilitation, and human induced regeneration.

These amendments create significant opportunities in relation to Aboriginal owned parks — that is parks reserved under Part 4A of the National Parks and Wildlife Act. However, for these Part 4A national parks, the amendments will not commence until after Aboriginal owners have been formally consulted. Any decision to participate in these opportunities will be made by the Aboriginal owners - with the agreement of the park's Board of Management, which has majority Aboriginal membership.

The bill will enable Local Aboriginal Land Councils, as holders of land title for Part 4A Aboriginal owned parks, to trade in carbon sequestration rights, with the agreement of the Board of Management, should the Board elect to participate.

The bill will provide for regulation -making powers to cover the operation and implementation of arrangements for dealing in carbon rights.

### **Biodiversity credits**

The bill will enable biodiversity credits to be created in relation to some management actions undertaken on land within the national park estate. By way of example, eligible management actions may include:

- on land that is reserved on or before the provisions commence, new actions that restore degraded or disturbed land, or otherwise deliver improved biodiversity outcomes, where the actions go beyond what is routine park management; and
- for land that is reserved after the provisions commence, new actions that deliver improved biodiversity outcomes.

In this respect, the bill sets out a very clear additionality test with two limbs. For both existing and new national parks, the proposed management actions will be eligible to generate credits only if they are likely to deliver biodiversity outcomes that are greater than the outcomes typically delivered in the five previous years. In other words, credits can only be generated by actions that are likely to generate outcomes that are better than a baseline determined by looking back over the previous five years.

In addition, for land that was reserved at the time the relevant provisions commence (that is, an existing national park), there is an additional threshold additionality test — the proposed actions must not be part of routine park management.

Taken together, these two requirements provide a strong threshold test regarding additionality. Business as usual (based on the previous five years) will not generate biodiversity credits, even for new land added to the national park estate. And, for an existing national park, an improvement on the previous five years will not be sufficient if the actions are still part of routine park management. That is, there is no reward for merely addressing a previous failure to deliver routine park management or for business as usual.

The bill also makes clear that there can be no double-dipping for actions that are already covered by another offset obligation — that is, management actions on a national park that are obliged to be carried out because, for example, they are a condition of planning approval or a conservation measure under a biodiversity certification.

If the additionality test is met, then proposed management actions on land acquired or reserved under the Act can generate biodiversity credits. The first step in establishing the credits is a report prepared by an accredited assessor in accordance with the Biodiversity Assessment Method, which specifies the number and class of credits that can be created.

The credits are then created by the Minister through a Statement of Commitment, which is broadly equivalent to a biodiversity stewardship agreement. This Statement sets out, inter alia, the management actions that are to be carried out and the number and class of credits that are created, and identifies the costs of the management actions and the way in which those costs were calculated. The bill imposes a legal obligation on the Secretary - which I expect will be delegated to the National Parks and Wildlife Service - to implement the management actions.

Biodiversity credits created on the national park estate will be equivalent to credits created under the Biodiversity Conservation Act. The bill expressly picks up and applies key concepts, and many corresponding provisions, in the Biodiversity Conservation Act.

The bill requires a high level of transparency and accountability in relation to biodiversity credits. In addition to publishing the Statement of Commitment, the National Parks and Wildlife Service will be required to:

- Prepare and publish an annual report on the implementation of each Statement of Commitment, expenditure on management actions, the number of credits sold, and the amount received for the credits.
- Register credits and transactions on the Biodiversity Offset Scheme public registers created and maintained under the Biodiversity Conservation Act.

In this way, the Minister and the National Parks and Wildlife Service will be held to the same standard as other participants in the Biodiversity Offset Scheme. The National Parks and Wildlife Service will also support the integrity of the biodiversity credit market by ensuring its actions are consistent with the New South Wales Government's competitive neutrality policy statement.

The bill requires the Minister and the National Parks and Wildlife Service, to be transparent about:

- how it has costed the relevant management actions, in perpetuity
- how much it spends each year on implementation of management actions

- how much it receives in income for the sale of credits.

The bill requires all credit income to be deposited in the Special Deposit Account created under the Act. The credit proceeds must be applied first to funding the management actions which generated the credits. Any surplus can be used only for the acquisition of land or management of land reserved or acquired under the Act and, in the case of Part 4A - Aboriginal land, only for that Part 4A land.

As with carbon credits, the amendments create significant opportunities in relation to Aboriginal owned parks — that is parks reserved under Part 4A of the National Parks and Wildlife Act.

However, for these Part 4A national parks, the amendments will not commence until after Aboriginal owners have been formally consulted. Any decision to participate in these opportunities will be made by the Aboriginal owners - via the park's Board of Management, which has majority Aboriginal membership.

#### **Streamlining management planning and approvals**

The National Parks and Wildlife Service manages more than 880 national parks and reserves across New South Wales. Under the Act, plans of management must be prepared for every park and reserve. The preparation of plans of management, and the ongoing process of reviewing and updating plans, is an important but resource-intensive challenge for NPWS. The bill introduces amendments that will make the process for preparing plans of management more consistent with modern standards of good government and administration, and will remove unnecessary duplication and red tape, without compromising the integrity of the planning process.

It is important to recognise the limitations of the current process:

- All draft plans of management — irrespective of complexity or significance — must currently be put out for public comment for a minimum of 90 days (this is reduced to 45 days for amendments to plans). This is out of step with contemporary standards across Government, with a minimum period of 28 days - providing a better benchmark.
- A draft plan of management (and all plan amendments) must currently go through a complex process before being considered by the Minister. Firstly, the regional advisory committee must be consulted in preparing the draft plan. Then the draft plan which is released for public comment must be provided to both the regional advisory committee and the National Parks and Wildlife Advisory Council. The regional advisory committee must then provide advice to the Council. The Council must then give its advice to the Minister. But the Council must also give a copy of its advice to the Minister to the regional advisory committee. The regional advisory committee must then give to the Minister any comments that it has on the Council's advice. The Minister must take all of this into account before finalising a plan of management.
- This is confusing, duplicative and represents a very poor process. More significantly, it causes substantial delay.

The proposed amendments rationalise this process as follows:

- A draft plan, or an amendment to an existing plan, is released for public comment for a minimum of 28 days (it can be longer for more complex plans).
- The draft plan is provided to the relevant regional advisory committee, along with any representations made during the public comment period.
- The regional advisory committee must provide its advice to the Minister within 28 days of the close of the public comment period (unless extended by the Minister).
- The Minister takes into account the advice of the regional advisory committee before finalising the plan.
- There is no requirement for all plans to be referred to the Council, which under the amendments will be reconstituted to provide higher level, strategic advice on State-wide issues. However, the Minister can choose to refer a plan to Council if, for example, it raises significant, State-wide issues.

If the plan of management (or amendment) relates to land that contains significant karst environments, the Karst Management Advisory Committee will be required to provide advice to the appropriate regional advisory committee within 14 days after the end of the public exhibition period.

Boards of Management will continue to be responsible for preparing plans of management for parks under Part 4A of the NPW Act (Aboriginal land). Under the proposed changes, the relevant regional advisory committee, instead of the NPW Advisory Council, will provide advice to a board of management on a plan of management. The bill provides that the plan of management will then be submitted directly to the Minister for consideration and approval.

These provisions will commence on proclamation.

#### **Approvals for priority projects and actions**

Our national parks are playing a critical role in addressing two of the State's biggest challenges: economic recovery from the impacts of the Covid pandemic; and halting the loss of biodiversity, especially after the 2019/20 bushfires. Meeting these challenges sometimes means taking urgent or accelerated action to rebuild or restore infrastructure to contemporary use and standards, to build new infrastructure that mitigates public safety and environmental impacts or to undertake high priority conservation work, such as targeted feral animal control.

Recognising the urgency with which we need to act to address these challenges, the bill includes amendments to the Act to provide limited scope for Ministerial approval of priority infrastructure projects and conservation actions, even if they are not in accordance with an approved management plan. There are significant safeguards to ensure this approval pathway is applied only if consistent with the objects of the Act and in limited circumstances.

In particular, a priority approval can apply only to classes of actions or projects that will be prescribed in the regulations.

The bill sets out a process involving public consultation, with limited exceptions, before an approval decision is made. The bill also makes clear that the approval of the Board is required for Part 4A (Aboriginal owned) land.

These are important provisions to ensure that timely and responsible action can be taken to protect our national parks and to ensure, consistent with the objects of the Act, that benefits are delivered to local communities.

- An example of work that the Minister would be able to approve, without having to follow the plan of management amendment process, is approval to augment or realign existing walking tracks to mitigate emerging public safety risks. This might involve relocating existing lookouts from unstable cliff edges to new, safer locations, realigning walking tracks away from natural hazards such as unstable cliffs and slopes generating rockfall risks or unsafe areas generating increasing fall risks to visitors.
- Another example is approval to realign a fire trail if it is necessary to mitigate an emerging risk of wildfire and provide stronger protection to newly identified habitat for a threatened species.

#### **Harnessing philanthropic funds**

The bill will establish a new body corporate — the National Parks and Wildlife Conservation Trust of New South Wales. The Trust will be a not-for-profit organisation. It is intended that the Trust will be registered as an environmental organisation, and recognised as a deductible gift recipient, under Commonwealth legislation. This means it will be able to accept tax deductible donations in support of our national parks.

This is an important initiative, designed to mobilise philanthropic investment in New South Wales national parks. The growing pool of philanthropic funds in Australia, the increasing interest in environmental philanthropy, and the increasing desire by Australians to donate funds in support of important conservation initiatives (for example, in response to the 2019/20 bushfires) indicates high potential for the new Trust to attract substantial ongoing donation income. This will be additional funds for our national parks, complementing but in no way replacing core government funding. It will also energise community engagement with our national parks.

It is important to note there are several examples of similar bodies. In the USA, I understand a National Parks Foundation established by statute has raised hundreds of millions for its national parks. There is also a charitable body to support Commonwealth national parks, as well as the Taronga Foundation and a charitable trust that supports the Rural Fire Service. In other fields, the Art Gallery of New South Wales benefits from millions in philanthropic donations.

I also acknowledge the many strong partnerships that the National Parks and Wildlife Service has with existing non-government entities. These will continue. However, it is important that we now establish a charitable entity that works in a tightly integrated manner with the National Parks and Wildlife Service, and which is focused specifically on raising philanthropic funds for New South Wales national parks and which allows citizens to donate directly in support of New South Wales national parks.

It is important to also note this initiative is about philanthropic gifts — not corporate sponsorship.

The bill sets out the objects, powers and functions of the Trust, and related provisions. These are tied closely to the requirements in Commonwealth law for registration as a deductible gift recipient and a registered environmental organisation. The provisions make clear that philanthropic funds raised by the Trust are to be invested in supporting the protection and enhancement of our national parks including the acquisition of land under the Act.

The bill also provides for a Board of the Trust, with additional details set out in regulations. It is anticipated the Board will include eminent persons with skills and experience in the areas designated in the regulations such as philanthropy, conservation and financial management. I am confident that a Board of this kind will make an outstanding contribution to our national parks.

#### **Customer service**

The bill makes amendments to support the National Parks and Wildlife Service Digital NSW Parks Pass Program. It is important to note that a fee is payable for visiting only 45 national parks, out of more than 880 national parks across the State. The digital parks pass program makes it easier to pay the fee, reduces congestion and helps ensure Covid-related health requirements are met. It relies on number plate recognition technology because the only practicable way to charge a fee for visiting a park is to link the fee to a vehicle.

The program uses cameras at key park entry locations to confirm payment for park entry fees. The bill proposes to amend the Act to enable digital images and data to be used in enforcement proceedings for non-payment. Such evidentiary provisions are used in other legislation such as the Roads Act 1993 to confirm the accuracy and operation of approved toll road cameras.

These provisions will commence on assent of the bill.

In summary, this bill is about carefully and appropriately modernising the National Parks and Wildlife Act so that the National Parks and Wildlife Service can continue to focus on its core mandate: protecting and conserving our unique and precious biodiversity and cultural heritage for future generations informed by the best science and advice, and ensuring the community can continue to connect with, enjoy and be inspired by our national parks.

I commend the bill to the House.

### **Second Reading Debate**

**The Hon. PENNY SHARPE (22:13):** I indicate from the outset that Labor cannot support the National Parks and Wildlife Amendment Bill 2021 unless it is fully amended. I will go into the details. When an area of land is protected as national park, it is a signal that the area is safe—safe from logging for profit, safe from development and safe so that future generations can be assured that the land, animals and plants that are contained within it are protected forever. It is protected so that Aboriginal cultural heritage sites will not be disturbed or damaged, so that populations of threatened native species can thrive without fear of further endangerment, and so that our children and our children's children can walk the trails and share the wonder of our natural environment.



We are in a biodiversity crisis, and our national parks are one of the most important weapons we have to fight it. The principles with which Labor approaches any proposal to change the way we manage national parks are fairly basic: Is it about expansion? Is it about protection? Is it about restoration? Is it about long-term conservation? The bill proposes to do a number of things with respect to national parks. Some of them are in keeping with those principles and a number undermine them.

Firstly, I turn to the proposals in the bill that the Opposition is happy to support. The Opposition is happy to support the aspects of the bill that increase protections for assets of intergenerational significance. These are any area of exceptional natural or cultural significance within national park estate. They include sites for critically endangered, endangered or vulnerable species; sites where there are important areas for breeding, feeding and shelter for native species; locations where locally extinct species are being introduced; and areas where there is significant Aboriginal cultural heritage, which in our national parks is a lot.

As an example, the Wollemi pines in the Greater Blue Mountains World Heritage Area were the first to be declared an asset of intergenerational significance. That ensured that additional work could be done to protect the ancient trees from fire and allow the slow-growing juvenile trees to survive. The NSW Bushfire Inquiry recognised the need to identify such areas and take steps to ensure that they receive additional protections. The bill does so, providing a method of keeping the location of areas confidential where necessary to ensure their protection, providing penalties for offences against land protected as an asset of intergenerational significance and allowing protections to be extended to Aboriginal cultural heritage sites. Labor particularly welcomes this change. I have been privileged to have been taken by traditional owners to a number of sites that they wish to keep within our national parks. They are sacred sites that they wish to keep secret as they are important cultural places for both men's and women's business. It is important to keep them out of harm's way, and we support that aspect of the bill.

The bill establishes the Gardens of Stone as a State conservation area. The unique and dramatic rock formations within the Gardens of Stone must be seen to be believed. The incredible area is home to the endangered giant dragonfly, the purple copper butterfly and delicate alpine swamps. Also in the area are Aboriginal rock-shelters and the Maiyngu Marragu Aboriginal place. I place on record the long time that it has taken to protect the Gardens of Stone. The area has been subject to a campaign for I think four decades now for it to be protected. A number of passionate conservationists such as the Lithgow Environment Group, the Blue Mountains Conservation Society, the Nature Conservation Council and the Colong Foundation for Wilderness have fought relentlessly for that fragile, important area to be protected into the future. I particularly note the work of Keith Muir, who has just retired from the Colong Foundation. Not long after I came into this place I was able to go bushwalking in the Gardens of Stone with Keith. It was an experience, I have to say. We got lost and were bush-bashing—

**Ms Cate Faehrmann:** You too?

**The Hon. PENNY SHARPE:** Yes. Lucky for us Karen McLaughlin had the compass and knew what she was doing. She was able to save us. But it was an excellent night of camping in the Gardens of Stone, experiencing the area and looking at the swamps, wildflowers, the threatened plants and animals and particularly the rock pagodas. I congratulate the passionate campaigners who have finally won this protection for the Gardens of Stone. The Opposition supports those provisions wholeheartedly.

The Opposition is also supportive of the monitoring and reporting provisions in the bill to establish an ecological health-monitoring framework, which will help to measure and report on the results of feral animal control in a scientifically rigorous manner. It is not enough that a national park is protected under law. It must be protected by action. Monitoring and reporting will ensure that protection can extend into the future to those important areas.

The Opposition is cautiously supportive of the measures in the bill relating to carbon sequestration rights to enable the Minister to create, acquire, hold, sell or otherwise deal in carbon sequestration rights in relation to land acquired or reserved under the National Parks and Wildlife Act 1974. We had to be reassured, and we are reassured, that the income derived from the rights will be invested back into national park management rather than going into consolidated revenue. This Government has some form when it comes to some of these measures, and it is an extremely important part of the bill.

The Opposition is further assured that any activity giving rise to the Act may only be carried out if it is consistent with the objects of the Act. The Opposition will keep a close eye on the development of these measures to ensure that they do not undermine the principles of national parks protection. As we look at the way in which carbon offset markets are developing and working over time, we need to ensure that we are doing proper carbon abatement and that these issues are being dealt with properly. I indicate that Labor will support that, although I will move an amendment to seek a review within two years to keep an eye on it.

The bill also deals with digital New South Wales parks passes. The Opposition is mostly supportive of efforts to finalise the process of digitising the New South Wales parks pass system. Anyone who goes to a national park during a very busy time knows that there can be a very long line. It can sometimes take a long time to get through it. The bill is trying to speed up the ability of people to get through the parks. We believe this is okay. However, we raise the very significant issue that this change impacts people with disabilities, seniors, veterans and other concession cardholders. The reason is that, instead of people being able to carry their passes around with them with their various different carers or their kids or whoever and get the concession when they go into a national park, it is now attached to one vehicle registration. That is problematic. It needs to be addressed by the Government, and we have raised the issue with it.

Those who do not have their own vehicles or who have different cars or friends or family who assist them to visit our great national parks should be able to do so with whoever they are going with. They should be able to access the concessions that they are entitled to without having their passes linked to just one car. We have had discussions with the Government about this issue and urged it to respond to this during the second reading debate. It needs to be dealt with. There are significant concerns in the community about it. We do not want people who are concession cardholders to be disadvantaged through a technological change. We understand that it is not the intention of the change. However, there is an impact and that is a real issue.

I now move to all the parts of the bill that Labor cannot support, will not support and will be moving to amend in the Committee stage. It is really disappointing that we have got to this point. As I said, Labor is very happy to support aspects of the bill. But the bill essentially pulls out a whole range of far-reaching changes to the National Parks and Wildlife Act for which there has been no consultation. There has not even been any indication of how these issues will be dealt with. Some of them are very complex and far-reaching in dealing with national parks. As I said at the beginning of my speech, Labor's approach is we should give national parks the highest level of land protection that we have in this State. The way that we manage them is incredibly important.

The plans of management for these parks are the guiding and strategic documents that deal with this. We have been frustrated over time as the Government has sought to chip away at plans of management and ignored and overridden them. The wild horse protection bill was one of those times. Some of the other developments in the special activation precinct in relation to Kosciuszko National Park is another example of where we have been frustrated by this. Dumping a number of these provisions into the bill with less than a week's notice and with no consultation from stakeholders is not reasonable. That is why Labor will not support aspects of the bill. We are open to some of it, but there needs to be proper consultation.

The first issue I raise is biodiversity credits. The bill enables the Minister to create biodiversity credits for management actions carried out on land reserved as required under the Act. I am currently a member of the committee chaired by Ms Cate Faehrmann in relation to this matter. We are inquiring into the integrity of the Biodiversity Offsets Scheme in New South Wales. It is clear from the evidence that there are major failings within the scheme. The scheme, I fear, is leading to a net loss of biodiversity. It is already unstable and cannot properly deliver like-for-like offsets for development. We are increasingly seeing more clearing as developers put more money into the fund rather than any "red flags" that actually hold onto the biodiversity and the important habitat that has been cleared.

We also must note that the scheme is currently subject to investigative review, not just from the inquiry but from internal and external reviews, including in the ICAC. There is double dipping and insider trading in the scheme. Even the things that the inquiry has so far heard in relation to the Biodiversity Offsets Scheme should ring alarm bells for anyone who thinks this system is working well. It needs significant review. We think opening national parks to the scheme cannot be done until our review has been finalised and the internal and external reviews have also been dealt with. We are also concerned that we risk further destabilisation of the scheme if we simply open up national parks to it. We are worried about the impact that would have on private land conservation and we believe we need to work very carefully in relation to this area.

Labor is not opposed to biodiversity offsetting, but we are opposed to a scheme that is so undermined by its design that it is leading to poor outcomes, which we believe is leading to net biodiversity loss. As such, without a detailed outcome of the review or some modelling about the impact this would have on the scheme as a whole, there is no way we can support it. We will be moving to remove it from the bill. As I said before, plans of management for national parks are key documents that set out exactly how these very precious places are managed between a five- and a 10-year period. No-one is suggesting that it is a perfect process and that more work could not be done, but what this bill tries to jam in is very problematic. Plans of management for national parks provide detailed, complex and important strategic plans of what is appropriate to occur in national parks and, importantly, what should not occur in national parks. It is appropriate that, when these plans come up for change or review, there is enough time to conduct extensive consultation with local communities, councils, stakeholder groups and, increasingly, Aboriginal communities and traditional owners.

The bill proposes to reduce the time that draft plans of management are on exhibition from 90 days to 28 days. We do not believe this is appropriate and we will move an amendment to change this in the Committee stage. These plans are not analogous to development applications. The community should be provided with ample opportunity to engage in shaping the future of our national parks estate. National parks belong to all of us; they are a public asset and they need to be dealt with carefully and appropriately. The draft plans of management also need to be exhibited for a time that provides the community with equitable opportunity to review the changes, consider them and provide comment. I go to the current consultation in relation to the Kosciuszko National Park. I think there are something like 8,000 pages that try to deal with that. If the Government is going to give people 28 days to deal with it—which I think is where it finally landed—that is not enough. It does not take this matter seriously.

The other thing that Labor absolutely rejects is more power for the Minister to approve projects outside the plans of management. If this is a try-on from the Minister, it is one of his better ones. One of the changes proposed in the bill would allow the Minister to approve projects within national parks that are inconsistent with the plans of management for visitor infrastructure and conservation. There is no definition of "visitor infrastructure and conservation" and it could be construed to include virtually any development that is routinely proposed for protected areas of land. As I mentioned previously, plans of management for national parks are detailed, considered and evidence-based documents that carefully provide for what is possible within the parks while balancing biodiversity protections. This is an alarming proposal that would ultimately provide a near unfettered power to the Minister to approve projects that are not allowed under these important plans.

The power would also prevent any credible oversight of these decisions. The Opposition cannot support this proposal. The only circumstances where it could be used is for emergency works. We will move amendments to deal with this matter as well. Finally, there is the issue of the charitable entity. There has been a lot of discussion in relation to the trust and the establishment of a trust. I think part of our problem with this is there is little trust in the Government to deal with such buckets of money. We are very cautious about the way in which this issue should be dealt with. Labor is particularly concerned about the money that would be established in the trust. It should be used to support the work that the National Parks and Wildlife Service is doing as part of its core functions. It should be a priority for support and funding within the New South Wales Government's core business. The Treasury should not see it as something it can raid. It should not withhold money from the National Parks and Wildlife Service.

I remind the House that by our estimation in the past 10 years this Government has removed, through a variety of cuts and efficiency dividends, around \$120 million from the National Parks and Wildlife Service. Establishing a charitable entity or trust which would allow that to be filled through other means is not something we are prepared to support. However, we understand that people want to donate to the NSW National Parks and Wildlife Service and we are prepared to support that because we think they should be able to do that—not for routine business or as a way for Treasury to stop funding the National Parks and Wildlife Service but as a way to fund additional projects to assist in a range of ways. Again, I foreshadow that I will move an amendment to deal with that matter. In conclusion, the bill is a mixed bag. There are plenty of good things in the legislation, which we welcome, but there are plenty of things that no-one can support, including environment groups, local councils and people who care about our national parks. As I indicated, Labor will support the second reading stage because we want to move a series of amendments in the Committee stage.

I thank the department and the Minister's office for the conversations they have had with us. They have been helpful and we appreciate that. Finally, I thank environment groups, including the National Parks Association of NSW, the Colong Foundation for Wilderness and the Nature Conservation Council, and others that have given sage and thoughtful advice to Labor in a short period of time about how we can make the bill work by saving the things worth saving and discarding the things that are an anathema to the National Parks and Wildlife Act. Some just require more work, which we would be open to having a discussion about in the future if there was more time to do so. Labor does not support the bill in its current form, but we look forward to moving a series of amendments we believe will fix it.

**Ms CATE FAEHRMANN (22:31):** On behalf of The Greens, I contribute to debate on the National Parks and Wildlife Amendment Bill 2021. From the outset I indicate that we will hopefully be able to support the bill with the Opposition amendments. Creating and preserving the Gardens of Stone State conservation area and national park should be the primary aim of the legislation. I also say from the outset that it was disappointing to see how much more is contained in the bill before the House. There is a history in New South Wales of close consultation with stakeholders when there are changes to national parks legislation. The environmental NGOs I spoke with were taken by surprise, to say the least, that a bill with such significant changes to the way in which national parks are managed was tabled. I think they were told about it the day before, which may be a lesson for future consultation.

I also indicate that we will support the Opposition's amendments. I thank the Hon. Penny Sharpe for her consultation with The Greens on those. It has certainly saved us a lot of work because we all identified the same issues quickly, and I have had the same conversations with environmental NGOs. Firstly, though, I outline the elements of the bill that we support without amendment. As I said, it is beyond overdue for the Gardens of Stone to be reserved in the national parks system. We wholeheartedly welcomed the announcement of 2,636.2 hectares of State forest and Crown land to be added to the Wollemi and Gardens of Stone national parks. The Greens believe it is unfortunate that the 28,938.8 hectares of State forest and Crown lands will not be joining them as national parks but will instead be converted to a State conservation area. Of course I too visited that part of the world. In 2010 or 2011 there was a big community gathering at the pagoda areas of the Gardens of Stone—an absolutely stunning area—calling for that area to be protected from longwall mining. I have a Henry Gold photograph on my office wall of those pagodas.

The Greens will be moving one set of amendments in Committee to gain support in the upper House to change the State conservation area to national park. We will see how we go with that. I will speak to that in more detail at the Committee stage. The Gardens of Stone are home to an incredible range of threatened species that includes the endangered giant dragonfly and the purple copper butterfly. We also have heard so much about the endangered upland swamps in the Newnes Plateau. The potential impact from mining is one of the reasons that The Greens will be moving an amendment to make it national park instead of a State conservation area. The State conservation area will be subjected to the ongoing threat of underground mining and longwall mining. Until the area is declared as national park, I do not think that threat will go away.

I have seen photos of damage and I have seen cracks in the pagodas. There have been reports of whole cliffs of pagodas completely falling away as a result of the subsidence caused by longwall mining. Frankly, longwall mining cannot take place without subsidence and without the impact of subsidence. For The Greens, it is a pity that this whole area was not declared a national park as opposed to a State conservation area. I know that the local community had been campaigning for a long time for that. I too recognise the efforts of the Colong Foundation for Wilderness, the Blue Mountains Conservation Society, the Lithgow Environment Group, the National Parks Association, the Nature Conservation Council and many others who have fought very long and hard for this result. Initially there were campaigns for this area to become national park. Basically because of pragmatism and a strong desire to get as much protection as possible for this area, a State conservation area was what we ended up with.

I want to put on the record the fact that the environment Minister has also said that the Gardens of Stone Reserves will be established once an offset strategy is agreed with the Commonwealth Government for the Springvale mine extension project, but The Greens believe that there really is no offset scheme that can replace the destruction of these permanent formations. Unfortunately, that is what we are seeing with the offset schemes for mining companies. They know the destruction that their mining activities will cause. Unfortunately, no amount of offsets can justify or excuse what happens with longwall mining in areas such as this. We note as well and agree with the assets of intergenerational significance. We support the changes that add to the Minister's ability to declare and manage land in a national park as an asset of intergenerational significance. We support the provisions that introduce serious offences for damaging land declared an asset for intergenerational significance.

I note that in speaking to the reason for this bill, the environment Minister said that he wants to see zero extinctions in national parks. That was a commitment he made on Threatened Species Day this year. However, I worry that what we are seeing is an increasing focus on protecting the threatened species contained just within national parks and trying to exclude all the other threats, if you like. I suppose zero extinctions in national parks would be a noble and worthy vision if so many threatened species in New South Wales were not outside national parks.

Since national parks are only 10 per cent of New South Wales, the focus on zero extinctions in national parks means the rest of New South Wales is being offered up to the loggers and the bulldozers. We know how many threatened species are in native forests, so when we see a transition away from native forest logging then maybe the Government can talk proudly about a zero-extinction vision. The ecological health monitoring is another aspect of the bill that The Greens strongly support. We believe it is long overdue and look forward to seeing what that looks like in practice.

We have spoken with a few stakeholders about carbon credits, and I understand the bill proposes that land management activities in protected areas that pass the Commonwealth's net advantage test would generate carbon sequestration rights. The bill contains a number of measures distinguishing between existing routine park management activities and those that would generate carbon credits. The National Parks and Wildlife Service has suggested that the ability to generate carbon sequestration rights will help generate funds to better manage the protected area network. The National Parks Association has expressed concerns about the entire scheme and would have preferred more consultation before it was put into legislation. Its concerns include the fact that the

rules around carbon credits could lock in site management practices that focus almost exclusively on carbon at the expense of core biodiversity conservation objectives of protected areas. The Government's *Carbon Positive by 2028* plan notes:

A preliminary assessment of the forest carbon stores in NSW national parks has estimated a storage of more than 900 megatonnes. National park estate forest carbon makes up approximately 41% of the total forest carbon in New South Wales ...

That is really significant; it makes one think of the rest of the carbon in our State forests. But stakeholders have raised some disquiet about the existing pilot project at Capertee National Park. It was funded by a \$1.5 million State Government grant but also generates revenue because its carbon credits are sold via the Commonwealth Government's Emissions Reduction Fund. I understand the National Parks and Wildlife Service gets paid for that carbon sequestration.

A recent ABC article notes criticism by a local ecologist of the way in which the trees have been planted and the density of the trees that have been planted. There was genuine concern from environment groups that if national parks generate income through carbon sequestration rights then NSW Treasury would reduce the National Parks and Wildlife Service budget. It is not hard to imagine that this Government or a future government could start seeing national parks as cash cows, as carbon sinks to generate a lot of income, as opposed to ensuring that biodiversity outcomes are the priority. I have looked at elements of the bill and been assured that it would address that and would ensure that biodiversity remains the object. The Greens have spoken with the Opposition about this and there is some reassurance in an amendment that requires a two-year review. I will speak to that later. I will speak more about the changes to plans of management in Committee.

I will finish quickly on biodiversity offsets and donations. The Hon. Penny Sharp expressed it well by saying that it was quite alarming to see the extent of the potential changes in the bill, particularly at a time when Portfolio Committee No. 7 is undertaking an extensive inquiry into the Biodiversity Offsets Scheme. That inquiry was initiated as a result of concerns raised by investigations in *The Guardian*. The Auditor-General was potentially looking into the Biodiversity Offsets Scheme and the environment Minister, Matt Kean, assured a budget estimates committee recently that the department is in fact undertaking a routine branch review of the scheme. For something like that to be included in the bill at this time is extraordinary. It is good that it is being removed, and we wholeheartedly support that. We will not go on too much about it. It was a shocking idea. If there is good reason to do it, then let us see what the Portfolio Committee No. 7 inquiry finds and then have a good public consultation process so that the stakeholders understand what it is all about.

Finally, the bill proposes to establish a wildlife conservation trust to channel donations for private land acquisition and a range of other things. I have been in discussions with the Opposition about that amendment and we support it. I will talk about that more in Committee as well. Again, it is a significant change. It is unfortunate that it has been rushed through, but the changes will make it okay. Overall, the bill without amendment that was introduced by the Minister in the other place is a bill that we definitely do not support as it stands. I look forward to the amendments hopefully in the Committee stage because the Gardens of Stone is worth supporting. That is what the bill was always supposed to be about.

**The Hon. ROBERT BORSACK (22:46):** It is gobsmacking that the National Parks and Wildlife Amendment Bill 2021 is before us. Our national parks are the most mismanaged resource. They are where biodiversity goes to die, through protectionism and lockouts. Our extinction rates are so high in national parks because this Government and consecutive governments continue to believe that "lock it up and leave it" is the best management strategy. Now the Government is adding another 31,000 hectares to its mass extinction plan. That is another 31,000 hectares added as another three State forests get the chop. Government members actually want us to believe that it will get 4,000 visitors a week. But that is simple fiction; it cannot be anything other than fiction. As for another 190 jobs, tell them they are dreaming because that is exactly what they are doing. Suffice it to say, the Shooters, Fishers and Farmers Party does not support the bill. Once again, we stand here as the only true representatives of our native flora and fauna, and bush communities. Read with a critical eye, Matt Kean's second reading speech is like a letter of guilt. He says:

Our national parks are the jewels in our conservation crown, the centrepiece in our efforts to protect biodiversity.

The reality is that the only time biodiversity works is when they put up a huge electric fence, reintroduce endangered species and try to save them from feral animal attacks. They protect them with shooters who hunt the feral cats and foxes in those fenced areas with trained dogs. The new State conservation area is not a jewel in any crown, not since active management was removed in the mid-nineties. That is coincidentally when Labor's Bob Carr came into the role of Premier and went hell for leather locking up our jewels and turning them into the feral animal breeding grounds, fire traps and weed-infested lands that they are today.

Coincidental or not, since 1995 after Carr became Premier our species extinction rate shot right up, whilst active and adaptive forest management regimes were put in the can along with forestry operations. There is

something in that. Now, Parliament's very own Bob Carr, Matt Kean, is adding another 31,000 hectares to our parks and reserves from the State forests that have proven track records with positive biodiversity outcomes. Would it not make sense to copy the State forest model, which has been proven to work over many years? We are instead going to do what crazy people do and repeat the same mistakes, expecting a different outcome. Get ready for more Black Summer bushfires and for the extinction of more of our endemic wildlife.

I have heard everything this Government has said about this bill, and I am calling it out. We have had hazard reduction targets for years, which have never been met. Baiting and aerial culling have been the primary form of feral eradication for some time, yet extinction of more and more endemic wildlife continues. Under the Assets of Intergenerational Significance, there will be increases in baiting because that is the only thing they can do. I hope no-one in this place ever stumbles upon an animal dying from 1080 poisoning or because they are the bycatch of this nasty stuff. It is inhumane, and the Animal Justice Party should stand against aerial culling and baiting at the very least. State forests have fantastic feral animal control measures in place: They are called conservation hunters. We have invested hundreds of millions in local economies by travelling to those State forests to hunt since 2006, when the programs began.

Hunters, like myself, are the real conservationists. It is hunters who deal with the feral issue on the ground, spending our own time and money supporting communities throughout the State because we know what real conservation takes and what it means. The animal resources that are taken by hunters in State forests are not wasted; they are not left on the ground to rot. Have hunters been consulted on this bill? They should have been. Our use of the State forests are critical to their economic and biodiversity outcomes, not to mention critical to local communities. It beggars belief that this Government can say that it wants to make national parks iconic user experiences.

Since 2019 I have stood in this place and harped on and on about the issue of accessing our national parks. They should be immersive, interactive and user-friendly. We have locations in national parks that have everything to offer campers, fishers, four-wheel drivers and horse riders but, guess what, this Government has degraded those spots so badly that they are no longer accessible and, in many cases, are closed entirely. The National Parks and Wildlife Service manages by exclusion. It manages by shutting down, depleting and then deleting access entirely. This Government does not want you in its national parks; it is plain and simple. That is why they have been left under Labor's "lock it up" regime. Nothing has changed in over 11 years and, in many ways, it is getting worse.

Mr Kean says that this bill is an example of our world-leading conservation and that there are few others like it. There are not any others like it because this is a failed model. Other countries have gone back to the drawing board and created multi-functional forest use models that contribute biodiversity and economic outcomes while not posing the life-threatening risk of bushfire, species extinction or community extinction. Closing our sustainable forestry industry in State forests only to include the land in a failed national parks plan, so that we must import our wood from other countries with standards so low that we can only get it from them, is an absolute travesty. Does the Government really believe that this is the way forward in the long run?

Another alarming addition in this bill is schedule 1.2 [13], which deals with biodiversity credits and Aboriginal land councils. The clause makes out that it is giving autonomy to Aboriginal land councils and then, in the same paragraph, it takes it away by outlining that the department must sign off on it. Indigenous Australians are the original custodians of this land. Their fire stick ecology is only now being recognised as the important tool for forest management that it is in our State and in Australia. Minister Kean, or should I say "mini Bob", has finally proven that he has outgrown his mentor. With this failed strategy of lock it up and leave it, he may as well resign and join the Labor left. Labor does not need to be in government when it has "mini Bob" doing its bidding. What is the difference between Labor and the Liberal-Nationals when each is touting for the green urban elitist left votes? I just do not know; no-one knows. The Shooters, Fishers and Farmers Party will oppose the bill.

**The Hon. EMMA HURST (22:54):** On behalf of the Animal Justice Party, I express some of our serious concerns about the National Parks and Wildlife Amendment Bill 2021. I express concerns not only about the substance of the bill but the way it has arrived to this House. The bill was introduced just one week ago without any forewarning. It was rushed through the Legislative Assembly today and arrived in this House tonight, in the last sitting week of Parliament for the year, without proper consultation with animal groups and other major stakeholders about the major impact the bill will have on our national parks.

It goes without saying that New South Wales national parks are vitally important environments that must be protected. It is estimated that our national parks are home to over one million species of Australian animals and plants, with more than 1,000 of those listed as being at threat of extinction. The national parks are vitally critical habitats for animals residing in New South Wales where they are safe from land clearing and overdevelopment that threatens them in so many other parts of this State. Yet the current bill risks undermining the current regime and protections surrounding our national parks by introducing major changes that have not been through proper consultation or consideration. In its current form the bill will slash the time of public

consultation on plans of management from 90 days to just 28 days, which will reduce public scrutiny, and it will allow the Minister unprecedented power to approve activities within parks that are inconsistent with existing plans of management. The bill will also give the Minister the power to create and trade biodiversity credits and carbon rights over national parks and reserves.

The serious problems with the current biodiversity offset scheme are well known. Offset schemes are currently subject to both a parliamentary inquiry and an investigation by ICAC. There are real concerns that the new provisions will allow the management of national parks to fund the destruction of the environment elsewhere and lead to a net loss of the State's biodiversity. I am also deeply troubled by the proposal to create a new National Parks and Wildlife Conservation Trust that could accept tax-deductible donations and would be used to fund national parks. While I understand the desire of this Minister to bring more funding into national parks, the reality is that it is the Government's job. The funding for national parks should be coming out of the Government's annual budget. The people of New South Wales are already making major donations to national parks every year—it is called tax dollars. We should not be asked to make any more.

As someone who works in the animal protection space, I have seen firsthand how harmful shifting the Government's responsibility onto private charities can be. Right now, the RSPCA and Animal Welfare League are forced to fundraise from the public so they can uphold criminal legislation. Stakeholders have raised concerns that creating this charitable trust that will be overseen by the National Parks and Wildlife Service will create a conduit for tourism developers and other lobby groups to buy influence with national parks and the environment Minister. I understand that the Labor Party will move major amendments that will address several of the concerns that we have with the bill. We thank it for the work it has done to get the bill into a more acceptable form.

**The Hon. MARK LATHAM (22:57):** One Nation opposes the National Parks and Wildlife Amendment Bill 2021 for the reasons outlined by the leader of the Shooters, Fishers and Farmers Party, the Hon. Robert Borsak. In particular, our concerns go to two areas. One is the vast number of national parks and State reserves in New South Wales. There are 850 of them, which hits the economic theory of diseconomies of scale. With 850, there cannot be a critical mass of ongoing use of each of those national parks and State reserves. It is just not possible; we do not have the population and tourism base to make it possible. If the Government had more integrity, it would confess that its policy is to lock up national parks for the sake of locking up national parks. These are locked-up land areas that have very little use in New South Wales.

Most of our national parks are not ticketed. The Government has no idea of how many people visit in any detail, and a lot of the figures are obviously fabricated and inflated. With regard to the Gardens of Stone at Lithgow, when we asked the Minister at the crossbench briefing about the visitation numbers he said the number was 200,000 a year, 4,000 a week, 600 a day. I suppose some people, mainly from Glebe and Paddington, like looking at old rocks. By and large, most people in New South Wales in that vicinity would go to the Blue Mountains, where it is not so much about the nature. Sure, we can look at the Three Sisters and the gorges and tree-lined valleys and the like but, by and large, it is the full tourism attraction of the accommodation, it is a bit of a mini break—rarefied air away from Sydney. One can exaggerate the number of people in New South Wales who want to commune with trees and wander around bushwalking. That is not a mainstream activity in our society—certainly not one that justifies 850 national parks and State reserves. So we are at the point well and truly right at the end of the diseconomies of scale. The Government should be honest and say it is locking up land for the sake of it.

We heard from the Minister earlier today about the trick of what is going on with biodiversity and carbon credits. Under questioning, the Minister basically said there is no practical impact on national parks because the parks already have the trees and their carbon soaks. The real impact is to change areas that are degraded. Earlier this year, I think, at substantial public expense, the Minister said he was buying up those old, degraded farmlands and big acreage—hectares of space—in the western districts of New South Wales. Apparently, if we get rid of the feral goats and pigs on that State-owned land, then the trees grow, creating a carbon soak and the opportunity for biodiversity and carbon credits.

At least the bill and the Minister should be honest enough to say that in the western districts that is not a national park—it is an old, degraded farmland expanse that has now come into substantial State ownership to set up a carbon credit and biodiversity credit scheme that may or may not have some patronage from European manufacturing companies and other international organisations that want to buy the credits. It is certainly not a national park and will never be a national park in the true sense. So we have fraudulent visitation numbers at places like the Gardens of Stone National Park at Lithgow and fraudulent labelling of western districts land as a national park when it is obviously no such thing. Then there is the lack of integrity in this biodiversity credit scheme in New South Wales. I understand that was set up by Niall Blair, who, I have to point out, has had as much success on biodiversity as he had at Menindee Lakes with his speedboat.

**The Hon. Robert Borsak:** Two million dead fish.

**The Hon. MARK LATHAM:** We do not want to revisit that with four stanzas of that speech in this House, and all the dead fish and the agony that went with it. The biodiversity scheme in New South Wales is farcical because no-one inspects whether the biodiversity land that has been purchased and declared has any value whatsoever. No-one ever goes back to look at what the new owner of the biodiversity land is doing with it. The owners are companies that basically take out a licence and pay a fee to government to knock down trees elsewhere to build housing estates and other developments.

From what I have seen on the outskirts of south-western Sydney, the biodiversity land is more degraded under their ownership than when they started. One not far from where I live is owned by a woodchip company. A notice at the front of the property says "biodiversity land", and all the State Government paraphernalia about why it is listed as a biodiversity conservation zone, "owned by" a woodchipping, tree-clearing company. It knocked down the trees at Oran Park and other parts of south-west Sydney, woodchipped them and then dumped them over the hill at the back of the property. It does nothing of any other conservation value on the land, but that is called "biodiversity", and it is part of the scheme.

**Ms Cate Faehrmann:** Name them.

**The Hon. MARK LATHAM:** I have offered the honourable member's committee that sort of information, and she did nothing about it. She ought to take up genuine offers to get to the fraud of such schemes because they are out there and should be fully exposed. A person need only go west of Annandale to find out what is going on with these schemes. I recommend that to The Greens. The biodiversity schemes are fraudulent in New South Wales. You might as well just call them a developer fee for knocking down trees to build housing estates, and leave the other tracts of land alone because they are degraded more than when they started. The biodiversity value was never established in the first place, and by the end of it the whole thing is one big joke. This bill falls under that category. At this scale, national parks are not viable for public usage. The Government has no idea of the visitation numbers. It is spending money on the so-called Gardens of Stone at Lithgow when there are more pressing needs in New South Wales. Anyone who thinks they are going to get 200,000 visitors a year is off with the fairies.

Biodiversity and carbon credits in New South Wales are not managed schemes that relate to national parks. That is another big public expense to buy degraded land in the western districts, and is an extension of the Australia clause in the Kyoto Protocol. I do not know why the people who believe in carbon reduction and put so much store in it tolerate any of this stuff. The Biodiversity Offsets Scheme is not actually reducing emissions. In the case of the Kyoto Protocol, it is just restricting the land clearing to soak up carbon, and in the case of this new facility in the western districts, it is just to get rid of the feral pigs and goats to grow the trees and soak up carbon. It is not reducing emissions in the retail, manufacturing or transport sectors. Under the net zero policies of New South Wales, the Biodiversity Offsets Scheme is a carbon soak policy. It is not a net zero carbon policy; it is a carbon soak. It is an extension of the Australia clause in the Kyoto Protocol, which was never genuine in the first place. That was never an effective piece of public policy. If you want to get to net zero, do it through genuine emissions reduction rather than the pea and thimble trick in legislation like this.

**Mr JUSTIN FIELD (23:05):** I speak to the National Parks and Wildlife Amendment Bill 2021. It is no exaggeration to say that a lot of members in this House and in the environmental movement were shocked when they saw the extent of the changes proposed to how our national parks are going to be managed under the bill. I join with those who have spoken already and raised concerns about the bill in its current form, but I recognise that meaningful and effective discussions and negotiations have occurred with the Government, the Opposition and crossbench parties. I suspect that the outcome from tonight's debate will be a good one.

I start with the Gardens of Stone announcement, which is what the Government would like the focus of the debate to be on. It is a good announcement. It will put areas of existing State forest into a State conservation area. It will create an area of conservation and an area of nature-based tourism that I think the State should be proud of. The Government should be proud of the announcement as a positive environmental and economic one for the town of Lithgow. Lithgow will undergo a pretty substantial transition in the next few decades as it moves away from its recent history as primarily a coalmining town. Part of that story is the transition and the recognition that over time our decisions and actions on the landscape have degraded it, and that some of the industries we have developed have had a consequence on the ecology and environment. We have to start to restore that, and the Gardens of Stone is part of that pathway. We are facing both a climate and an extinction crisis in New South Wales, and the role of protected areas for us to rehabilitate and strengthen biodiversity is absolutely critically important.

To the point of the previous speaker about the support of, participation in and engagement with our national parks, I understand that visits to national parks across New South Wales are in excess of 50 million on an annual basis. I think it is quite a bit higher than that now. I remember sitting on a parliamentary inquiry a couple of years ago into the Government's stadium announcements and the huge funding of \$3 billion to a number of stadiums



across Sydney. When we were interrogating the business cases of those stadiums, it was quite shocking to realise that the total annual visitors to the three major sports stadiums that we are spending billions and billions of dollars on was about 3½ million people per year.

I am looking at the head of the NSW National Parks and Wildlife Service, who is in the gallery, and thinking, "What could he do with \$3 billion in terms of the quality of management of this huge area of land that the NSW National Parks and Wildlife Service is responsible for, that has overwhelming support of the New South Wales community, that brings tourism dollars into the country from overseas and from other States, and that is the pride of many in our community?" Those people who are suggesting that there is nothing there, there is no support, they are a waste of money and we should lock them up and leave them must not spend much time in national parks, where there are a lot of people who truly do love them.

I turn back to the Government's announcement about the Gardens of Stone. My recent experience of the Gardens of Stone was when I attended with the Parliamentary Friends of Nature, along with representatives from the Blue Mountains Conservation Society, the Colong Foundation for Wilderness, the Nature Conservation Council of NSW and the Lithgow Environment Group. It was a beautiful experience. In particular, we saw the Lost City. We also saw some of the threatened upland swamps and the damage that has been caused by longwall mining. This is an important announcement. I will quickly relay a story about young Leo Williams from the Blue Mountains, who saw some of the media from that visit. It inspired him to run a lemonade stall to raise money to support the efforts to create a conservation area in the Gardens of Stone.

As a result of his mum sending me a drawing that he did of the Gardens of Stone as he envisaged it with this protection, I invited Leo to come into Parliament. I spoke to the House about his activism as he sat in the gallery. Some members had lunch with him. It was a great experience for him and I think it inspired the members who attended. I organised for him to meet with planning Minister Rob Stokes to lobby him on why we should maybe temper some of the coalmining proposals for the region. To the credit of the Premier and the environment Minister, they invited young Leo, his friend Penny, his sister, and his parents—Belle and Alex—to the announcement. I really appreciate them extending that invitation. I saw that the Premier took Leo up in the chopper. It was a great experience for him and a real example of people getting involved in advocacy for the things they care about and love. I wanted to say really good things about that announcement.

But, of course, there are some elements of this bill that are problematic and that I do not think are supportable, in large part because there has not been consultation on it. It is substantial change—particularly the biodiversity offset provisions, some of the sequestration provisions, and the changes to ministerial powers around doing things in national parks that do not fit within the plans of management. They are substantial changes to the way national parks would operate. Given the degree to which there are a lot of groups and individuals—and people in this place—who are deeply engaged in national parks policy, it warranted a far more detailed level of conversation and consultation, rather than getting the bill just a few days before it would be dealt with in this House. I hope that we can come back at a later stage and look at some of these issues more carefully. I will leave most of my contributions to the Committee stage, but I want to say something about the biodiversity offset provisions in particular.

There are questions, as have been mentioned by members, about the integrity of that scheme. I think it just makes sense for us to wait and see what some of the outcomes of the various inquiries are—including the Independent Commission Against Corruption inquiries. But I am particularly worried about opening up biodiversity offsets in national parks because of what it could do to the private conservation market. We do not know what it is going to do for prices in that sector. We do not know if it is going to undermine private conservation, in particular for certain credit types. We need to be encouraging private conservation as well as public land conservation. There is a real risk here and we have not seen any market analysis of that. I think we are going in a little bit blind. I do not think it is the intention of the Government for this to be a carte blanche look for every opportunity. I can see real opportunity in those new national parks, particularly in the Western Division, where there is some low-hanging fruit. Dedicated management actions at the start of those parks could make a huge difference in terms of quick gains in biodiversity.

But none of that has been fleshed out because we have not had the discussion and the consultation about how this is actually going to apply and how it is going to link in with the private conservation schemes. I hope that we get back to that, but I suspect there will be support in the House tonight to strip those out. In principle, I am not against the idea of a trust. I can imagine it would be very attractive for people to make private philanthropic donations to national parks. I am concerned about it being used as an operational fund. I am concerned about the temptation for certain governments to say, "You don't need that money. You've got a trust fund; you need to work out how to pull some money from there".

We see it with the NSW Climate Change Fund now—that operational funds are taken from that for the National Parks and Wildlife Service. I am not against a trust in principle, but I am worried about how it could be

used. I would be far more comfortable if it was used for management actions on new acquisition lands, and I think some amendments will be proposed on that that I can live with.

We should watch closely to ensure that a trust is not used for the day-to-day management of national parks. It is not unreasonable for the public, who love and support their national parks and pay their fees, to expect that their taxes are used for the day-to-day management of parks and that philanthropic funds and contributions from the public are not being dipped into. The idea of a bequest or a regular monthly donation to a national park being used almost exclusively for new acquisitions is a more attractive proposition for people and a good promotional aid for the National Parks and Wildlife Service. It would give people confidence that their money is going to something additional. It is important to put those protections in place tonight. I will have more to say in the Committee stage.

To conclude, I am very supportive of a number of the provisions in the bill. I am disappointed that consultations on plans of management, biodiversity offsets and a trust were not fleshed out more with stakeholders who have demonstrated an interest in those key issues and who have engaged deeply with National Parks management over a long period of time. They include stakeholders from the environment movement, who have had to spend a lot of time over the past few days getting across the detail of the bill and engaging with members of Parliament from various parties to do what they reasonably could have expected to do through a formal and proper consultation.

**The Hon. BEN FRANKLIN (23:16):** On behalf of the Hon. Don Harwin: In reply: I thank all the speakers who have contributed to debate on the National Parks and Wildlife Service Amendment Bill 2021. I will address a number of the issues that arose in the debate. Obviously, a number of other issues will be dealt with in the Committee stage. I will start with the Hon. Penny Sharpe, who raised the very important issue of the potential risk of the digital pass to disabled people or to those on concessional benefits, which is a valid and reasonable point. I know she has a deep concern for the most vulnerable in our society, which she shows regularly in her contributions. To allay some of her concerns I advise her that in early 2022 the National Parks and Wildlife Service will convene a working group to review the operation of the digital parks pass with a view to removing any impediments to the uptake of concession benefits while maintaining the integrity of the scheme. I also advise her that the working group will include representatives from pensioner and disability groups such as the Council on the Aging and Disability Council NSW.

I thank Ms Cate Faehrmann for her contribution. I will address one issue that she raised, which was her concern about the potential for carbon sequestration to unintentionally damage biodiversity. Participation in carbon markets will not occur at the expense of biodiversity; in fact, it will be quite the opposite. The amendments in the bill will support the National Parks and Wildlife Service to lead on biodiversity-friendly carbon sequestration projects. For example, the Capertee National Park contained one of the initial sites registered for carbon credits with the Australian Government's Emissions Reduction Fund. It was selected to be complementary with important ecological values in the vicinity, including habitat for the threatened regent honeyeater and the endangered ecological community in white box, yellow box and Blakely's red gum woodland.

Land use history and disturbance was considered in selecting the Capertee site for tree-planting activities. Most of the site had been cleared of trees and cultivated for cropping. Restoring degraded landscapes that have been incorporated into the National Parks reserve is a great opportunity to improve our conservation values while achieving broader objectives for carbon sequestration. In any event, the carbon-positive strategy makes it clear—and the Minister reiterated this in his second reading speech—that carbon opportunities on park must support biodiversity conservation and cultural heritage protection. Hopefully that will allay some of her concerns.

My friend the Hon. Robert Borsak gave us an impassioned contribution including, for example, a suggestion and allegation that the Government is all about locking it up and leaving it and keeping people out of national parks, State forests and conservation areas. I am delighted to say that that is just not the case. For example, licensed and registered four-wheel drive and trail bike users who have been accessing State forests will continue to enjoy designated four-wheel drive routes. The National Parks and Wildlife Service will be working—

**The Hon. Robert Borsak:** What about the hunters who have been in there since 2006? No consultation. You've just handed it over to National Parks again. You did not discuss this with the four-wheel drive association.

**The PRESIDENT:** Order! The Parliamentary Secretary may be moving to address those issues.

**The Hon. BEN FRANKLIN:** I am delighted to advise the member that the National Parks and Wildlife Service will be working with four-wheel drive clubs to develop designated four-wheel drive touring routes and supporting infrastructure. I am delighted that the member is obviously so thrilled about that.

**The Hon. Robert Borsak:** With every national park you create, you do the same thing. The National Parks and Wildlife Service steals State forests and turns them into feral zones.

**The PRESIDENT:** Order! The Parliamentary Secretary has the call.

**The Hon. BEN FRANKLIN:** I also thank the Hon. Emma Hurst for her contribution and her obvious and significant concern about these issues. I want to pick up on an issue that she and Mr Justin Field—

**The Hon. Robert Borsak:** Put up a wire fence. It's the only way you're going to save—

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

**The Hon. Robert Borsak:** Can you do it a second time? I am going to keep going.

**The PRESIDENT:** I will give you a few moments. The Parliamentary Secretary has the call.

**The Hon. BEN FRANKLIN:** I will pick up on an issue that was raised by the Hon. Emma Hurst but was also referred to in potentially more positive terms by Mr Justin Field: the provision for philanthropic co-investment and the National Parks and Wildlife Service conservation trust, which is an important initiative. It is designed to mobilise philanthropic investment in New South Wales national parks. It is important for a number of reasons, including the growing pool of philanthropic funds in Australia, the increasing interest in environmental philanthropy and the increasing desire of Australians to donate funds in support of important conservation initiatives. Members just have to think back to the enormous amounts of money donated during and after the 2019-20 bushfires, particularly to the protection of animals. That indicates significant potential for the new trust to attract substantial, ongoing donation income.

To Mr Justin Field's particular concern, I state on the record that this will be additional funding for national parks, complementing but in no way replacing core government funding. It will also energise community engagement with our national parks. Finally, I thank my friend the Hon. Mark Latham for his contribution this evening. I take issue with one of the allegations that he made, which was that bushwalking is not a popular activity and is not something that is enjoyed by the majority of society. On that, we will have to agree to disagree. I know many people who love bushwalking. In fact, I was encouraged by somebody in this Chamber to wax lyrical about my many experiences bushwalking in national parks for the 12 minutes and 53 seconds of time I have remaining, but I will save the Chamber the time.

**The Hon. Penny Sharpe:** Save it for your blog.

**The Hon. BEN FRANKLIN:** I will save it for my Instagram, which is "benfranklinnats". I thank all members for their passionate contributions. I know this is a debate that inspires a broad cross-section of views, and I know that every contribution tonight—

**The Hon. Robert Borsak:** How many national parks are there in Byron Bay?

**The Hon. BEN FRANKLIN:** There is an excellent one, Arakwal National Park, which is a superb example, but that is another story for another time. I was about to say something nice about the Hon. Robert Borsak. Everybody who contributed to this debate tonight and is involved in this space is genuinely trying to represent their constituents, and they are all doing that appropriately. With those supportive words of kumbaya, I commend the bill to the House.

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

**The House divided.**

Ayes .....25  
Noes .....4  
Majority.....21

#### AYES

Amato	Franklin	Mitchell
Boyd	Graham	Moriarty
Buttigieg	Houssos	Pearson
Cusack	Hurst	Primrose
D'Adam	Khan	Secord
Faehrmann	Maclaren-Jones	Sharpe
Fang	Mallard (teller)	Shoebridge
Farraway (teller)	Martin	Veitch
Field		

NOES

Banasiak  
Borsak (teller)

Latham (teller)

Roberts

**Motion agreed to.**

### In Committee

**The CHAIR (The Hon. Trevor Khan):** There being no objection, the Committee will deal with the bill as a whole. There are four sets of amendments: Animal Justice Party amendments on sheet c2021-229B, The Greens amendments on sheet c2021-238A, Opposition amendments on sheet c2021-234A and Opposition amendments on sheet c2021-230C.

**The Hon. EMMA HURST (23:35):** By leave: I move Animal Justice Party amendments Nos 1 and 2 on sheet c2021-229B in globo:

**No. 1 Management of feral animals**

Page 13, Schedule 1.1[16], line 41. Omit all words on the line.

**No. 2 Management of feral animals**

Page 27, Schedule 1.2[6], line 7. Omit all words on the line.

The amendments remove the provisions of the bill that authorise the Government to undertake the management of introduced animals in its proposed new carbon credit scheme within New South Wales national parks. When the Government talks about the management of introduced animals, it is really talking about killing animals, often using horrifically cruel methods such as 1080 poison baits. The same Government dropped a million 1080 baits after the 2020 bushfires—as if the solution to animals dying in the fires was to kill even more animals. The Animal Justice Party does not support lethal measures being used, especially when there are many humane, non-lethal alternatives available such as immunocontraceptives. That is where the Government should be investing its time and resources. We are very concerned that these provisions in the bill will not only encourage people to use cruel lethal methods on introduced animals, but they will also allow them to claim a benefit from the deaths of those animals through the new carbon credit scheme. I urge everyone to support the amendments.

**The Hon. BEN FRANKLIN (23:37):** The Government does not support the amendments. Managing feral animals, whether through control or exclusion, is a recognised method for supporting carbon sequestration and earning carbon credits. The Government always seeks to ensure that feral animal control is carried out in a manner that is consistent with best practice welfare standards.

**The Hon. PENNY SHARPE (23:37):** Labor admires the conviction of the Animal Justice Party in these matters, but we hold a different view on feral animals. Labor does not support these amendments.

**Ms CATE FAEHRMANN (23:37):** The Greens do not support the Animal Justice Party amendments. Specifically, feral animals overgraze national parks. I looked at the issue this afternoon and indeed feral animals cause a lot of damage. I think carbon credits for removing feral animals is a good thing.

**The CHAIR (The Hon. Trevor Khan):** The Hon. Emma Hurst has moved Animal Justice Party amendments Nos 1 and 2 on sheet c2021-229B in globo. The question is that the amendments be agreed to.

**Amendments negatived.**

**The CHAIR (The Hon. Trevor Khan):** Now we will move to The Greens amendments on sheet c2021-238A.

**Ms CATE FAEHRMANN (23:38):** By leave: I move The Greens amendments Nos 1 to 4 on sheet c2021-238A in globo:

**No. 1 Gardens of Stone National Park**

Page 35, Schedule 1.2[34], proposed Schedule 1A, clause 5, lines 1–2. Omit "Gardens of Stone State Conservation Area". Insert instead "part of Gardens of Stone National Park".

**No. 2 Gardens of Stone National Park**

Page 35, Schedule 1.2[34], proposed Schedule 1A, clause 5, lines 28–31. Omit all words on those lines. Insert instead—

(2) The land described in subclause (1) is reserved as part of the Gardens of Stone National Park.

**No. 3 Gardens of Stone National Park**

Page 35, Schedule 1.2[34], proposed Schedule 1A, clause 6, lines 37–38. Omit "as national park or state conservation area". Insert instead "and reservation as part of Gardens of Stone National Park".

**No. 4 Gardens of Stone National Park**

Page 36, Schedule 1.2[34], proposed Schedule 1A, clause 6, lines 3–16. Omit all words on those lines. Insert instead—

(2) The land described in subclause (1) is reserved as part of the Gardens of Stone National Park.

These amendments, which I spoke about in my second reading contribution, essentially seek to ensure that the Gardens of Stone area receives genuine protection by ensuring that all of the 28,938.8 hectares of State forest and Crown lands are converted to national park. This is to remove all of the threats that still exist when an area is a State conservation area—specifically longwall mining but also potentially other tourism infrastructure that is not appropriate within a national park. Longwall mining is in fact listed as a key threatening process and we are well aware of the impacts of subsidence on natural areas. I urge members to support the amendments.

**The Hon. BEN FRANKLIN (23:39):** The Government does not support these amendments. The bill creates a Gardens of Stone State Conservation Area as well as additions to adjacent national parks. The State conservation area designation is important because it ensures that existing mining interests are not impacted. This is of critical importance to the local community and the Government. So we will not be supporting these amendments.

**The Hon. PENNY SHARPE (23:40):** Labor does not support these amendments for two reasons. The campaign by media organisations for a long time was for a State conservation area and that is what we are getting. It allows slightly different uses. We understand the issue about mining but let us be real here. What has opened up the ability for this to happen is that Centennial Coal has changed its arrangements in that it said that it was not going to be doing longwall mining. We believe that the protection as a State conservation area is adequate.

**Mr JUSTIN FIELD (23:40):** I support these amendments, but I will speak quickly as to why and how that might impact on some other considerations. I understand this is where conservation groups have been going for a long time, but the reality is there was an acceptance that in order to get an ecological outcome there needed to be some ground given. But we have moved on. There is a transition that is underway at a pretty rapid scale. The mining industry is moving at a rapid scale as well. I think that we should be a bit more adventurous here about the opportunities. It is yet to be made clear how the mine proposals in that region are going to be fully changed. We know that there are uncertainties with regards to subsidence impacts and impacts on the pagodas and upland swamps from all mining activities in and around the area. I think this would go some way to improving ecological outcomes.

I also put on the record that I do not think, as we start to transition out of native forest logging as well in our State parks, that all of those State forests should necessarily go into national parks. There is a role for us to create a tenure that is built more around recreational reserves, and I think there is some of that intended in what the Government is proposing here. So whilst I support these amendments, I do not think all areas are appropriate for national parks. We need to have a way to look at balancing various uses within these protected areas.

**The CHAIR (The Hon. Trevor Khan):** Ms Cate Faehrmann has moved The Greens amendments Nos 1 to 4 on sheet c2021-238A. The question is that the amendments be agreed to.

**Amendments negatived.**

**The Hon. PENNY SHARPE (23:42):** By leave: I move Opposition amendments Nos 1 to 14 on sheet c2021-234A in globo:

**No. 1 Biodiversity credits**

Page 2, clause 2, line 6. Omit "Schedules 1.2 and 3.2[3] and [4] commence". Insert instead "Schedule 1.2 commences".

**No. 2 Biodiversity credits**

Page 3, Schedule 1.1[4], line 16. Omit all words on the line.

**No. 3 Biodiversity credits**

Page 6, Schedule 1.1[16], line 5. Omit "Parts 5A and 5B". Insert instead "Part 5A".

**No. 4 Biodiversity credits**

Pages 6–13, Schedule 1.1[16], line 7 on page 6 to line 9 on page 13. Omit all words on those lines.

**No. 5 Biodiversity credits**

Page 13, Schedule 1.1[16], line 10. Omit "Part 5B". Insert instead "Part 5A" and renumber the proposed sections starting from section 82A.

**No. 6 Biodiversity credits**

Page 19, Schedule 1.1[19], proposed section 138(2)(ib), lines 12 and 13. Omit all words on those lines.

No. 7 **Biodiversity credits**

Page 19, Schedule 1.1[21], lines 18–22. Omit all words on those lines.

No. 8 **Biodiversity credits**

Pages 19 and 20, Schedule 1.1[24], line 30 on page 19 to line 3 on page 20. Omit all words on those lines.

No. 9 **Biodiversity credits**

Page 26, Schedule 1.2[1], lines 12–14. Omit all words on those lines.

No. 10 **Biodiversity credits**

Pages 29–34, Schedule 1.2[11]–[33], line 5 on page 29 to line 13 on page 34. Omit all words on those lines.

No. 11 **Biodiversity credits**

Page 38, Schedule 2[2], line 5. Omit "Parts 6A and 6B". Insert instead "Part 6A".

No. 12 **Biodiversity credits**

Page 42, Schedule 2[2], lines 1–16. Omit all words on those lines.

No. 13 **Biodiversity credits**

Page 43, Schedule 3.1, lines 2–18. Omit all words on those lines.

No. 14 **Biodiversity credits**

Page 43, Schedule 3.2[2]–[4], lines 23–38. Omit all words on those lines.

This is very straightforward. We discussed this in the second reading debate. I could talk about biodiversity offsetting credits for a very long time. Essentially, these amendments will remove that aspect of the bill. We believe it is not the right time to be opening up national parks to this so we are taking it out of the bill.

**The Hon. BEN FRANKLIN (23:43):** The Government supports all of these amendments in the interests of progressing the other important proposals in this bill. The Government is of the view that a biodiversity credit mechanism of this kind to support restoration in national parks and the addition of land to national parks has merit, and we will explore that further with stakeholders over the coming months. This will help inform the Government's response to the inquiry into the integrity of the Biodiversity Offsets Scheme that is currently underway.

**Ms CATE FAEHRMANN (23:44):** It is good to hear the Government's response to this amendment. The Greens support the complete removal of those lines in the bill and look forward to consultation and discussion in the coming months.

**Mr JUSTIN FIELD (23:44):** I thank the Government for listening to the genuine views of the environment groups and members of this place, who reached out and put their concerns on the record. It is appreciated that was heard. We can revisit this after the various inquiries.

**The CHAIR (The Hon. Trevor Khan):** The Hon. Penny Sharpe has moved Opposition amendments Nos 1 to 14 on sheet c2021-234A. The question is that the amendments be agreed to.

**Amendments agreed to.**

**The Hon. PENNY SHARPE (23:45):** By leave: I move Opposition amendments Nos 1 and 2 on sheet c2021-230C in globo:

No. 1 **Priority projects and actions**

Page 4, Schedule 1.1[14], proposed section 81(4), lines 27–30. Omit all words on those lines. Insert instead—  
the lands to which the plan relates unless the operations are in accordance with the plan.

No. 2 **Priority projects and actions**

Pages 4–6, Schedule 1.1[15], line 32 on page 4 to line 4 on page 6. Omit all words on those lines.

These are straightforward amendments. They basically remove the priority projects and actions that are set out in the bill. As I said in my second reading speech, Labor believes that there was overreach and there has not been significant consultation. It is a very hard line for the Opposition to accept that the Minister is able to override plans of management and can approve projects outside the plan of management. The Opposition will not support that, and I must say that we will probably not support it in the future.

**The Hon. BEN FRANKLIN (23:45):** The Government supports the amendments to remove the proposal to enable the Minister to approve priority conservation actions or infrastructure projects. While we are supportive of the amendments, I note that the proposal as originally introduced had significant safeguards in place, including

being consistent with the objects of the National Parks and Wildlife Service Act, usual environmental impact assessment and restriction to a series of classes prescribed in the regulations. Nonetheless, the Government will support the amendments.

**Mr JUSTIN FIELD (23:46):** If additional ministerial powers are required, they should have been limited to emergency works that needed to be done. If it is for conservation or visitor infrastructure it is not urgent and could be done through a review of the plan of management. In questions that I asked, the response was not clear exactly what types of activities it was intended to be used for. I thought it would make more sense for the suggested activities to go through a plan-of-management review process. We must treat management plans more seriously. It highlights the concerns about how the Government engages with consultative bodies who have some responsibility for representing community views about how natural areas are managed.

**Ms CATE FAEHRMANN (23:47):** The Greens support the amendments. What was contained within the bill would have provided extraordinary powers to the Minister. If the need is there, consultation needs to take place with the non-government organisations and all stakeholders as to what exactly it would have been. I agree with the Hon. Penny Sharpe. I doubt that even with all that The Greens will support such a change in the future.

**The CHAIR (The Hon. Trevor Khan):** The Hon. Penny Sharpe has moved Opposition amendments Nos 1 and 2 on sheet c2021-230C. The question is that the amendments be agreed to.

**Amendments agreed to.**

**The Hon. PENNY SHARPE (23:48):** I move Opposition amendment No. 3 on sheet c2021-230C:

No. 3 **Carbon sequestration rights**

Page 14, Schedule 1.1[16]. Insert after line 9—

**82X Review of Part**

- (1) The Minister must review this Part to determine whether the policy objectives of the Part remain valid and whether the terms of the Part remain appropriate for securing the objectives.
- (2) The review must be undertaken as soon as possible after the period of 2 years from the commencement of this Part.
- (3) A report on the outcome of the review must be tabled in each House of Parliament within 12 months after the end of the period of 2 years.

It is a straightforward amendment. It inserts a review after two years into the carbon sequestration rights contained in the bill. There was a bit of discussion, and I would have preferred a much longer discussion about it. I accept where we are at in the debate. It provides a review mechanism. Labor cautiously supports it, but we want to keep an eye on it and that is why the review provision is in there.

**The Hon. BEN FRANKLIN (23:48):** The Government supports the amendment. The review will help to demonstrate that the provisions are enabling the National Parks and Wildlife Service and Aboriginal owners of jointly managed parks to deliver the additional—that is, beyond routine—park management carbon outcomes expected consistent with the objects of the Act, including the protection of biodiversity and cultural heritage.

**The CHAIR (The Hon. Trevor Khan):** The Hon. Penny Sharpe has moved Opposition amendment No. 3 on sheet c2021-230C. The question is that the amendment be agreed to.

**Amendment agreed to.**

**The Hon. PENNY SHARPE (23:49):** By leave: I move Opposition amendments Nos 4 and 5 on sheet c2021-230C in globo:

No. 4 **Objects and functions of National Parks and Wildlife Conservation Trust**

Page 15, Schedule 1.1[18], proposed section 96(1), lines 28–34. Omit all words on those lines. Insert instead—

- (1) The object of the Trust is to support and promote the protection and enhancement of the natural environment through the use of gifts of money and property received by the Public Fund by supporting the following actions, if the actions are in addition to actions that are or would ordinarily be taken—
  - (a) the acquisition of lands under this Act,
  - (b) scientific research and monitoring,
  - (c) threatened species conservation, including restoration,
  - (d) projects that support the involvement of Aboriginal people in park management, including joint management,

- (e) activities or classes of activities prescribed by the regulations, other than activities that are part of routine land management or routine visitor management.

**No. 5 Objects and functions of National Parks and Wildlife Conservation Trust**

Page 16, Schedule 1.1[18], proposed section 97(d), lines 5–9. Omit all the words on those lines. Insert instead—

- (d) to use gifts, devises, bequests or contributions received by the Public Fund to support and promote actions specified in section 96(1)(a)–(e) to the extent that the actions promote the protection and enhancement of the natural environment,

The amendments deal with the issue of the National Parks and Wildlife Conservation Trust, which has been an issue of some discussion, but it is an important one. The Labor amendments try to put some very clear boundaries around what the trust could be used for. The important thing is that it allows public funding for a range of activities, which are:

- (a) the acquisition of lands under this Act,
- (b) scientific research and monitoring,
- (c) threatened species conservation, including restoration,
- (d) projects that support the involvement of Aboriginal people in park management, including joint management,
- (e) activities or classes of activities—

Importantly, there is then a regulation-making power that could allow different changes, but they are not allowed to be used if they are part of routine land management or routine visitor management. Essentially, we are trying to protect this fund from Treasurers and treasuries of the future so that they do not think that they do not have to fund national parks. Importantly, we also have the protection around additionality. With all of those activities that would happen, these amendments are not about routine; they are about doing something new and attracting money to be able to do that. The way the bill is currently written is too wide.

As I said, we are conscious of the fact that almost 70 per cent of the waste levy goes into consolidated revenue. Firefighters and field officers and national parks are funded through the Climate Change Fund. The Government has got form. Every treasury always wants the money. We want to put some protections around it, but we want to allow people to donate to national parks and do amazing projects in national parks, which is why Labor has moved this amendment. I acknowledge that conservationists and organisations are very concerned about this issue. However, we think that the protections within this amendment are strong enough that we will be able to get the best of both worlds. I commend the amendments to the House.

**The Hon. BEN FRANKLIN (23:51):** The Government supports these amendments. The limitations that have been proposed represent a reasonable way forward and address the concerns that have been raised by some stakeholders. The amendments make it clear that donations will not support business as usual while providing an opportunity for appropriate philanthropic investment in our national parks.

**The CHAIR (The Hon. Trevor Khan):** The Hon. Penny Sharpe has moved Opposition amendments Nos 4 and 5 on sheet c2021-230C. The question is that the amendments be agreed to.

**Amendments agreed to.**

**The Hon. PENNY SHARPE (23:51):** By leave: I move Opposition amendments Nos 6 to 8 on sheet c2021-230C in globo:

**No. 6 Assets of intergenerational significance**

Page 20, Schedule 1.1[25], proposed section 153G(5), lines 33 and 34. Omit all words on those lines. Insert instead—

- (5) Action authorised by regulations under this section—
  - (a) may be taken despite a plan of management that applies to the declared land, and
  - (b) if the declared land is land reserved or dedicated under Part 4A—may only be taken if the action has been approved by the board of management for the land.

**No. 7 Assets of intergenerational significance**

Page 21, Schedule 1.1[25], proposed section 153I(2). Insert after line 27—

- (b1) action taken by the person was carried out for, or as part of, an Aboriginal cultural practice, or

**No. 8 Composition of the Aboriginal Cultural Heritage Advisory Committee**

Page 26, Schedule 1.1. Insert after line 10—

[40] **Schedule 9 The Aboriginal Cultural Heritage Advisory Committee**



Insert "native title holders within the meaning of the *Native Title Act* 1993 of the Commonwealth and" before "registered" in clause 1(2)(d)(ii).

The amendments deal with assets of intergenerational significance. The amendments are a result of the fact that there has been limited consultation on this. I thank the Aboriginal Land Council for these amendments. The amendments guarantee that any land reserved under part 4A and declared an Asset of Intergenerational Significance can only be done so with the approval of the board of management. It also provides a defence for Aboriginal cultural practice within those areas and tidies up an issue with the Aboriginal Cultural Heritage Advisory Committee by inserting "native title holders within the meaning of the *Native Title Act* 1993" in the bill because there have been some issues over time relating to appointing people to that committee.

**The Hon. BEN FRANKLIN (23:52):** The Government supports amendment No. 6 moved by Labor. It addresses an issue that was raised during consultation on part 4A and Aboriginal boards of management. Boards of management are responsible for developing plans of management for Aboriginal-owned parks. The National Parks and Wildlife Service is committed to consulting with boards to seek their agreement before recommending to the Minister that an asset of intergenerational significance be declared. Under this amendment, actions in a conservation action plan or those authorised by the National Parks and Wildlife Service must be approved by a board of management before they can be taken. In practice, this will ensure that conservation action plans cannot override the plans of management prepared by the boards of management unless the board agrees that that should happen.

The Government also supports amendment No. 7. This proposal supports the rights of Aboriginal people to continue to connect with country through cultural practices. The defence is for new offences relating to assets of intergenerational significance. The bill will be amended to protect Aboriginal people from offences when carrying out cultural practices. Finally, the Government supports amendment No. 8. It supports the addition to the bill. It is a sensible amendment to address an omission to the members of the Aboriginal Cultural Heritage Advisory Committee [ACHAC]. Currently, it is not clear that native title holders following a native title determination are eligible to remain members of the ACHAC alongside native title claimants.

**The CHAIR (The Hon. Trevor Khan):** The Hon. Penny Sharpe has moved Opposition amendments Nos 6 to 8 on sheet c2021-230C. The question is that the amendments be agreed to.

#### **Amendments agreed to.**

**The Hon. PENNY SHARPE (23:54):** By leave: I move Opposition amendments Nos 9 to 13 on sheet c2021-230C in globo:

##### **No. 9 Representation period for plans of management**

Page 27, Schedule 1.2[7], proposed section 73A(2)(c), line 31. Omit "28 days". Insert instead "60 days".

##### **No. 10 Consultation for plans of management**

Page 27, Schedule 1.2[7], proposed section 73A. Insert after line 36—

- (3A) The Council may, by written notice given to the Secretary before the end of the representation period, request that a draft plan of management be referred to the Council if the Council considers the draft plan raises issues of State-wide significance about the management of land under this Act.
- (3B) If the Council makes a request under subsection (3A)—
  - (a) the Secretary must refer the plan of management and all representations received during the representation period to the Council, and
  - (b) the Council must consider the draft plan and the representations and provide advice within 28 days after the end of the representation period to—
    - (i) for land reserved or dedicated under Part 4A—the responsible authority, or
    - (ii) otherwise—to the Minister.

##### **No. 11 Consultation for plans of management**

Page 28, Schedule 1.2[8], proposed section 73B(1), line 23. Insert "and, if provided, advice from the Council" after "committee".

##### **No. 12 Consultation for plans of management**

Page 28, Schedule 1.2[8], proposed section 73B(1A), line 29. Insert "and the Council" after "committee".

##### **No. 13 Representation period for plans of management**

Page 29, Schedule 1.2[10], lines 2–4. Omit all words on those lines. Insert instead—

Omit "to "90 days" is taken to be a reference to "45 days"". Insert instead "to "60 days" is taken to be a reference to "42 days"".

I thank The Greens and Mr Justin Field for their willingness to move through the amendments quickly. There are significant issues that I am sure we would have liked to have a much longer debate about, but we are also all keen to get the bill through at five to midnight. The amendments are straightforward. The original bill reduced consultation from 90 days to 28 days. The amendments change that back to 60 days for new plans and 42 days for changes to current plans. The amendments also streamline the process for the advisory council in the way it provides advice to the Minister by giving it the ability to call in a plan-of-management process if there are issues of State significance. It is then able to provide that in parallel with the regional advisory committee to the Minister. The amendments also restore consultation to what we think is a reasonable time. We are open to a conversation on how to deal with plans of management generally because we accept that it is an old and cumbersome process, but now is not the time or the place. I commend the amendments to the Committee.

**The Hon. BEN FRANKLIN (23:56):** The Government supports the amendments. Amendment No. 9 provides that the proposed exhibition period for new plans of management is 60 days. That is an improvement on the current 90 days, which is too long as a mandatory minimum period. Amendment No. 10, in recognition of the statewide strategic role the National Parks and Wildlife Advisory Council has, will enable the council to effectively call in plans of management that are of statewide significance. If that occurs, the secretary will provide the draft plan of management and all representations received to the advisory council. The advisory council will then advise the Minister in the same time frames that apply to the regional advisory committee.

The Government supports amendment No. 11, along with other amendments to the proposed changes to the plan-of-management process under the National Parks and Wildlife Act. It will ensure that any advice provided by the council, when the council exercises the right call in a plan of management, will be considered by the Minister when determining whether to adopt or otherwise a plan of management. Amendment No. 12 will ensure that advice received by the council in relation to land reserved or dedicated under part 4A must be provided to the Minister by the board of management responsible for preparing the plan of management. Finally, the Government supports amendment No. 13 because 42 days is a reasonable time frame for public comment on a draft amendment to a plan of management.

**Ms CATE FAEHRMANN (23:57):** The Greens support the amendments. I stress that changes to regional advisory committees are significant and I therefore urge the Government to consult widely on any changes to those committees. They have an important history and membership.

**The CHAIR (The Hon. Trevor Khan):** The Hon. Penny Sharpe has moved Opposition amendments Nos 9 to 13 on sheet c2021-230C. The question is that the amendments be agreed to.

**Amendments agreed to.**

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

**Motion agreed to.**

**The Hon. BEN FRANKLIN:** I move:

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

**Motion agreed to.**

### **Adoption of Report**

**The Hon. BEN FRANKLIN:** On behalf of the Hon. Don Harwin: I move:

That the report be adopted.

**Motion agreed to.**

### **Third Reading**

**The Hon. BEN FRANKLIN:** On behalf of the Hon. Don Harwin: I move:

That this bill be now read a third time.

**Motion agreed to.**

**The PRESIDENT:** According to sessional order, it being midnight proceedings are interrupted.

*Adjournment Debate***ADJOURNMENT**

**The PRESIDENT:** I propose:

That this House do now adjourn.

**LOCAL GOVERNMENT ELECTIONS**

**The Hon. TAYLOR MARTIN (11:59):** In two weeks' time our State will hold our local government elections. I want to take some time tonight to pay tribute to the Liberal councillors across the Hunter, Port Stephens and Lake Macquarie areas who have spent the previous four years or more flying the flag in our area, advocating for better local government decisions and representing their area. As members of this place know, being a member of a local council is not something for the faint-hearted. Councillors spend countless hours on phone calls, replying to emails and in meetings—more often than not outside of normal business hours. A good councillor is not able to quickly duck down to the shops or have a quiet meal at a local cafe or restaurant without invariably being recognised and quickly becoming engrossed in conversation about an issue that somebody is dealing with.

Just like the roles of members in this House, the job of a councillor has its rewarding moments, which is often being able to assist a local resident to navigate the local bureaucracy and improve their local area and their constituents' lives for the better. It could also be getting a road repaired or reconfigured, securing new infrastructure for sports clubs or advocating for new events. Our councillors make a huge difference to their local area, often at great personal cost, forgoing time with their family—and they are seldom thanked for it.

I want to say personally how appreciative I am to the Liberal councillors in my area for their incredible work and their sacrifice over the past four years. I mention the Maitland Liberal team, consisting of Councillor Ben Mitchell, Councillor Mitchell Griffin, Councillor Sally Halliday and Councillor Kanchan Ranadive, who are all rightfully recontesting their positions. Those four councillors have been great advocates for Maitland city and for the Liberal Party. Together they have managed to secure events for their area and secure upgrades for local infrastructure. I look forward to working with each of them after they are re-elected, as I am sure they will be in December.

The Cessnock Liberal team, consisting of Councillor Rod Doherty, Councillor John Fagg and Councillor Paul Dunn, has worked together as a team on council to improve their local area. Ever since I was elected to this Parliament, they have constantly been in my ear with ideas and projects and to brief me on a range of local issues affecting the wine country. I wish Paul Dunn success as he stands for re-election, but in particular I want to mention retiring councillors John Fagg and the unofficial Mayor of Kurri Kurri Councillor Rod Doherty for all they have done on council in their time. The start of major work on Cessnock Road at Testers Hollow is a major achievement following years and years of campaigning, as will be the Kurri Kurri gas plant, bringing new life into the old Kurri hydro smelter site—something that Councillor Doherty has been agitating for over quite some time.

The Lake Macquarie Liberal team of Councillor Jason Pauling, Councillor Nick Jones and Councillor Kevin Baker had their final meeting last night. They have seen and dealt with a lot during their time on the council. These guys know more about garbage bins and dirty nappies than any person should ever have to know. Their advocacy for action, particularly on Munibung Road, the former Pasminco smelter site, was part of the reason we were able to pass the Lake Macquarie Smelter Site (Perpetual Care of Land) Bill in 2019. The opening of Costco at that site was in September, and now Costco employs in excess of 200 people as a direct result of the councillors' advocacy. The reopening of the Belmont Baths is another achievement. I acknowledge Councillor Pauling for his advocacy. I also acknowledge Kevin Baker for his advocacy on a range of issues, but particularly disability access, which is now a key focus for the council.

In Newcastle, our sole Liberal councillor, Councillor Brad Luke, is retiring from local government after 13 years. As a successful financial planner and business owner, he used his knowledge and skill set on council, bringing to light waste and mismanagement and advocating for better fiscal discipline, which is much needed in the Newcastle City Council. Without his expertise, it is safe to say that the Newcastle council's financial position would be much worse.

Last but not least, I acknowledge retiring Port Stephens Councillor Jaimie Abbott. Jaimie has been an amazing local councillor, achieving a great deal of investment for the region during her time on council and, as the candidate for the electorate of Port Stephens, working very hard in the 2019 State election campaign. I particularly acknowledge her advocacy for the Tomaree TAFE, which commenced classes earlier this year—just one of many projects she has advocated for. I acknowledge that during her time on council she gave birth to two young boys, Harvey and Harrison. They may not know it yet, but they will be incredibly proud of their mother's time on the council and everything that she has done for their future. Once again, I thank those councillors

for all their efforts over the past four years. I look forward to working with everybody who is elected at the 4 December elections.

### TRIBUTE TO ARTHUR RAE

**The Hon. ANTHONY D'ADAM (00:04):** Arthur Rae was a union radical, peace activist and socialist agitator who passed away on 25 November 1943. This Thursday will mark the seventy-eighth anniversary of Rae's death. The story of Arthur Rae may seem like an obscure anecdote in the history of New South Wales. After all, he was a member of the other place for just one term between 1891 and 1894, where he represented the multi-member seat of Murrumbidgee. While he was elected to the Australian Senate on two occasions, in 1910 and 1929, it could be said that Rae was not a particularly successful politician in a conventional sense. After losing his State parliamentary seat by seven votes in 1894, he subsequently failed to reclaim Murrumbidgee in 1895 and 1898. His attempts to contest the Federal lower House seats of Hunter in 1903 and Parramatta in 1907 were likewise unsuccessful.

Nonetheless, Rae played a pivotal role in the development of the Australian labour movement. As an organiser for the Amalgamated Shearers' Union in Wagga Wagga, he quickly earned the ire of pastoral bosses and police, who hunted Rae through the Riverina and Victoria as he helped build the nascent union. Rae's organising abilities came to the fore during the 1890 maritime dispute, where he played an instrumental role in the spread of the secondary boycotts to the shearing industry. Rae was jailed for 61 consecutive fortnights for refusing to pay a fine for organising wildcat strikes in solidarity with dock workers. In the face of community opposition, the Government was forced to release him after just a month.

After the Government deployed the military to crush the maritime dispute, the shearers went out again in 1891. The use of State power against strikers by deploying troops and jailing union leaders marked a turning point in the strategy of the union movement. Only parliamentary representation could make the State neutral in labour disputes, leading to the formation of the Labor Party. Arthur Rae was one of the original 35 Labor members first elected to the Parliament in the furtherance of this goal. Despite his election to Parliament in 1891, Rae continued to play an active role in the rank and file of his union. He founded a union newspaper, *The Hummer*, which later became *The Australian Worker*. After losing his seat in 1894 Rae returned to his union, which amalgamated with the General Labourers' Union to form the Australian Workers' Union [AWU]. After serving as the general secretary of the newly amalgamated union for a brief time, Rae returned to organising in the Riverina.

Rae brought his formidable experience to bear when he returned to public life as an ALP Senator in 1910. During his term, his staunch support for union militancy and peace established Rae as a leading figure on the party's left. Rae opposed the war from its outset. He moved the anti-conscription motion that split the Labor Party in 1916. The following year Rae secured the passage of another anti-war motion that declared that the armed conflict was the inevitable outcome of capitalism. The war came at great personal cost for Rae, losing two sons to the European conflict.

After the war, Rae's radicalism led him to begin mobilising support for the One Big Union campaign. At the 1919 State Labor conference, Rae broke with the more conservative leadership of the AWU. After a motion calling on the party to adopt a socialist objective was defeated, Rae walked out of the conference to found the Industrial Socialist Labor Party, which resulted in a period in the political wilderness. After Rae returned to the ALP he was elected to a second term in the Senate, where he served from 1929 until 1935.

The Great Depression thrust Rae back into the spotlight when he moved the motion to admit Eddie Ward to the Federal parliamentary Labor Party after the East Sydney by-election, precipitating the Lang Labor split that brought down the Scullin Labor Government. Rae's support for Lang against the AWU group aligned with his role in the leadership of the Pastoral Workers' Industrial Union. This rebel union was born out of Rae's frustration with "the anti-working-class policy of the AWU officials". Rae was especially opposed to the AWU's support for the arbitration system, remarking:

... not from Capitalist Parliaments and Courts but by the workers' own united efforts can social freedom and economic justice be won.

Ever a radical, Rae spent his final years supporting the anti-fascist cause in Australia and abroad. As a key member of the campaign against war and fascism, he organised support for anti-fascist forces fighting in the Spanish Civil War. He died in Liverpool in 1943 and is buried in a modest grave at Rookwood, which I periodically visited during the lockdown. To quote a 1914 issue of *The Worker*:

... tell the story of Arthur Rae and to a manifestly large degree you will tell the history of the Australian Labor Movement ... Wherever the din of conflict roared the loudest and the stress of battle surged the hardest, there, and nowhere else was Arthur Rae the indomitable to be found.

Arthur Rae led a life of principle and purpose, an activist who struggled against entrenched officialdom, fascism and the ruthless exploitation of working people for profit.

### COVID-19

**The Hon. ROD ROBERTS (00:09):** This year can only be described as an annus horribilis for the people of New South Wales—apologies to Queen Elizabeth. After the terrible bushfires over the 2019-20 summer, no-one could have imagined what was to come. A global pandemic was the last thing anyone expected. For many people the global pandemic was the first major global crisis they had experienced. The world has not experienced a health crisis on a similar scale since the outbreak of the Spanish flu in 1918. Although COVID-19 reached our shores last year, it was in 2021 that we felt the full effects of the pandemic. This is a year that many of us would want to forget; however, we must not forget this year from hell. We owe it to those who have suffered and those who have died from the pandemic.

Thousands of businesses were forced to close under the Government's lockdown orders. Business owners were left waiting for weeks for promised assistance and when it came, it was hardly adequate. Some may never recover. Western Sydney bore the brunt of the lockdowns, with families locked inside their houses for over three months. The lockdown was a tale of two cities; it was a case of the west and everyone else. The people of western Sydney will not forget how harshly they were treated compared to those living in the eastern parts of Sydney. Who could forget the images of thousands of people soaking up the sun on Bondi Beach while the west remained in lockdown?

It was the year of national and interstate border closures. Never before have we been so divided as a nation. Not since Federation have State Premiers had so much power. State border closures mean that families have been separated for extended periods of time. Grandparents have been unable to see their newborn grandchildren. Who could forget the tragedy that unfolded in our aged-care homes? Who could forget the heartbreaking images of elderly people looking through the windows of nursing homes, with their loved ones pressed up against the glass on the other side? I acknowledge our emergency service workers. Our nurses and paramedics worked nonstop throughout the pandemic. They performed above and beyond to keep our public health system functioning. They are the true heroes of the pandemic. While many people were lucky enough to work from home over the past two years, emergency service workers remained on the front line. I thank the essential workers and the people who kept the shelves stacked with food and, of course, toilet paper.

The pandemic has had a massive impact on regional New South Wales. The international border closure meant that the thousands of backpackers who usually come to Australia for a working holiday were not allowed in. With no workforce to pick fruit, farmers had to leave fruit unpicked. That has exposed our over-reliance on foreign workers for vital industries like agriculture. Small businesses are also suffering major skills shortages, particularly in regional New South Wales. Business owners have reached out to me, saying they just cannot get staff. Cafes and pubs in regional towns are so short-staffed that they are unable to open. We need to encourage young Australians to take up those jobs.

Over the course of the pandemic, calls to Lifeline have skyrocketed, particularly among younger people. NSW Health data for the year to 14 October, obtained by *The Sun-Herald*, shows 10,875 visits to emergency departments by children aged 12 to 17 for deliberately injuring themselves or for suicidal thoughts. Throughout the pandemic school students have had to learn from home via remote learning. Year 12 students completing their HSC found themselves separated from their teachers and peers at a very stressful time in their schooling. But it is always darkest before the dawn. Australians are a resilient people, and none more so than the men and women of New South Wales. We are no strangers to hardship, whether it be bushfires, droughts or floods. I look to 2022 with great optimism and with the firm belief that we will bounce back from this global disaster stronger than ever before.

### SEASONAL FELICITATIONS

**The Hon. TREVOR KHAN (00:14):** It being the final sitting week of the year, I thought it opportune to deliver my Christmas felicitations, particularly to thank people in this place for the support and assistance they have given me over the course of the year. Firstly, I thank the Clerk, David Blunt, and his team. Their support and assistance has made my time in the chair this year so much better than it otherwise would have been. I also thank the attendants, particularly Richard, Mark and John, who have done such a wonderful job keeping me supplied with Minties and snakes. Without their assistance, I am certain many a Committee stage would have been far more fraught than it was.

I take this opportunity to wish all of my staff, past and present, a merry Christmas. As some would know, I have remained friends with them all since the time of their starting work with me. In that respect, I acknowledge each by name: Aden Cromarty, Alex Bruce, Sarah Burnheim, Josh Hatton, Will Griffiths, Lachlan Crombie, Tom

Anderson, Matt Yeldham, Richard Karaba, Keiran O'Sullivan and Damian Spinks. There has been a lot of them. They have all weathered my periods of frenetic activity, my aggravations, my crazy ideas and my many dreams, and they have all experienced my many shortcomings as a human being. One of them—and I can tell you it was Will Griffiths—described me as the Miranda Priestly of Parliament. If you have seen Meryl Streep in the screen adaptation of Lauren Weisberger's 2003 novel *The Devil Wears Prada*, you will understand the analogy.

Importantly, they have all added to my experience in this place and have shown me extraordinary tolerance. They have, to a man and a woman, worked hard and selflessly. They have all given me impeccable counsel—some of which I have accepted—and done their utmost to keep me grounded. They have all shared with me a desire to travel on the exciting journey that this Parliament can provide. It has been an absolute privilege to give them the opportunity of seeing how government and democracy can work. Just as importantly, it has been my pleasure to see those who have worked for and with me move on to bigger and better things. Three have become chiefs of staff, three have gone into media and government relations positions, some continue to work within government and three have gone into the law.

I have little doubt that in some cases they have progressed because their prospective employer has said, "If they can work for Trevor Khan, then they can put up with anything." There is more than a grain of truth in that observation. However, they have all progressed because, without fail, I selected talented people to work for me. They have made me look good because their talents have rubbed off on me. I thank each and every one of them and wish them all and each member of this place a merry Christmas.

### PENRITH RADIO OPERATIONS CENTRE

**The Hon. WALT SECORD (00:17):** As the shadow Minister for Police, I oppose the decision by the Perrottet Government to relocate and amalgamate positions at the Penrith Radio Operations Centre, taking them from Sydney's west and moving them to Surry Hills police headquarters. The decision will see 70 jobs ripped out of western Sydney. This goes against years of decentralisation. It also goes against common sense. The Penrith Radio Dispatch Centre is one of five such centres across the State, and they are under the jurisdiction of NSW Police Force Assistant Commissioner, Commander, Communications and Security Command, Stacey Maloney. They provide 24/7 radio coverage throughout the State. The other centres are at Newcastle, Oak Flats, Tamworth and Surry Hills. I acknowledge the Public Service Association of NSW [PSA], the Penrith Mayor, Councillor Karen McKeown, deputy Labor leader and member for Londonderry, Prue Car, and Labor's shadow Minister for Industrial Relations, Sophie Cotsis, for drawing the matter to my attention. I am calling on the Perrottet Government to scrap the decision.

I note that the PSA has today written to police Minister David Elliott asking him to drop the plan. Members would be interested to know that there is a meeting planned at the Penrith RSL this Thursday at 5.00 p.m. to update the staff and tomorrow, 24 November, the PSA has a hearing in the Industrial Relations Commission [IRC] regarding a lack of consultation on the decision to relocate the jobs. To say that there has been a lack of consultation is a massive understatement. The staff was told via a short email on 16 November that 70 communication officer jobs would be amalgamated into the Surry Hills headquarters and that this would occur in February. The PSA has said that there has been "zero consultation". In the IRC hearing, the PSA will be:

... demanding a delay in the implementation of the decision to allow proper consultation and consideration of the many serious problems from the closure of the Penrith Radio Operations Centre.

The PSA said that the decision would see a large number of resignations of highly skilled radio operators as they would not be able to make the daily 80-minute commute each way for a variety of reasons. Furthermore, the PSA believes that it is a decision that will also place stress on the entire radio operations system, which is already buckling under a heavy workload. At the moment there are 20 vacancies at the other centres, so the decision to amalgamate is mind-boggling. Penrith staff have not been offered redundancies or redeployments; they have just been told to take it or leave it. That is totally unacceptable. A PSA survey found that the initial indication of the staff affected is that 30 per cent are considering resigning rather than even bothering to try to commute to Surry Hills. PSA General Secretary Stewart Little said:

It is astonishing and a lack of respect for these representatives. It is appalling. These are jobs being stripped from Western Sydney when the government is campaigning on decentralisation of public servants.

Penrith staff have also been critical of the local member and western Sydney Minister, Stuart Ayres, saying he has "responded to desperate requests for assistance from constituents by washing his hands of the issue and passing the buck to the police Minister". The Penrith decision by the Perrottet Government is very disappointing in light of the evidence revealed at a budget estimates hearing on 27 October that western Sydney had lost 80,000 jobs in the period between September 2020 and September 2021. The losses in the region account for more than 41 per cent of the State's total job losses during that period.

Residents in western Sydney felt the brunt of lockdowns far worse than any other region throughout the State—and those numbers confirm that. The Perrottet Government knows about the devastating number of job losses in western Sydney, yet it has no plan to help those residents get back into the workforce. Instead, it decides to take 70 jobs out of Penrith and move them to Surry Hills in Sydney's inner west. I thank the House for its consideration. I urge the Perrottet Government to reconsider its decision and protect those jobs in western Sydney and drop this cruel plan.

### COMPANION ANIMALS

**The Hon. EMMA HURST (00:21):** An animal is for life, not just for Christmas. In reality, gifting an animal for Christmas is an absolute nightmare. Let me tell you why. Animals are not objects; they are living, sentient beings, who rely on their human companions 24/7 for their care. Unlike a video game, we cannot turn a puppy off when we are making dinner or put him on a shelf when the kids go to bed. Every companion animal needs ongoing attention, play, feeding, training and care. Adopting a new member of the family should never be an impulsive decision. Whether it is due to the time and energy commitment, the budget required to provide veterinary care or even that their new dog is no longer a cute puppy, each year pounds, shelters and rescues report an influx of animals after Christmas as people realise they are not capable of raising their new furry family member. While it is easy to return or exchange an unwanted toy, game or even a bicycle that was received for Christmas, animals are not toys; they are a lifetime commitment. Their lives are not refundable or disposable. Put simply, surrendering or even dumping an animal at a pound or shelter can mean that an animal could die.

Each year tens of thousands of healthy, homeless animals capable of being rehomed are euthanised, often killed due to a lack of resourcing, space or willingness to care for them by the council pounds. This horrific practice is known as "convenience killing", and it is exacerbated by the abandonment of animals after the Christmas period. Overseas, pounds, shelters and responsible breeders have been trying to combat the impulsive buying of Christmas puppies by refusing to adopt animals out over the Christmas period, instead providing gift certificates so that people can put much-needed consideration into whether an animal is right for them. While it is a step in the right direction, adoption restrictions do not solve the problem.

Many Christmas puppies come from backyard breeders and puppy farms, meaning that impulsive buying is not only putting animals' lives at risk but supporting cruel breeding practices. Dogs on puppy farms face a lifetime of suffering, with mother dogs forced to pump out litter after litter until their bodies no longer cope. Their puppies can also suffer from a range of behavioural and medical issues, caused by the unsanitary conditions, a lack of appropriate veterinary treatment, lack of socialisation or as a result of the common practice of inbreeding.

Just this year we have heard horror stories of puppies, purchased from puppy farms, that have debilitating lifelong illnesses. They are unable to breathe or walk properly and require thousands of dollars of veterinary care. Each year animal rescue charities warn of puppy farmers cashing in on demand during the Christmas season, hiking up prices and selling unhealthy puppies. I have repeatedly called on the agriculture Minister and the local government Minister to introduce legislation to protect dogs in New South Wales, but they have failed to take action. Now puppy farming is running rampant in our State, and the risk of buying a dog from an unscrupulous breeder this Christmas is only getting higher. Christmas should be a time of celebration, not a dog's death sentence.

Dogs do not belong in puppy farms. They do not belong underneath a Christmas tree. Dogs are not toys that can be discarded after the Christmas sparkle has worn off. They are lifelong companions that deserve a loving home. This festive season I urge all members to remember that a dog is for life, not just for Christmas. I ask agriculture Minister Adam Marshall to give dogs something they really want for Christmas: a ban on puppy farming.

**The PRESIDENT:** The House now stands adjourned.

**The House adjourned at 00:25 until Wednesday 24 November at 10:00.**