



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Wednesday 24 November 2021

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday 24 November 2021

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

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

Documents

DEPARTMENT OF THE LEGISLATIVE COUNCIL

DEPARTMENT OF PARLIAMENTARY SERVICES

PARLIAMENT OF NEW SOUTH WALES

Reports

The PRESIDENT: I table the following papers:

- (1) Annual report of the Department of the Legislative Council for year ended 30 June 2021.
- (2) Annual report of the Department of Parliamentary Services for year ended 30 June 2021.
- (3) Parliament of New South Wales—Financial Performance Report 2020-2021.

The Hon. DAMIEN TUDEHOPE: I move:

That the reports be printed.

Motion agreed to.

Motions

SELINA'S, COOGEE BAY HOTEL

The Hon. JOHN GRAHAM (10:03): I move:

- (1) That this House notes:
 - (a) the significance of Selina's at the Coogee Bay Hotel as an iconic live music venue; and
 - (b) that Selina's is one of the last medium capacity venues left in Sydney and has played a major role in the survival of the grassroots music scene over the decades.
- (2) That this House acknowledges how vital the live music industry is for the COVID-19 economic and social recovery.
- (3) That this House notes the potential of Special Entertainment Precinct provisions to make a significant difference in supporting the continued operation of music venues in New South Wales.

Motion agreed to.

CITY OF LISMORE SEVENTY-FIFTH ANNIVERSARY

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

That this House:

- (a) notes that on 30 August 1946 Lismore was proclaimed a city and is celebrating its seventy-fifth anniversary this year;
- (b) notes that a celebration took place on 7 November 2021 as, due to COVID-19, previously organised celebrations had to be put on hold;
- (c) notes the celebration took place in the Lismore Regional Museum—one of the city's most historic buildings;
- (d) acknowledges the significant role of the City of Lismore to the Northern Rivers economy, industry and social fabric; and
- (e) congratulates the Lismore community on this significant historical milestone and offers our best wishes for the continued success of the city and its residents.

Motion agreed to.

*Documents***POWERHOUSE PARRAMATTA****Production of Documents: Order**

Mr DAVID SHOEBRIDGE (10:04): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2020 in the possession, custody or control of the Treasury, the Department of Premier and Cabinet, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, Department of Planning, Industry and Environment, or Infrastructure NSW relating to the construction of the Parramatta Powerhouse museum:

- (a) all documents relating to the tender and or contract for the construction of the Parramatta Powerhouse museum including correspondence, tenders, proposals/submissions, and contracts;
- (b) all presentations, advice, diary notes, diary appointments, contracts, meeting requests, sent to or from Lendlease and Richard Crookes;
- (c) all documents relating to any change made to the Parramatta Powerhouse museum design before or after the acceptance of the Lendlease tender and or contract to construct the Parramatta Powerhouse museum; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Motion agreed to.

*Motions***KOORI MAIL INDIGENOUS ART AWARD**

The Hon. BEN FRANKLIN (10:04): I move:

- (1) That this House notes that:
 - (a) 49 finalists have been selected for the inaugural Koori Mail Indigenous Art Award 2021;
 - (b) the Koori Mail Indigenous Art Award is a new art prize for Aboriginal and Torres Strait Islander artists and encourages entries from established, mid-career and emerging Indigenous artists from across the country, working in any medium;
 - (c) the 49 finalists come from every State and Territory in Australia;
 - (d) the prize has been made possible by the *Koori Mail*, a fortnightly national newspaper that reports on issues important to Indigenous Australians, which is jointly owned by five Aboriginal organisations in Bundjalung country on the Northern Rivers of New South Wales; and
 - (e) the exhibition will be held at the Lismore Regional Gallery from 4 December 2021, when the winner will be announced, to 30 January 2022.
- (2) That this House congratulates all of finalists on their exceptional works and wishes each of them the best of luck for the award and their futures.

Motion agreed to.

NORTHERN RIVERS REGIONAL BUSINESS AWARDS

The Hon. BEN FRANKLIN (10:05): I move:

- (1) That this House:
 - (a) notes the Northern Rivers Regional Business Awards were held on 23 October 2021;
 - (b) acknowledges that due to COVID-19, the awards were not able to go ahead as usual but were livestreamed online;
 - (c) acknowledges the work of Business NSW in showcasing the importance of regional businesses and their contribution to the Far North Coast community; and
 - (d) congratulates the following winners and recipients of awards:
 - (i) Agriculture and Primary Industries – Winner: Serendip Plantation;
 - (ii) Business and Professional Services – Winner: Wild Honey Creative;
 - (iii) Health, Care and Wellness Industries – Winner: AirPhysio;
 - (iv) Retail and Personal Services – Winner: Lazuli and Co;
 - (v) Tourism and Visitor Experiences – Winner: Potager – A Kitchen Garden;
 - (vi) Trade Construction and Manufacturing – Winner: SimplyClean;
 - (vii) Outstanding Community Organisation – Winner: Friends of the Koala;
 - (viii) Outstanding Employee – Winner: Angela Bontea, CASPA Services;

- (ix) Outstanding Young Business Leader – Winner: Levi Loughlin, Herne's Security;
- (x) Outstanding Business Leader – Winner: Diana Scott, Frontier Pets;
- (xi) Outstanding Start Up – Winner: The Myrtle Trading Co;
- (xii) Outstanding Local Chamber – Winner: Grafton Chamber of Commerce;
- (xiii) Employer of Choice – Winner: Connect Business Solutions;
- (xiv) Excellence in Innovation – Winner: Fliteboard;
- (xv) Excellence in Micro Business – Winner: Tweed Real Food;
- (xvi) Excellence in Small Business – Winner: SimplyClean;
- (xvii) Excellence in Business – Winner: Norco Co-operative;
- (xviii) Excellence in Export – Winner: OZGANICS Australia;
- (xix) Excellence in Sustainability – Winner: Santos Organics; and
- (xx) Business of the Year – Winner: SimplyClean.

- (2) That this House wishes all finalists the best of luck in the State Business Awards on Friday 26 November 2021.

Motion agreed to.

WORLD WETLANDS DAY

The Hon. PENNY SHARPE (10:05): I move:

- (1) That this House notes that 2 February 2021 is World Wetlands Day, a day to acknowledge the ecological importance of our wetlands and commit to protect their biodiversity.
- (2) That this House further notes that:
- (a) New South Wales wetlands provide critical habitat for water birds, native fish, reptiles, mammals, frogs, insects, plants and more;
 - (b) the wetlands of New South Wales are under extreme stress after prolonged drought, water mismanagement and climate change;
 - (c) the *NSW State of the Environment* report shows that all three environmental trends for our wetlands are getting worse, including waterbird abundance and diversity, which has a status of poor; and
 - (d) the estimated wetland area in eastern Australia has also declined 85 per cent since 1984.
- (3) That this House calls on the Government to urgently intervene to protect, rehabilitate and increase our wetlands in New South Wales to protect the future of wetland biodiversity across our State.

Motion agreed to.

COVID-19 AND PEOPLE WITH DISABILITY

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

- (1) That this House notes that:
- (a) 3 December 2021 is International Day of People with Disability with the theme "Leadership and participation of persons with disabilities toward an inclusive, accessible and sustainable post-COVID-19 world"; and
 - (b) the COVID-19 pandemic has had a particularly negative impact on people with disability.
- (2) That this House further notes that in mid-2020, People with Disability Australia surveyed people with disability about their experiences during the pandemic and found that many:
- (a) incurred increased expenses, including for groceries and other essentials;
 - (b) experienced changed or reduced supports, including NDIS supports; and
 - (c) experienced a benefit from increased access to telehealth for GP, allied health, specialist and mental health support.
- (3) That this House calls on the New South Wales and Federal governments to ensure the COVID-19 recovery is accessible to and inclusive of people with disability.

Motion agreed to.

INTERNATIONAL VOLUNTEER DAY

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

- (1) That this House notes that 5 December 2021 is International Volunteer Day, a unique chance to celebrate the integral role volunteers play in their local communities and thank them for the time and effort they dedicate to their important roles.
- (2) That this House further notes that:

- (a) the conservation of the New South Wales natural environment relies on the tireless work of volunteers; and
- (b) New South Wales volunteers work in important environmental programs which:
 - (i) facilitate bushfire recovery;
 - (ii) conserve and rehabilitate native habitat;
 - (iii) rescue and rehabilitate animals;
 - (iv) contribute to scientific research;
 - (v) remove litter and other pollution;
 - (vi) educate communities;
 - (vii) campaign on environmental issues; and
 - (viii) provide advice to government.
- (3) That this House thanks the environmental volunteers of New South Wales and commends them for the important work they do for our natural environment.

Motion agreed to.

WORLD AIDS DAY

The Hon. PENNY SHARPE (10:08): I move:

- (1) That this House notes that:
 - (a) 1 December 2021 is World AIDS Day, a day to raise awareness around the world and in the community about HIV and AIDS;
 - (b) on World AIDS Day, we show our support for people living with HIV and commemorate people who have died of AIDS-related conditions or other conditions associated with HIV;
 - (c) the 2021 theme of World AIDS Day in Australia is "40 years of HIV – where to next?";
 - (d) in recent years, there have been a number of innovations in HIV prevention and treatment, including pre-exposure prophylaxis [PrEP], which is estimated to reduce the risk of contracting HIV by around 99 per cent; and
 - (e) everyone has a role in educating themselves and others about HIV and taking action to:
 - (i) promote HIV prevention strategies; and
 - (ii) ensure people living with HIV can participate fully in their communities, free from stigma and discrimination.
- (2) That this House commits to:
 - (a) promoting truthful information about HIV and AIDS; and
 - (b) taking efforts to destigmatise HIV so that people with HIV can live free from stigma and discrimination.

Motion agreed to.

Documents

FLOOD EVACUATION ROAD UPGRADES

Production of Documents: Order

The Hon. JOHN GRAHAM (10:08): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created or modified since 1 February 2017 in the possession, custody or control of the Premier, Infrastructure NSW, the Department of Premier and Cabinet, the Minister for Transport and Roads, or Transport for NSW relating to flood evacuation road upgrades or projects:

- (a) all documents, reports, records, presentations, assessments, modelling, analysis, business cases, briefs, or cost-benefit assessments, relating to any potential or possible flood evacuation road upgrades or projects, in the Hawkesbury-Nepean Valley, Hawkesbury, Penrith, Nepean, or any surrounding areas; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Motion agreed to.

Motions

MORPETH BICENTENARY

The Hon. TAYLOR MARTIN (10:09): I move:

- (1) That this House notes that:
 - (a) on Sunday 21 November 2021, Morpeth Bridge was illuminated in bright lights to commemorate the 200th anniversary of the founding of the township of Morpeth;
 - (b) the township of Morpeth was founded by Lieutenant Edward Charles Close who developed his property as a river port and was also a member of the Legislative Council from 1829-1839;
 - (c) the bicentenary celebrations of Morpeth, originally known by its Aboriginal name 'Illalaung' on the traditional land of the Wonnarua people, will be held in November 2022 as a result of being deferred due to the COVID-19 pandemic; and
 - (d) the bicentenary celebrations will include a number of grants and projects from Maitland City Council, a Corroboree on 19 November 2022 and a Bridge Open Day on 20 November 2022.
- (2) That this House congratulates the Morpeth Bicentenary Working Group on its preparations for the bicentenary celebration and wishes Morpeth every success for the event.

Motion agreed to.

Committees

SELECT COMMITTEE ON PUPPY FARMING IN NEW SOUTH WALES

Establishment, Membership, Chair and Deputy Chair

The Hon. MICK VEITCH (10:09): I seek leave to amend private members' business item No. 1560 by inserting into paragraph (1) "(a) the provisions of the Companion Animals Amendment (Puppy Farms) Bill 2021" and by omitting paragraph (3) and inserting instead "(3) That the Chair of the committee be Mr Veitch and the Deputy Chair be Ms Hurst".

Leave granted.

The Hon. MICK VEITCH: Accordingly, I move:

- (1) That a select committee be established to inquire into and report on puppy farming in New South Wales, and in particular:
 - (a) the provisions of the Companion Animals Amendment (Puppy Farms) Bill 2021;
 - (b) the animal protection issues associated with puppy farming;
 - (c) the consumer protection issues associated with the sale of dogs from puppy farms online and in pet shops;
 - (d) the adequacy of the current legislative and enforcement framework, including the Animal Welfare Code of Practice - Breeding of Dogs and Cats;
 - (e) the extent to which the recommendations of the 2015 Joint Select Committee on Companion Animal Breeding Practices in New South Wales have been implemented by the New South Wales Government;
 - (f) the impact of the New South Wales Government Consultation Paper 'Licensing and regulation of cat and dog breeders';
 - (g) the impact and effectiveness of the New South Wales Government "Puppy Factory Taskforce" announced on 23 October 2020;
 - (h) the impact and effectiveness the Domestic Animals Amendment (Puppy Farm and Pet Shops) Act 2017 (Vic) on puppy farming in Victoria, and the consequences for the puppy farming industry in New South Wales;
 - (i) the challenges faced by local councils in respect to development applications for puppy farms;
 - (j) legislative and other measures that could be implemented to stop or reduce puppy farming in New South Wales; and
 - (k) any other related matter.
- (2) That, notwithstanding anything to the contrary in the standing orders, the committee consist of eight members comprising:
 - (a) three Government members;
 - (b) two Opposition members; and
 - (c) three crossbench members, including Ms Hurst and Ms Boyd.
- (3) That the Chair of the committee be Mr Veitch and the Deputy Chair be Ms Hurst.
- (4) That, unless the committee decides otherwise:
 - (a) submissions to inquiries are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration;
 - (b) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement;

- (c) the sequence of questions to be asked at hearings is to alternate between Government, Opposition and crossbench members, in order determined by the committee, with equal time allocated to each;
- (d) transcripts of evidence taken at public hearings are to be published;
- (e) supplementary questions are to be lodged with the Committee Clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness; and
- (f) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.

Motion agreed to.

REGULATION COMMITTEE

Reference

The Hon. MICK VEITCH (10:10): I move:

- (1) That this House note that in its report entitled *Making of delegated legislation in New South Wales*, dated October 2020, the Regulation Committee recommended in Recommendation 2 that the Attorney General consider referring to the NSW Law Reform Commission the following terms of reference:
 1. Pursuant to section 10 of the Law Reform Commission Act 1967, the NSW Law Reform Commission is to review and report on:
 - (a) the extent and use of delegated legislative powers in New South Wales;
 - (b) powers and safeguards relating to delegated legislation in other jurisdictions; and
 - (c) suggestions for improvements in the use of delegated legislative powers to prevent executive overreach.
 2. In particular, the Commission is to consider:
 - (a) the merits of extending statutory provisions regarding disallowance and committee scrutiny to all instruments of a legislative character including quasi legislation;
 - (b) the adequacy of current requirements for consultation in the development of delegated legislation;
 - (c) the need to ensure that all forms of delegated legislation can be easily accessed by the public as soon as they commence;
 - (d) the need for additional safeguards in relation to the use of Henry VIII provisions, shell legislation and quasi legislation;
 - (e) the merits of consolidating into a single statute the Subordinate Legislation Act 1989, the Legislation Review Act 1987 and the relevant provisions of the Interpretation Act 1987;
 - (f) the merits of adopting a comprehensive statutory framework for primary and secondary legislation similar to the Legislative Standards Act 1992 (Qld);
 - (g) the merits of extending the time limits for the disallowance of delegated legislation;
 - (h) the merits of extending the four-month time limit on remaking a disallowed statutory rule; and
 - (i) any other matters the Commission considers relevant.
- (2) That this House notes the Government's response to the Regulation Committee's report, dated 19 April 2021, in which Recommendation 2 was not supported.
- (3) That, in the absence of a referral by the Attorney General to the NSW Law Reform Commission, this House:
 - (a) refer the Regulation Committee's report and evidence back to the committee for further inquiry and report into options for reform of the management of delegated legislation in New South Wales; and
 - (b) authorise the committee to engage an external legal adviser to assist the committee in its inquiry into options for reform of the management of delegated legislation in New South Wales.
- (4) That the committee commence its inquiry in February 2022 and report by the first sitting day in August 2022.

Motion agreed to.

Motions

WOMEN'S COMMUNITY SHELTERS

The Hon. MARK BUTTIGIEG (10:11): On behalf of the Hon. Anthony D'Adam: I move:

That this House:

- (a) commends the work of Women's Community Shelters, an Australian charity working with local communities to set up new crisis accommodation shelters for women and children experiencing homelessness or domestic and family violence;

- (b) congratulates and recognises the expansion of the Women's Community Shelter network with the upcoming opening of a new shelter, Biyani House at Revesby; and
- (c) recognises the outstanding contribution of the Biyani House Revesby Women's Shelter board and staff.

Motion agreed to.

Documents

CROWN TOWERS, BARANGAROO

Production of Documents: Order

The Hon. MARK BUTTIGIEG (10:11): On behalf of the Hon. Anthony D'Adam: I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2014 in the possession, custody or control of the Department of Premier and Cabinet, Premier or Infrastructure NSW relating to discussions about the sight lines for the proposed Crown Towers at Barangaroo between Infrastructure NSW, Crown Sydney Property (Crown) and Lendlease (Millers Point) (Lendlease):

- (a) all documents, including correspondence, submissions and proposals relating to the negotiation of a development agreement between Infrastructure NSW, Crown and Lendlease;
- (b) the development agreement between Infrastructure NSW and Lendlease, including all draft versions with amendments and edits; and
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Motion agreed to.

PARK'NPAY APP

Production of Documents: Further Order

The Hon. MARK BUTTIGIEG (10:12): On behalf of the Hon. Anthony D'Adam: I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2019, excluding any documents previously returned under an order of this House, in the possession, custody or control of the Minister for Customer Service, Minister for Local Government, Department of Customer Service and the Office of Local Government:

- (a) all documents relating to the Park'nPay app, Duncan Solutions Australia, Reino International Pty Ltd or other app-based parking solution; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Motion agreed to.

LOAD-BASED LICENSING SCHEME

Production of Documents: Order

Ms ABIGAIL BOYD (10:12): I seek leave to amend private members' business item No. 1568 by omitting "21 days" and inserting instead "28 days"; omitting paragraph (b); and omitting paragraph (c) and inserting instead "(b) the briefing notes for any meeting about the review of the load-based licensing scheme from the Department of Planning, Industry and Environment or the Environment Protection Authority;".

Leave granted.

Ms ABIGAIL BOYD: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents, in electronic format if possible, in the possession, custody or control of the Minister for Energy and Environment, Department of Planning, Industry and Environment or the Environment Protection Authority relating to the review of the load-based licensing scheme:

- (a) all correspondence with any person or body representing Delta Electricity, Sunset Power International, AGL Macquarie, Energy Australia New South Wales or Origin Energy regarding the review of the load-based licensing scheme;
- (b) the briefing notes for any meeting about the review of the load-based licensing scheme from the Department of Planning, Industry and Environment or the Environment Protection Authority;
- (c) all responses to the 2014 survey sent to the 167 organisations that held the 250 licences in the load based licensing scheme at that time; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Motion agreed to.

*Motions***SIMPLE PLEASURES PHOTO COMPETITION**

The Hon. BEN FRANKLIN (10:13): I move:

That this House:

- (a) notes that the Simple Pleasures Photo Competition was established in 2005 to showcase Brunswick Heads from the community's point of view;
- (b) notes that this year's theme was "Bruns in Focus" and there were over 200 entries;
- (c) notes that a selection of entries are chosen each year for a calendar and postcard series;
- (d) acknowledges that COVID-19 meant the competition, including judging, was fully virtual in 2021; and
- (e) congratulates all finalists and the 2021 winner, Mark Seiffert, for his photo of his bicycle at a stormy Bruns Beach.

Motion agreed to.

MRS MARTY MORRISON

The Hon. SHAOQUETT MOSELMANE (10:14): I move:

- (1) That this House notes:
 - (a) with sadness the passing, on 2 September 2021, of human rights and peace activist, Mrs Marty Morrison;
 - (b) that Mrs Morrison was a remarkable woman, a woman of compassion and generosity who campaigned for human rights and an end to discrimination and oppression in all its forms;
 - (c) that Ms Morrison was a stalwart of the Marrickville Peace Group [MPG], a tireless campaigner and an inspiration to members and peace advocates;
 - (d) that her life spanned many roles and countries—including being the spouse of former Australian Cabinet Minister, the late William Morrison, who served in the Whitlam Government as Minister for Defence, Minister for External Territories, Minister for Science, Minister Assisting the Minister for Foreign Affairs in matters relating to Papua New Guinea and Minister Assisting the Minister for Foreign Affairs in matters relating to the Islands of the Pacific;
 - (e) that Ms Morrison was also a much loved teacher who taught migrants and refugees and was a life member of the NSW Teachers Federation. She was a committed refugee advocate and an active member of NSW Grandmothers for Refugees and Rural Australians for Refugees; and
 - (f) that Mrs Morrison travelled to the West Bank and joined a Palestine solidarity group as a volunteer to stand with other peaceful protestors.
- (2) That this House acknowledges the efforts of Mrs Marty Morrison in human rights and peace campaigns and extends its condolences to her family, loved ones and friends on the loss they have sustained.

Motion agreed to.

MS JANET VENN-BROWN

The Hon. SHAOQUETT MOSELMANE (10:14): I move:

- (1) That this House notes:
 - (a) with sadness the passing, on Friday 6 August 2021, at the age of 96 of the Australian painter and activist Ms Janet Venn-Brown, an eminent artist, patron of Italy, and supporter of Palestine;
 - (b) that Ms Venn-Brown was born on 14 October 1924 in Drummoyne as the third of four siblings and was educated at the Presbyterian Ladies' College Sydney and that whilst at PLC she studied art under the influential Australian artist Adelaide Perry;
 - (c) that Ms Venn-Brown then began working with publisher Sam-Ure Smith and studying art under Italian-born Tuscan painter and teacher Professor Giovanni Bissetta at the "ADR Art School" in Pitt Street;
 - (d) that she left Sydney to travel and live in Europe, mostly in Rome, for up to almost 50 years and that two years after her arrival in Rome, she met the love of her life, Wael Zuaiter, a Palestinian translator and spent seven joyful years with her Palestinian partner, sharing literary interests, love of fine music, painting and opera;
 - (e) that the two were set to be married but tragically her partner was assassinated on 19 October 1972 and that, beset by grief and cared for by family, Janet Venn-Brown completed what was one of her proudest achievements, a book called *For a Palestinian: A Memorial to Wael Zuaiter*, containing a series of reflections by global public intellectuals who knew Wael;
 - (f) that after Zuaiter's death she became very involved in the Palestinian cause and spent the next decade touring Arab nations, her painting career continued, specialising in architectural exteriors and domestic interiors, she returned to Australia to be closer to family in 2008, and in the following years she painted Glebe interiors, attended Palestinian demonstrations for the Women in Black group outside the Sydney Town Hall, and regularly kept in contact with her friends in Italy; and

- (g) that the National Library of Australia has saved a selection of Ms Venn-Brown's papers, diaries, letters and paintings.
- (2) That this House acknowledges the work of Ms Venn-Brown and extends its condolences to her family, loved ones and friends on the loss they have sustained.

Motion agreed to.

EMERITUS PROFESSOR JOHN HALDEN WOOTTEN, AC, QC

The Hon. SHAOQUETT MOSELMANE (10:15): I move:

- (1) That this House notes:
 - (a) with sadness the passing, on Tuesday 27 July 2021, at the age of 98 of Emeritus Professor John (Hal) Halden Wootten, AC, QC, the founding Dean of the University of NSW's Law Faculty and an eminent leader in Australian and international legal, political and social justice spheres;
 - (b) that Emeritus Professor Wootten was born to a lower-middle-class family of dairy farmers in the North Coast region of New South Wales;
 - (c) that he was educated at Sydney Boys High School, graduating in the class of 1939, at the University of Sydney, from 1940 to 1945 where he earned a BA and the Sydney Law School, then the only law school in New South Wales, where he earned an LLB;
 - (d) that during his University studies, he commenced working in the State Crown Solicitor's Office and was later appointed to Sydney law firm Minter, Simpson & Co, later merged with the Melbourne law firm Ellison, Hewison & Whitehead to form Minter Ellison;
 - (e) that in 1949, he was called to the bar in New South Wales but did not commence practising as a barrister until 1951 and in 1966 took silk;
 - (f) that, on 13 July 1964, the UNSW Council approved the creation of the UNSW Faculty of Law and on 24 January 1966, the Foundation Chair of Law was created, with the appointee to also be the Founding Dean of the Faculty of Law and that, on 8 September 1969, Emeritus Professor Wootten was appointed to this position where, in 1971, he would oversee the first teaching classes in the faculty, and his progressive vision for legal education inspired generations of staff and students to "live greatly in the law";
 - (g) that he was appointed a puisne judge of the Supreme Court of New South Wales in 1973, serving until 1983; and
 - (h) that Emeritus Professor Wootten also spearheaded numerous human rights and social justice initiatives, including:
 - (i) helping to establish the Aboriginal Legal Service in 1970 becoming its first President;
 - (ii) revitalising LawAsia, encouraging best practice in newly independent Asian countries;
 - (iii) Chair of the Australian Conservation Foundation;
 - (iv) Royal Commissioner into Aboriginal Deaths in Custody;
 - (v) Chair of the Australian Press Council 1984-1986;
 - (vi) being an active supporter of the Palestinian cause, visiting Palestinian law schools and subsequently organising a visit from heads of Palestinian law schools to Australia;
 - (vii) founding a PhD program for Palestinian law graduates to complete postgraduate studies in Australia and being a strong supporter of the Palestinian Film Festival in Australia; and
 - (viii) being appointed, in 1990, a Companion of the Order of Australia for "service to human rights, to conservation, to legal education and to the law" and in 1994 was awarded an honorary LL.D. in recognition of his services to the law and the UNSW Faculty of Law.
- (2) That this House acknowledges the extraordinary contribution Emeritus Professor Wootten made to Australia and internationally as a Barrister, Legal Educator, Supreme Court Judge, Aboriginal Rights, Human Rights and Social Justice campaigner and extends its condolences to his family, loved ones and friends on the loss they have sustained.

Motion agreed to.

Documents

DARLING SYSTEM AND SNOWY MOUNTAINS SCHEME REPORTS

Production of Documents: Order

Ms CATE FAEHRMANN (10:16): I seek leave to amend private members' business item No. 1576 outside the order of precedence by omitting "7 days" and inserting instead "14 days".

Leave granted.

Ms CATE FAEHRMANN: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents in the possession, custody or control of the Department of Planning, Industry and Environment, the Minister

for Water, Property and Housing, or the Treasurer, and Minister for Energy and Environment relating to Darling system and Snowy Mountains Scheme reports:

- (a) the Murray Darling Basin Authority report entitled *Darling system long-term hydrograph trends and drivers of change*, dated July 2017;
- (b) the Snowy Mountains Scheme Augmentation Ranking Study (Dunn 1991); and
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Motion agreed to.

Motions

PORT MACQUARIE CRITICAL KOALA HABITAT

Ms CATE FAEHRMANN (10:16): I move:

- (1) That this House notes that:
 - (a) the inquiry into koala populations and habitat in New South Wales found that without significant intervention koalas are likely to become extinct by 2050, with their populations dropping by one third between 1990 and 2010 and the Black Summer Bushfires burning 49 per cent of koala habitat in northern New South Wales;
 - (b) the koala habitat on 147 Ruins Way, Port Macquarie is one of the last significant koala breeding grounds on the mid north coast supporting the genetic diversity of the region's koala populations and is the largest piece of privately owned unburnt core koala habitat east of the Pacific Highway;
 - (c) the site was identified by the former Office of Environment and Heritage as an Area of Local Koala Significance in 2018;
 - (d) several other threatened species including the Swift Parrot, the Regent Honeyeater and species such as the Square-tailed Kite, Little Lorikeet, Varied Sitella, Glossy-Black Cockatoo and Grey-headed Flying Fox can all be found on the site;
 - (e) the 200 hectare property is currently on the market for residential development; and
 - (f) on 11 August 2021, Port Macquarie News reported that the member for Port Macquarie, Ms Leslie Williams, MP, had written to the Hon. Matt, Kean MP, Treasurer, and Minister for Energy Environment, requesting the Government purchase the land in order to protect the local koala population.
- (2) That this House calls on the Government to urgently investigate all options to purchase this land for the purposes of establishing a koala conservation zone to help achieve the Government's goal of doubling the koala population by 2050.

Motion agreed to.

Documents

KANGAROO HARVEST MANAGEMENT PLANS

Production of Documents: Order Amended

The Hon. MARK PEARSON (10:17): I move:

That the resolution of the House of Wednesday 17 November 2021, under Standing Order 52, relating to compliance with Kangaroo Harvest Management plans be amended by omitting "Kangaroo Harvest Management plans" wherever occurring and inserting instead "Kangaroo Management Programs".

Motion agreed to.

MUDGEES RACE CLUB

Production of Documents: Order

The Hon. COURTNEY HOUSSOS (10:18): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created between 1 January 2014 and 1 May 2020 in the possession, custody or control of the Minister for Better Regulation and Innovation, Minister for Police and Emergency Services, the Department of Customer Service (Office of Racing), Racing NSW, or the NSW Police Force relating to the Mudgee Race Club:

- (a) all reports, findings, correspondence, briefing notes and file notes, relating to audits or investigations into the financial management of the Mudgee Race Club;
- (b) all emails, including archived emails and attachments, between former Minister, the Hon. Troy Grant, and any member of Racing NSW relating to audits or investigations into the financial management of the Mudgee Race Club between 1 January 2014 and 2 April 2019;
- (c) all records and correspondence relating to the decision to cease the police investigation into the Mudgee Race Club; and
- (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Motion agreed to.**TABLING OF PAPERS**

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

- (1) Annual Reports (Departments) Act 1985—Reports for year ended 30 June 2021:
Crown Solicitor's Office
Valuer General NSW
- (2) Annual Reports (Statutory Bodies) Act 1984—Reports for year ended 30 June 2021:
Aboriginal Housing Office
Cemeteries and Crematoria NSW
Cobar Water Board
Dams Safety Committee
Dumaresq-Barwon Border Rivers Commission
Greyhound Racing New South Wales
Long Service Corporation
NSW Architects Registration Board
NSW Skills Board
NSW Trustee and Guardian, incorporating report of the Public Guardian
Professional Standards Council
Property NSW
Rental Bond Board
Teacher Housing Authority of New South Wales
Technical and Further Education Commission (TAFE)
Waste Assets Management Corporation
- (3) Anti-Discrimination Act 1977—Report of the Anti-Discrimination Board of New South Wales for year ended 30 June 2021.
- (4) Civil and Administrative Tribunal Act 2013—Report of NSW Civil and Administrative Tribunal for year ended 30 June 2021.
- (5) Director of Public Prosecutions Act 1986—Report of Office of the Director of Public Prosecutions for year ended 30 June 2021.
- (6) Greyhound Racing Act 2017—Report of the Greyhound Welfare and Integrity Commission for year ended 30 June 2021.
- (7) Harness Racing Act 2009—Report of the Harness Racing New South Wales for year ended 30 June 2021.
- (8) Judicial Officers Act 1986—Report of the Judicial Commission of New South Wales for year ended 30 June 2021.
- (9) Legal Aid Commission Act 1979—Report of Legal Aid Commission of New South Wales for year ended 30 June 2021.
- (10) Legal Profession Uniform Law Application Act 2014—Reports for year ended 30 June 2021:
Law Society of New South Wales
Office of Legal Services Commissioner
New South Wales Bar Association
Report of Legal Services Council for year ended 30 June 2021, incorporating report of Commissioner for Uniform Legal Services Regulation Office of the Legal Services Commissioner
- (11) Thoroughbred Racing Act 1996—Report of Racing New South Wales for year ended 30 June 2021.
- (12) Water Industry Competition Act 2006—Report of Independent Pricing and Regulatory Tribunal entitled "Licence compliance under the Water Industry Competition Act 2006 (NSW), Report to the Minister, Water – Annual Compliance Report", dated October 2021.

I move:

That the reports be printed.

Motion agreed to.

*Ministerial Statement***CLOSING THE GAP AGREEMENT**

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (10:23): I acknowledge the traditional custodians of the land on which we meet and pay my respects to the Gadigal people. I extend my respect to their Elders past and present and to any Aboriginal and Torres Strait Islander people in the parliamentary precinct with us today. Today it is my privilege as Aboriginal affairs Minister to provide the House with the first update on the progress of the 2021-22 *NSW Implementation Plan for Closing the Gap*. I take this brief opportunity to pay tribute to our colleague the Hon. Peter Poulos, who made his inaugural speech last night and gave a heartfelt shout-out to the importance of addressing the inequality between Aboriginal and other Australians and the importance of closing the gap. I congratulate the Hon. Peter Poulos.

From next year, an annual report will also be tabled in this place. I remind the House of the significance of the National Agreement on Closing the Gap. As members will be aware, despite numerous efforts, we are yet to see lasting improvements and a genuine shift towards ensuring that our Aboriginal people and communities in New South Wales are on the same trajectory as the rest of our population. A new approach was needed, one that embedded partnership with Aboriginal people and communities and enabled genuine shared decision-making. On 30 July 2020 the current 10-year national agreement was signed by all Australian governments, alongside the Coalition of Aboriginal Peak Bodies, which is made up of key groups representing Aboriginal service providers and communities from across the country. A strong partnership was needed to tackle the deep-rooted causes of Aboriginal disadvantage. That is what the National Agreement on Closing the Gap commits us to focus on. It ensures that accountability, responsibility and decision-making is shared between governments and Aboriginal people. The national agreement is ambitious but will realise change and achieve meaningful outcomes for Aboriginal people and communities.

For New South Wales, we have listened to Aboriginal communities. We are working in partnership with the NSW Coalition of Aboriginal Peak Organisations as cosignatories to implement the national agreement. This way of working provides the New South Wales Government with the means to learn from its partners and transform the way in which it works together by building on its strengths and shared decision-making. In New South Wales we have established a three-tiered governance structure with co-chairing and shared responsibilities with the NSW Coalition of Aboriginal Peak Organisations. These forums include senior representatives from all New South Wales government clusters, to ensure that whole-of-government accountability is embedded. This is a shift from business as usual. In addition to our NSW Coalition of Aboriginal Peak Organisations colleagues, we also have representatives from the NSW Coalition of Aboriginal Regional Alliances, Local Government NSW and the National Indigenous Australians Agency, ensuring that our focus is inclusive of Aboriginal people and communities who are at the heart of the national agreement. We will continue to strengthen our partnership over the life of the national agreement, as we work together to close the gap.

In June this year I had the privilege of standing before the House and releasing our first *NSW Implementation Plan for Closing the Gap*, capturing the 2021-22 period. The plan was developed in partnership with the NSW Coalition of Aboriginal Peak Organisations and other Aboriginal organisations and includes Aboriginal community voices heard during engagements in April 2021. It is a foundational plan and identifies where existing effort across government can contribute to closing the gap, as well as areas of focus under the priority reforms to make a lasting difference. It focuses on the four priority reform areas in the national agreement, along with an additional fifth priority which commits New South Wales to increasing opportunities and to improving employment, business growth and economic prosperity. Our starting point in 2021-22 has been to focus on the five priority reform areas, because we know that transforming the way in which governments work with Aboriginal communities is key to creating the change needed.

It is all well and good to have a plan, but we must embed accountability and monitor our progress against it. I am pleased to report that my ministerial colleagues and departmental officials have genuinely engaged with the process of closing the gap, adopting an approach that focuses not only on short-term but also longer-term impact. I commenced a series of quarterly progress meetings with Ministers, senior departmental officials and members of the NSW Coalition of Aboriginal Peak Organisations, with the aim of understanding progress, challenging the status quo and identifying areas where further work is needed. From the September discussions, it was evident that COVID-19 has had an impact on progress, delaying the ability to genuinely engage community on design or to implement certain initiatives. Despite this, there has been significant effort and adaptation to genuinely engage and work with the community to progress this.

To give an understanding of the progress made to date under the implementation plan, I inform the House that, under priority reform one, on shared decision-making, 13 officer-level working groups have been established. These are formal partnerships that comprise representatives from both government and the Aboriginal community.

These groups have been working in partnership since July 2021 to develop initiatives that the New South Wales Closing the Gap partnership supports as key in making a difference to shift the dial across the priority reforms and socio-economic outcomes. We are also progressing the very important work of the stocktake and health check of all existing partnerships in New South Wales. The scope and approach are being considered by the New South Wales Closing the Gap partnership with a view to formal commencement early in the new year.

Under priority reform two, on building the Aboriginal community-controlled sector, the New South Wales Government is also continuing to support Aboriginal community-controlled services. For the first time, NSW Treasury has undertaken an interim review of the New South Wales Government's expenditure on Aboriginal-specific programs and services, with a focus on providing the opportunity for clusters to invest through Aboriginal community-controlled organisations. We are the first State in the country to carry out this specific review. The review identifies \$1.1 billion that has been budgeted towards programs and services specific to Aboriginal and Torres Strait Islander people in 2021-22. It also raises several issues relating to data gaps and limitations, and a lack of program evaluations conducted on Aboriginal and Torres Strait Islander programs and services—an area that I acknowledge we must work on to ensure evaluations are included in future plans and strategies. I have also asked my ministerial colleagues to look at the programs and services for Aboriginal people and communities that their respective departments currently deliver to determine which initiatives should be enhanced, changed or stopped, using evaluation data. I thank the Treasurer and his team for their work on the *Interim Indigenous Expenditure Report*.

Under priority reform three, on transforming government organisations, the NSW Public Service Commission has worked closely with Aboriginal partners, including Stolen Generations survivors and their organisations, to roll out the Everyone's Business cultural awareness digital training package for the New South Wales public sector workforce. This supports the building of a trauma-informed and culturally capable workforce. The Department of Customer Service has released its Aboriginal Customer Engagement Strategy 2021-2025 to support and meet the needs of Aboriginal people who interact with the Department of Customer Service and to create a culturally safe environment to expand Aboriginal customer engagement. The department is further evaluating and refining the strategy through improved data collection and reporting and discussions with the NSW Coalition of Aboriginal Peak Organisations.

While we have responded effectively to the many challenges of the pandemic, we have also identified some areas where we need to improve. To that end, my department is exploring the lessons learnt from the COVID-19 response for Aboriginal people in New South Wales alongside other New South Wales government agencies and Aboriginal community leaders to inform how emergency management can better respond to the needs of Aboriginal communities, particularly in remote and rural communities. Under priority reform four, focusing on sharing data and information with community, under the leadership of my colleague Minister Hazzard, NSW Health has developed annual Aboriginal health dashboards to strengthen accountability for Aboriginal health in New South Wales.

The dashboards provide data on indicators of healthcare safety and quality; access to care; health of mothers, babies and children; and the workforce. However, there is still much to be done across government to improve data quality, data timeliness and the ability to analyse data at finer geographical scales. A data-sharing working group has been formed with New South Wales government data custodians and the NSW Coalition of Aboriginal Peak Organisations to improve the collection, availability, accessibility and analysis of data related to priority reforms and socio-economic targets in the national agreement. A community data-sharing project trial is underway in western Sydney to improve data sharing across all levels of government and inform local community investments, in partnership with the community.

Under the New South Wales specific priority reform five—focusing on employment, business growth and economic prosperity—I hosted the inaugural NSW Aboriginal Business Roundtable on 8 October 2021 where more than 30 Aboriginal businesses and business leaders from various industries gave generously of their time to share barriers to and opportunities for conducting business in New South Wales. What we heard on 8 October will contribute to our focus on this vital priority reform. In particular, Investment NSW is reviewing the New South Wales Business Concierge Service to ensure the service meets the needs of Aboriginal businesses. In addition, Destination NSW is partnering with the NSW Aboriginal Tourism Operators Council to deliver workshops for Aboriginal tourism businesses. Seven workshops are scheduled with around 300 participants registered.

These are highlights of our progress against the five priority reforms under the New South Wales implementation plan. There are many more examples across government and, as we continue the Closing the Gap reform program, we will take stock of the good work that is occurring in partnership with Aboriginal people, communities and their organisations across this State. But this is not enough. New South Wales can, and must, do better. Closing the gap drives us to think about and embed a new way of working for the future. To shift trajectories and work towards meeting the priority reforms and ambitious socio-economic targets under the national

agreement, we need to move beyond business as usual. The New South Wales partnership is currently developing our shared ideas for the future to take on this challenge. I look forward to the opportunity in future to update the House on further progress in closing the gap in New South Wales and demonstrating our commitment to achieving parity between Aboriginal and non-Aboriginal communities across our great State.

The Hon. WALT SECORD (10:37): As Labor spokesman on Aboriginal affairs and treaty in the Legislative Council, I respond to the ministerial statement by the Aboriginal affairs Minister on closing the gap and its progress on implementation. Before I begin, I acknowledge the traditional owners of the land on which we gather. I pay my respects to the Gadigal people of the Eora nation and extend those respects to Elders past and present and to all Aboriginal and Torres Strait Islander people who may be watching or with us today. I acknowledge my colleague the member for Wyong, and Labor's shadow Minister for Aboriginal Affairs and Treaty, for his support and guidance in this important area of public policy. His work in this area is genuine, sensitive and heartfelt. That is why NSW Labor offers its in-principle support to the objectives of the Minister's statement made today. NSW Labor hopes that the plan will herald a new approach that encourages partnership in a true sense with Aboriginal people in New South Wales. The Opposition also welcomes the Government's commitment to making public reports on progress and to holding regular reviews to make sure that the plan remains on track and delivers meaningful reform and outcomes.

In July 2020, NSW Labor committed to a national deadline of delivering the *Implementation Plan for Closing the Gap* by July 2021. Today, we heard an update on that, which is to be a road map for New South Wales to progress towards closing the gap. As the Minister said, there are five priority areas. They are formal partnerships and shared decision-making; building the community-controlled sector; transforming government organisations; shared access to data and information at a regional level; and economic prosperity, business growth and employment, which is an additional priority area for New South Wales. I also note that there are 17 specific targets, ranging from birth weights to incarceration rates to housing to suicide rates to educational achievement.

Members would be aware that in making this contribution and when speaking on Indigenous affairs I draw on my unusual family background. I grew up on an Indian reserve of the Mississaugas of the Credit First Nation in southern Canada, and my late father was a Mohawk-Ojibway First Nations man. I was educated on the New Credit and Six Nations Indian reserves. It is also on the public record that my father served time as a juvenile offender for car stealing. He became a teetotaler in his 20s after he met my mother, and that was his last brush with the law. But I stress that while my interest and experience in First Nation matters may be personally informed, it does not mean that I am espousing an empathy with Indigenous issues that is not open to other members in this Chamber. One does not need to be of Indigenous background to see clearly the many inequities and mistreatments of New South Wales' First Nation populations. I also acknowledge that it is often not possible to compare the experiences of First Nations peoples in Canada and Australia.

New South Wales faces very specific challenges in closing the gap. Sydney is one of Australia's biggest and fastest growing Indigenous population hubs. One in nine Indigenous Australians lives in Sydney, with the largest populations in western Sydney and on the Central Coast. Almost 5 per cent of the community in the Penrith local government area identify as First Nation. As the Minister said in his statement, there are so many areas where we need to refocus on closing the gap, for example, deaths in custody, vaccination rates, health outcomes, employment, home ownership, birth weights, suicide, languages, child protection, family violence and shared decision-making. Educational attainment has to be a key component, as it is a great leveller in an unfair society. I know that I would not be here if it were not for education lifting me out of disadvantage on an Indian reserve in Canada.

I also support a formal treaty with First Nations both at the State and Federal levels. I support enshrining an Indigenous voice in the Constitution that allows Aboriginal and Torres Strait Islander people to have specific representation when the Government and Parliament make decisions and laws that affect them. I also support truth-telling and confronting our nation's brutal history and past. We acknowledge that there is a role for symbolic recognitions, such as welcome to country, formal apologies and commemorations, but there must also be a practical track that improves health, social and educational outcomes. I emphasise one area highlighted recently, which is Aboriginal deaths in custody. When I arrived in Australia in September 1988, it was an area of public commentary, and in 1991 the Federal Government established the Royal Commission into Aboriginal Deaths in Custody. Sadly, we are still grappling with the same issue 33 years later.

More broadly, over-representation of Aboriginal people in our justice system remains a source of shame for this country. As of 31 October, there were 12,318 inmates in New South Wales. Of those, 801 were female inmates. Of the 12,318 inmates, 3,378 were First Nation. Of that figure, there were 3,101 First Nation men and 277 First Nation women. Those 277 First Nation women are within that total female prison population of 801 people, which means the New South Wales First Nation women prison population comprises almost 35 per cent of the total female prison population. Female First Nation imprisonment in New South Wales is

a national disgrace. First Nation women in New South Wales comprise 1.7 per cent of the population but more than a third, or 35 per cent, of the entire female prison population. How can this Government just ignore or shrug away this gross disparity?

Clearly, the lessons of 1991 have not been successfully implemented. That is why NSW Labor has consistently called for an investigation into the implementation of the recommendations of the royal commission into deaths in custody to ensure procedures are followed and correct training is provided for all employees. We are no closer to addressing the over-representation of First Nations people in the criminal justice system. This is a tragedy for which successive New South Wales governments must stand condemned. Since the royal commission handed down its findings in 1991, at least 476 First Nations people have died in custody nationally. This month, two First Nation men in New South Wales have died in custody: a Gomeroi man and a 26-year-old man who died in Cessnock prison recently. This tragically brings the number of deaths in custody in New South Wales to eight since March. As the shadow Minister for Police, I note that none of these deaths occurred in New South Wales police custody.

We have to face our failures. I have a passion for Australia and New South Wales taking a truthful approach to and examination of our past in order to better address the present and the future. This is critical to issues such as reconciling Australia's frontier wars, the role of policies such as forced removal of children, and various attempts at either cultural or actual genocide. I am proud to have worked for the Labor Government that led the nation in apologising on 18 June 1997 to the Stolen Generation for policies and practices. But we do not need to just look back; we need to look forward. A New South Wales Labor government pioneered the program of circle sentencing. Circle sentencing was only available to a defendant who had pleaded guilty and acknowledged their crime. Some time ago I had the privilege of attending a circle sentencing session in Kempsey. Originally a Canadian concept, it involves convening a sentencing in an Indigenous community environment. Today, it is available in 12 local courts, and a 2020 study from Bureau of Crime Statistics and Research has found a clear pattern of lower rates of imprisonment and recidivism from circle sentencing.

I highlight these two examples to show how taking an honest approach to where white Australia has failed also creates the trust needed to work with Aboriginal Australia to make real and lasting improvements. That is why I am supportive of the Government's weekend announcement of moves towards establishing a pilot program for an Indigenous Walama Court, where Elders and respected community members are included in sentencing decisions for Aboriginal offenders. I understand that the trial, starting in February 2022, will run for a week each month and will accommodate up to 50 Indigenous participants at a time. Offenders must have pleaded guilty to participate. Some serious violent and sexual offences are excluded from the pilot. Offenders will be drawn from the Sydney, Parramatta, Penrith and Campbelltown district courts. Labor has been advocating for this system since 2019.

New South Wales has urged the Government to do better. It has called on the State Government to come back to the table on the remaining recommendations involving deaths in custody and to work with the Opposition to deliver real reform. The Perrottet Government must work harder to reduce the numbers of Aboriginal people in custody through alternative programs. But if Indigenous people are incarcerated, then we must have robust systems in place to ensure their health. This includes mental health and cultural training for staff and monitoring and support for Aboriginal people while incarcerated.

While many of the recommendations in this report deal with the symptoms of over-representation of First Nations people in custody, it is clear that the Government must also address the multi-generational disadvantage that First Nations people have faced over time in areas such as health, housing, employment and education, and the historical dispossession and systemic racism that underscores each First Nation person's experience with the criminal justice system. Again, our ability to be honest about where and why we have failed First Nations will define our capacity to engage with First Nation Australians on real and lasting improvements. On this note, I again draw the House's attention to the words of Charles Lynch from the NSW Aboriginal Land Council, who is co-chair of the NSW Coalition of Aboriginal Peak Organisations. He said:

For too long, policy failed because Governments focused on doing things to or for Aboriginal people, rather than with us.

I have seen firsthand how the outcomes are far better when Aboriginal people are included and have a real say in the design and delivery of services that impact on them. We must reduce incarceration rates, especially for Indigenous women. We must also close the education gap and improve Aboriginal health outcomes. But Aboriginal people need to be at the centre of our response. The gap will not close without their full involvement. Labor will always take a bipartisan approach on Aboriginal affairs, but we will be monitoring to ensure that there is proper implementation. Sadly, governments of all political persuasions must not repeat the mistakes of the past. As the Labor Government did all the way back in 1997 when we apologised to the Stolen Generations, it is now incumbent upon us again not to look back but forward and to be bold. I thank the House for its consideration.

*Business of the House***SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS**

The Hon. SHAYNE MALLARD: I move:

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

Motion agreed to.

ORDER OF BUSINESS

The Hon. SHAYNE MALLARD: I move:

That the order of private members' business for Wednesday 24 November and Thursday 25 November be as follows:

- (1) Private members' business item No. 1479 standing in the name of the Hon. Penny Sharpe relating to the Climate Change (Emissions Targets) Bill 2021.
- (2) Private members' business item No. 1541 standing in the name of the Hon. Penny Sharpe relating to an order for papers regarding budget estimates 2021-2022 hearings.
- (3) Private members' business item No. 254 standing in the name of Ms Cate Faehrmann relating to the Pill Testing Bill 2019.
- (4) Private members' business item No. 1564 standing in the name of the Hon. Rod Roberts relating to an order for papers regarding the arrest, charging and detention of Mr Luke Moore on 25 February 2021.
- (5) Private members' business item No. 1488 standing in the name of the Hon. Mark Banasiak relating to the behaviour of members on 11 November 2021.
- (6) Private members' business item No. 1532 standing in the name of the Hon. Penny Sharpe relating to an order for papers regarding the Regional Road Transfer and NSW Road Classification Review.
- (7) Private members' business item No. 1554 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding the commencement of the Treasurer and Minister for Transport and Roads.
- (8) Private members' business item No. 587 standing in the name of Ms Abigail Boyd relating to the Anti-Discrimination Amendment (Sex Workers) Bill 2020.
- (9) Private members' business item No. 1556 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding the gig economy.
- (10) Private members' business item No. 1555 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding the Western Parkland City Authority.
- (11) Private members' business item No. 1579 standing in the name of Mr Justin Field relating to an investigation into money laundering through poker machines.
- (12) Private members' business item No. 772 standing in the name of the Hon. Emma Hurst relating to the Companion Animals Amendment (Puppy Farms) Bill 2021.
- (13) Private members' business item No. 1559 standing in the name of the Hon. Mick Veitch relating to Aboriginal cultural fishing.
- (14) Private members' business item No. 1333 standing in the name of the Hon. Robert Borsak relating to an order for papers regarding NSW Firearms Registry training.
- (15) Private members' business item No. 1585 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding Manning Base Hospital and Hunter New England LHD clinical services plan.
- (16) Private members' business item No. 1587 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding grant or funding program correspondence.
- (17) Private members' business item No. 1583 standing in the name of Mr David Shoebridge relating to the Yfoundations.
- (18) Private members' business item No. 971 standing in the name of the Hon. Adam Searle relating to the Work Health and Safety Amendment (Industrial Manslaughter) Bill 2021.
- (19) Private members' business item No. 1376 standing in the name of Mr David Shoebridge relating to the Children (Criminal Proceedings) Amendment (Age of Criminal Responsibility) Bill 2021.
- (20) Private members' business item No. 1582 standing in the name of the Hon. Mark Pearson relating to an order for papers regarding greyhound racing injuries.
- (21) Private members' business item No. 1580 standing in the name of Mr Justin Field relating to the 2019-20 bushfires and logging.
- (22) Private members' business item No. 1531 standing in the name of the Hon. Rose Jackson relating to the condemnation of the Melbourne protests.
- (23) Private members' business item No. 1578 standing in the name of the Hon. Rose Jackson relating to the housing affordability emergency.

- (24) Private members' business item No. 1487 standing in the name of the Hon. John Graham relating to the Government Grants Administration Bill 2021.
- (25) Private members' business item No. 1550 standing in the name of the Hon. Mark Banasiak relating to an order for papers regarding the appointment of Professor Joel Negin to the Firearms Registry Consultative Council.
- (26) Private members' business item No. 1506 standing in the name of the Hon. Daniel Mookhey relating to the Fiscal Responsibility Amendment (Privatisation Restrictions) Bill 2021.
- (27) Private members' business item No. 1569 standing in the name of Ms Abigail Boyd relating to an order for papers regarding the Coal Mine Subsidence Compensation Fund.
- (28) Private members' business item No. 1525 standing in the name of the Hon. John Graham relating to an order for papers regarding the New Intercity Fleet.
- (29) Private members' business item No. 1558 standing in the name of the Hon. Emma Hurst relating to animal hoarding.
- (30) Private members' business item No. 1548 standing in the name of the Hon. John Graham relating to an order for papers regarding minimum fee requirement for musicians.
- (31) Private members' business item No. 1551 standing in the name of the Hon. Mark Banasiak relating to an order for papers regarding the Animal Welfare Advisory Council.
- (32) Private members' business item No. 1575 standing in the name of Ms Cate Faehrmann relating to an order for papers regarding the Western Sydney Local Health District Maternity Services Resilience Assessment.
- (33) Private members' business item No. 1518 standing in the name of the Hon. Mark Pearson relating to wildlife care training for firefighters.
- (34) Private members' business item No. 1549 standing in the name of the Hon. John Graham relating to an order for papers regarding transport staffing matters.
- (35) Private members' business item No. 1418 standing in the name of Mr David Shoebridge relating to the Children and Young Persons (Care and Protection) Amendment (Family Is Culture Review) Bill.
- (36) Private members' business item No. 1552 standing in the name of the Hon. Mark Banasiak relating to an order for papers regarding water allocations.

I indicate to the House that with respect to the items listed at paragraphs (2), (4) to (7), (9) to (11), (13) to (17), (20) to (23), (25), (27), and (34) to (36), the members with carriage of those motions have given an undertaking that they will move that their motion be considered in the short form format.

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

Motion agreed to.

Motions

INDEPENDENT COMPLAINTS OFFICER

Debate resumed from 23 November 2021.

The Hon. SHAYNE MALLARD (10:55): I move:

That the matter be postponed until Tuesday 22 February 2022.

The Hon. PETER PRIMROSE (10:56): I do not seek to oppose the postponement, purely because the Privileges Committee always works on the basis of consensus. However, this matter has been ongoing for at least five years under numerous chairs. It has been the subject of a number of reports to this House, all of which have been adopted. The House referred the matter back to the committee on a number of occasions, and the committee has unanimously reported to the House on at least two or three occasions—most recently since I have been chair. Last time we were simply asked to look at the views of the lower House in its committee report on the same subject. We went through that and were able to get to a point where there was disagreement on only one item.

After five years, the House should be in a position to say whether or not it wishes to proceed with the matter. On the basis of the questions that have been put to me, I urge members who are raising concerns to do one thing: Read the report. The comments in the report have been taken from members of both Houses, the Clerks of both Houses, the ICAC and I do not know how many other people, including members of the public. They are all laid out in great detail and the committee has reached a unanimous decision. The House must finally make a decision early next year by consensus as to whether it wishes to proceed with the proposal. I sincerely hope that no event over the Christmas-New Year period leads us to be even more concerned with the fact that this was not put in place sooner.

Mr DAVID SHOEBRIDGE (10:58): It is not clear to The Greens why debate on the motion cannot be resolved this year. The Government has not explained why we cannot get that done. We hope that the House can

resume debate on the motion tomorrow morning so that the Clerks and the Parliament are able to implement it and have it up and running for next year. I move:

That the motion be amended by deleting "Tuesday 22 February 2022" and inserting instead "the next sitting day".

If we cannot deal with the motion by consensus tomorrow, then maybe it goes over into next year.

The Hon. SHAYNE MALLARD (10:59): I am not briefed to strongly represent the Government's view on the motion to adjourn the debate, and the Hon. Don Harwin is at Cabinet at the moment. Mr David Shoebridge may not have been in the Chamber to hear it, but the Hon. Don Harwin noted in his contribution to the debate yesterday that Government members are working through the issues carefully within our party room. I have great respect for the chair of the committee and the work of the committee. I have been on the committee only for the past three meetings, so it is a steep learning curve for me. The work it is doing on the issue of the compliance officer and the issues around bullying and sexual harassment is very important, but I agree with Mr David Shoebridge that there needs to be consensus. The committee has to work carefully through members' concerns.

Mr David Shoebridge: It has been three years.

The Hon. SHAYNE MALLARD: I do not want to see the motion dividing the House by being pushed through. Government members will get to a landing point; we are just asking that the debate be deferred to the first sitting day of the new calendar year. We will work through it over that period.

Mr David Shoebridge: Is there a commitment to deal with it on that day?

The Hon. SHAYNE MALLARD: As much of a commitment as I can give personally, but Minister Harwin asked me to defer the motion to the first sitting day of the new calendar year. The Government does not support the amendment because Government members want the motion deferred to the first sitting day of next year so that we can work through those issues, to come to a landing point where the committee is and to address any genuine concerns of some members who may not have been involved in the process. I know Mr David Shoebridge said it has been five years; I have not been much involved in the process until my committee involvement. People have engaged with the issues now that the debate is at that pointy end, so, not surprisingly, we need some more time.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The Hon. Shayne Mallard has moved that the motion be adjourned until the first sitting day of 2022, to which Mr David Shoebridge has moved an amendment. The question is that the amendment be agreed to.

Amendment negatived.

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

Motion agreed to.

Bills

CLIMATE CHANGE (EMISSIONS TARGETS) BILL 2021 (SHARPE)

Second Reading Debate

Debate resumed from 18 November 2021.

The Hon. MARK LATHAM (11:02): The Climate Change (Emissions Targets) Bill 2021 is based on a monster of the Government's own making: net zero emissions by 2050 and a 50 per cent emissions reduction by 2030, which is in just nine years. How do we know it is a monster? Later today in this Parliament, the other place will be honouring the great John Barilaro in his final address to the Legislative Assembly. What did John Barilaro as the Deputy Premier and Leader of The Nationals say about net zero by 2050? He said it would destroy all of agriculture and mining in New South Wales. Yet it is apparently the policy of the New South Wales Nationals, in the words of its own leader, to destroy all of agriculture and mining. It is a long-form political suicide note matched only by John Hewson's 1993 Fightback package, and one only has to listen to John Barilaro to know that is the truth. When The Nationals sign up to the destruction of agriculture and mining, it is a monster of their own making. I assure those who have gone down this path that in terms of voting on the bill, One Nation will not be here to save them. One Nation will not be here to get them off the hook; they are on their own.

I note the anniversary of the lengthy debate about the electricity road map. For 12 months One Nation has been warning of the folly of that approach. If Government members were too silly to listen then, that is on their heads. That is their business, and they cannot rely on our part of the crossbench to get them off the hook. I make that plain at the outset. John Barilaro was right that the policy completely betrays the Government's constituency and the economic wellbeing of New South Wales, particularly in regional areas.

The Labor Opposition is seeking to legislate the monster, to make it l-a-w law. I suppose at one level it is a replay of the failed Fiscal Responsibility Act, where the Government thought it was clever in 2012 to legislate fiscal parameters—one of them being that the growth in outlay should not exceed the medium-term growth in revenue. We know that has been breached in two budgets; it most certainly will be breached in a third budget and most likely a fourth. By the end of this parliamentary term, the Fiscal Responsibility Act will have four years of breaches and will not count for a bucket of warm spit. There is no sanction; there is no consequence. If the Fiscal Responsibility Act is not complied with, nothing happens. It is not much of a law, and the proposition advanced by the Opposition is in the same category. If the targets are not met—and they are only targets—not much happens other than getting slapped on the wrist by the new climate change and emissions reduction commission that Labor is proposing.

It is a replay of the Fiscal Responsibility Act, but it says something more—in moving this proposition, Labor cares more about the climate in Europe than job security in New South Wales. The proposition is a job wrecker, and I say clearly to the House: One Nation is not here to get the Government off the hook. It introduced its net zero policy in New South Wales as part of its wild left-wing lurch to Keanism, and now the Government is stuck with it. Why would the Government be opposed to legislating its own policy? If Matt Kean is right and is to be trusted—and as the Hon. Peter Primrose told us last night, Matt Kean is the new messiah on these things—why would the Government not legislate its own policy, which is what the bill is seeking to do? If the Government truly believed it was saving the planet here in little old New South Wales, at a provincial level, with just 0.4 per cent of global emissions then why would it not put it into l-a-w law? In the votes on the bill, that is something for the Government to work out. One Nation is not here to save the Government from its own stupidity and from its own act of folly.

This week is the anniversary of the passage of the electricity road map, and some of us were reliving a few war stories about it last night. It is still etched in our memory. In the substance of that lengthy debate, One Nation told the Government the dangers of a rushed transition to an unreliable part-time energy source in solar and wind power. Twelve months later, what do we find? Minister Kean is petrified, absolutely shaking in his boots, about the early closure of the coal-fired power stations in New South Wales—something that we warned was integral to the modelling that the Government had 12 months ago. It was never released because of a resolution of the coalition of the Liberal Party, The Nationals, Labor and The Greens, who did not want a committee inquiry or an order for papers under Standing Order 52 into what the modelling showed. The modelling on that electricity road map 12 months ago predicted the early closure of the coal-fired power stations, and now Minister Kean is petrified of that. There is a simple one-word synonym for what early closure means: blackouts.

I noticed today in *The Australian Financial Review* that Minister Dominello is saying he wants a clock out the front of Parliament House, an odometer on the level of customer service. Say it was set at nine out of 10. The moment people have blackouts, it automatically goes to zero. If the Government is interested in customer service, economic growth and recovery out of COVID then there is nothing worse than blackouts. But that is what Minister Kean is quite rightly petrified of, because the Frontier Economics modelling showed that the early closure of those coal-fired power stations was inevitable. Because of the advocacy of Angus Taylor in Canberra, we now know that Matt Kean will inevitably—as sure as night follows day—have to move and fund a capacity measure. The net outcome of the road map from 12 months ago will be paying the coal-fired power stations to stay open. That will probably break up the cosy Liberal-Nationals-Labor-Greens coalition on that issue. Minister Kean is not going to have much choice other than to fund the proposition advanced by Angus Taylor to pay the coal-fired power stations to stay open because the alternative is blackouts. It shows how poorly thought through the policy was.

This Government is throwing so many dollars at these problems, it might as well re-nationalise the energy sector. Just six years ago Mike Baird went to an election and told the people of New South Wales that there is no legitimate role for government in electricity ownership, and out it went. It is now back in. It is out one year but it is back in now, with huge funding from the forthcoming payment of the coal-fired power stations for the capacity measure, the vast subsidies for renewable rent-seekers, the underwriting of the profitability of wind and solar in New South Wales and up to \$3 billion in hydrogen, which is mostly for Twiggy Forrest, who, a week after the passage of that statute, announced that he was taking his investments to Papua New Guinea to cash in on a low-wage economy to produce his hydrogen for Asia out of PNG. The Government is also spending half a billion dollars for electric vehicles, with more to come.

Many billions of dollars have been wasted on net-zero emissions buses, ferries and trains. Here is a novel idea. How about those services run in the first place? How about the trains, the trams and the ferries actually run? Whether they are net zero emissions or something else, the first function of government should be that they actually move along the tracks or across the water, before it starts to worry about whether or not they are net zero emissions. We then have the vast transmission cost of a new grid and wiring up part-time energy sources like wind and solar in western New South Wales. Anthony Albanese says it costs \$20 billion and that he will fund it

federally. That is only a small fraction of having to rebuild the grid. Then there is the enormous back-up costs of pumped hydro, which is expensive. Malcolm Turnbull spent \$13 billion on Snowy 2.0, and a lot of experts say it will soak up more energy than it generates.

There are other assorted woke green policies, like banning plastics and buying degraded farmland in western New South Wales and trying to turn it into a carbon soak and a biodiversity credit scheme—a matter we debated last night. What did the taxpayers of New South Wales do to deserve Matt "Green"? That is what any economically responsible MP would be asking. This is a green Liberal-Nationals Government that now faces the reality of staring across the Chamber at a Labor party that wants to legislate its policies. They are flawed, reckless and irresponsible energy policies. The rush to sprinkle Photios dust all over New South Wales is backfiring on the Government. It is now faced with the reality that Labor wants to turn it into law, and One Nation is not here to get it off the hook. This is a problem of the Government's own making. If it goes down this path of folly, it can get itself off the hook. One Nation is not going to do it for the Government.

The Hon. Damien Tudehope: What is One Nation supporting?

The Hon. MARK LATHAM: The Minister asked what One Nation is supporting. It is supporting what was argued at length 12 months ago. It is supporting a base-load power system in New South Wales that does not have blackouts. He asks what One Nation is supporting. Private members' business item No. 1 on the *Notice Paper* of this Parliament is a bill to lift the nuclear and uranium mining ban in New South Wales. Where has that got to? Where is the Government saying to One Nation today, in relation to the Labor bill, that it is going to support the lifting of the nuclear power and uranium mining ban in New South Wales? The way we were run around the block by Gladys Berejiklian is one of the reasons she had to go, and gone she is. It was disgraceful. The item is still there on the *Notice Paper*. Why would you not want to lift the ban on nuclear power in New South Wales?

Has anyone had a look at Europe? I welcome the support of the Hon. Wes Fang from The Nationals. John Barilaro was also a strong advocate of nuclear. It will probably feature in his valedictory speech in the other place this afternoon. I am going to get over there and have a listen and cheer him on. Why haven't other people at the Cabinet table said that nuclear is the obvious way to go? If you want to maintain base-load power, keep the lights on in New South Wales and bring down emissions, nuclear is the only way it can be done. Nuclear is the only zero emissions base-load power system that we can adopt in New South Wales. You only have to look at Europe to see the wisdom of this approach. Europe has become a scene from a *Mad Max* movie, where they are scavenging around for base-load power and fossil fuels. Boris Johnson, from the conservative side of British politics, and Emmanuel Macron, who is essentially a French socialist left, have united in ordering extra nuclear—

The Hon. Penny Sharpe: Macron, the leftie? He is not a leftie.

The Hon. MARK LATHAM: He worked for socialist Ministers. Let us be serious about it; he is essentially from the old Socialist Party in France. He has found a third or fourth way, and we wish him well on that journey. Both Macron and Johnson have ordered new nuclear reactors to keep the lights on in France and the United Kingdom. Why would we not be doing that? The Australian Government policy, mainly out of South Australia, is to export uranium to places like India to generate the reliable base-load affordable power to build up their manufacturing sector and take jobs off Australia. We are exporting our resources. The Government's policy on coal is essentially the same, that is, to export it to countries like China and India, to not use one of our best resources but to build up manufacturing in those countries and take the jobs away from our manufacturing concerns and workers. None of that makes sense. If the Government had at least made some progress on nuclear power and uranium mining, there might have been a glimpse of hope, and One Nation could have helped it to get off the hook. One Nation is not in that business today at all. The Government is left on its own, as it should be.

The Government can take it up with the Leader of the Opposition in this place, the Hon. Penny Sharpe, and the leader of The Greens, Mr David Shoebridge. Matt Kean and the Coalition have a direct line of access to those parties, which is how he gets all his bills through the Legislative Council. We wish him all the best with that, as Labor now seeks to legislate the Government's emissions targets for 2030 and 2050. Most of all, what the Government should do is tell its voters what it has done. There would not be many The Nationals or Liberal Party voters who support the woke package of policies on which these parties now stand.

If you look at what the Liberal Party has been doing in the energy sector and beyond, it betrays every founding principle of Robert Menzies in establishing the Liberal Party, like the principle of fiscal prudence. I have outlined the lavish expenditure. We might as well re-nationalise the energy sector in New South Wales, for all the money that is being spent. Menzies founded the Liberal Party on market forces, not central planning; yet Matt Kean and his office are calibrating Stalinistic five-year plans for where the energy sector is going to go. They are in a total panic about the early closure of coal-fired power stations, and they are going to have to pour money into the capacity measure.

Another founding principle was competition, not preferment; market competition, not Photios dust. Another one was the sanctity of the family home. This is a government with a God complex that thinks it can save the world and that it is going to determine the colour of Colorbond roofs in new and perhaps other homes in western Sydney based on the myth of heat islands. The sanctity of the family home is out the window. There is nothing sacred when Rob Stokes is determining what colour roof we can have. I have Woodland Grey on my colonial home, which is my dream home. It is staying Woodland Grey, and I hope I am joined by many others who have saved hard to fulfil the great Australian dream. They too want the roof colour of their choice to match the home of their choice. Menzies spoke about the sanctity of the home. It is a shame that members of the Liberal Party do not remember that. They have become social engineers, prying into private matters and the way in which people run their lives.

In substance, whether this is legislated or unlegislated, net zero is a bad policy. How do we know that? Alan Finkel, the immediate past Chief Scientist in Australia, in his quarterly essay, was asked about the impact of Australia getting rid of 1.3 per cent of the total global emissions. He said it had virtually no impact on global climate and temperatures. When we take into account New South Wales' 0.4 per cent of global emissions, we would say there is no impact. When I put this to Minister Kean at budget estimates, he could not quantify it. The Government talks about outcome-based budgeting, but they are spending a squillion on these energy subsidies. The Minister could not say that the outcome will be a decrease in global surface temperatures or modification of the global climate. He had no outcome that he could point to. It is just a sinkhole of reckless fiscal extravagance from the God complex, thinking that in New South Wales a certain painted roof and certain forms of energy generation can save the planet. It is a complete delusion. We know the impact of that.

Not many countries have modelled the impact of net zero—serious modelling, not the rubbish the Government in Canberra produced recently, with which the Treasury was not even involved. They did it in New Zealand. To the credit of Jacinda Ardern, her Government did the modelling and took it to the people of New Zealand. That modelling found that 17 per cent of household income through to 2050 would be knocked off. The New Zealand modelling excluded agriculture—all the farting cows. The New South Wales Government has not done that. In our more energy and resource intensive and transport expansive economy, it would have to be 25 per cent or 30 per cent. In New South Wales we would be sacrificing 30 per cent of household income. So the policy of the Labor Party, which was founded on the principles of job security and a decent income for working people, is to knock 30 per cent off the top of household income.

We are told to follow the science. I am following the CSIRO. The modelling in the CSIRO's 2019 outlook report is that we would be knocking off \$25,000 of household income per capita per year through to 2050. A family of four in New South Wales would be throwing away \$100,000 in household income by 2050. Of course, the great John Barilaro was right: It means the destruction of agriculture and mining. Where are the jobs? Matt Kean's 2020 document projected that the New South Wales target would create 2,400 jobs over a decade. I had to look at it three or four times. Is that it? That is the extent of the so-called transformation of economic opportunity in New South Wales—2,400 jobs over a decade, which is 240 jobs a year.

A new shopping mall in the south-western suburbs would create more jobs than Kean is creating with the complete transformation of the energy grid in New South Wales, which has a risk of blackouts. Where are the jobs in solar farms? Those solar panels made in China extend for hectare after hectare as far as the eye can see, with not a worker in sight. No worker can be seen at the Teletubbies wind farms that litter the landscape. So we know there are no jobs in wind and solar. We also know that the majority of solar panels are produced using Uighur slave labour in China. New South Wales does not have a single solar panel manufacturer. The promise of manufacturing jobs, which was made 12 months ago, was a mirage, a complete illusion.

Now we have the modern slavery provision to knock off the cake shop at Bonnyrigg. But where is the much bigger solution to the use of Uighur slave labour to make the solar panels that form the basis of the new energy policy in New South Wales? Statistically, solar energy generation is 400 times more land intensive than the conventional forms of power generation of coal, gas and nuclear. The Greens are always worried about colonisation, but they have no objection to the complete colonisation of New South Wales by solar panels, which knock off nature. Those man-made unrecyclable things are being put across the entire landscape, to the point where New South Wales has legalised the placement of solar panels in timber plantations. Apparently we will put key energy infrastructure in areas that were burnt out only two years ago. Why? So it can burn again? New South Wales is so short of available land for land-hungry solar panels that we have to put them into timber plantations. It is a nonsense proposition. One Nation has made its view known. Our voting pattern will be known to the Government shortly.

Ms CATE FAEHRMANN (11:23): On behalf of The Greens, I contribute to debate on the Climate Change (Emissions Targets) Bill 2021. It is good to be debating a climate change bill that legislates targets for the New South Wales Government. However, it is a pity that the targets do not go far enough. They will not achieve

what the science says is necessary, which the world is begging this country to do, that is, to reduce our emissions to keep global warming within 1.5 degrees. At COP26, we heard that will be a very tough ask. I will float some amendments that The Greens plan to move at the Committee stage to address that matter.

I will outline the current state of climate change, how much the planet has warmed and what that looks like in 2021. The world has warmed by 1.2 degrees Celsius since pre-industrial levels. Already we are experiencing significant climate-change impacts and worsening extreme weather events. During the last days of June 2021 the Pacific Northwest area of the United States and Canada experienced temperatures never previously observed. In many places, records were broken by several degrees Celsius. Similarly, in July extreme rainfall led to unprecedented, terrible floods that tore through central European towns. At the beginning of this year, people were killed in snowstorms across Spain and Europe. According to *The New York Times*, the snowstorm in Spain caused an estimated \$1.6 billion of damage. That is from one extreme weather event in one country.

In January in the United Kingdom, some of the heaviest rain in decades caused widespread flooding for days. The June heatwave in Canada's western-most province of British Columbia killed 569 people over five days—a 195 per cent increase on the 165 deaths that would normally occur in the province in five days. I have looked at research into some of those extreme weather events. Using published, peer-reviewed methods, scientists from the US, Canada, the UK, the Netherlands, France, Germany and Switzerland collaborated to assess to what extent human-induced climate change made the Canadian heatwave hotter and more likely. Based on observations and modelling, they found the occurrence of a heatwave with maximum daily temperatures like those in Canada was virtually impossible without human-induced climate change.

Those scientists also looked into what the world would look like in the future with two degrees Celsius of global warming, which is 0.8 degrees Celsius warmer than today. At current emissions levels, that would be reached as early as the 2040s, which in some ways makes the 2050 target redundant in saving the planet. Currently, an event like that heatwave is estimated to occur only once in every 1,000 years. In a future with two degrees Celsius of global warming, events such as the unprecedented heatwave that occurred in British Colombia, Canada, would occur roughly every five to 10 years. That is what we are talking about.

In this place we have talked a lot about the horrendous impacts of the unprecedented Black Summer mega-fires and the fact that they will become more frequent. They are not one-in-100-year events anymore in a warming climate. Targets are set to reduce carbon pollution with the aim of averting the worst impacts of climate change. That is why we set targets. But it is important that the targets are in line with what the science says is needed to avert those worst impacts. It is still possible to limit global warming to 1.5 degrees, but it requires governments to set the right targets and rapid, far-reaching transformations across every sector, from power, buildings, industry, transport, agriculture, land use, coastal zone management and climate finance. That is why, on behalf of The Greens, I will be moving an amendment to the bill to ensure it addresses deforestation. At the 2021 United Nations Climate Change Conference, known as COP26, there was a global pact to halt and reverse deforestation by 2030—a critical component of reaching the targets.

So where is New South Wales at in terms of the 2030 targets? The Government has set a target to halve greenhouse gas pollution by 2030 and to reach its net zero emissions target by 2050, yet climate scientists are saying that for Australia to do its share, to do what is needed and to do everything we can to keep temperature increases within 1.5 degrees Celsius, we have to cut our emissions by 75 per cent by 2030 and reach net zero by 2035 or 2040. New South Wales has a high emissions output and 40 per cent of the Australian population lives in our State. We really have to step up and carry the lion's share of the responsibility to reach those targets. I know some of the other States—South Australia and Victoria—have set targets of a roughly 50 per cent reduction in emissions by 2030. The science is saying we need 75 per cent. It would be good if New South Wales showed leadership and put that target into legislation.

Labor is legislating what the Government is doing—what the Liberal Party and The Nationals have said they are going to do. I thought Labor would bring something to the table that was more ambitious than what the Coalition is doing. That is why The Greens will be moving an amendment in the Committee stage to put the 75 per cent target into this bill. While we are going to the extent of legislating targets, let us put into legislation what the science is saying is necessary, because the 2030 emissions reduction targets that countries have set so far do not go far enough. What they will do, in fact, is see the planet warm by 2.7 degrees Celsius this century. That is what a report by the United Nations Environment Programme has found, and it includes the New South Wales 2030 emissions reduction target. A temperature rise of 2.7 degrees Celsius overshoots the internationally agreed temperature rise of 1.5 degrees.

Australia is a wealthy country, with one of the highest per capita emission rates. That means doing our fair share should entail emissions reductions greater than the global average, yet that is not what we are doing. That is not what we did at COP26. The conference was an embarrassment for Australia. While I recognise that the New South Wales Government, unlike the Australian Government, has stuck its neck out and said that it will—

and it has—set a 2030 emissions reduction target, the target is not as ambitious as it should be and it is not based on the science. I understand that wanting targets in legislation is a good thing. Absolutely. We have heard so many commitments by successive governments that they are doing the right thing and they will set an emissions reductions target—especially before an election when they know that people are concerned about climate change. However, even for this Government, 2030 is a long way off. I would think that everybody in this place will not be here by 2050. So it is essential that we legislate. It is essential that we put the targets that are necessary for us to avert the worst impacts of climate change into legislation. Unfortunately, the bill before us does not do that.

The Greens support the establishment of a Net Zero Commission to monitor and report on progress towards the 2030 and 2050 targets. In fact, The Greens have introduced a number of bills in this place that do similar things. We absolutely support that. We support principles to guide action to address climate change. But, again, The Greens will propose some amendments in Committee to ensure that we incorporate in the bill everything that is needed from every sector to drive the type of transformation necessary to limit warming to just 1.5 degrees.

I certainly hope that this Chamber supports the bill. Having said that, The Greens will do what we can in Committee. But, ultimately, it is really important for us to send a message to the Government that it needs to do more. First and foremost, it must ensure that its promises and its commitments in this space are legislated for any future government to be able to work with and for the public to have faith that the Government is going to do what it says. We have seen a lot of announcements from this Government. We know that Government members want to talk up their environmental credentials but—just like doubling koala numbers by 2050—where is the plan and how are we going to get there? It does like its announcements.

The Hon. Damien Tudehope: Have you read the plan? You haven't read it.

Ms CATE FAEHRMANN: Doubling koala numbers by 2050 would be fantastic if we only knew what the Government was going to do to get there. Clearly, saving koala habitat and ending deforestation is not just about saving koalas; it will also help this Government if it is serious about taking action on climate change. It cannot do that without ending deforestation, which means stopping native forest logging and land clearing. We will deal with that in Committee. I thank the Opposition for bringing this bill forward. It is a pity that Labor was not a little bit more ambitious in aiming to have a slightly stronger target than the Liberal-Nationals Government.

Ms ABIGAIL BOYD (11:36): I echo the sentiments of my colleague Ms Cate Faehrmann and indicate that The Greens will be supporting the Climate Change (Emissions Targets) Bill 2021 with amendments. The Greens have been arguing for meaningful climate action in this Parliament for a long time. Even in the short period that I have been here, the velocity and ferocity of the eye rolls of members opposite have perhaps lessened over time whenever the words "climate change" are mentioned. It is fantastic that we now have such strong words from this Liberal-Nationals Government in favour of taking strong action on climate change. But the reality is that it has no actual concrete plans to back those words up. We saw it in budget estimates—"plans" from this Government appear to equate to "good feelings about how things might go in the future" or "things the market might do". It is very much the "hope and see" variety of planning rather than the actual planning that a government might do when it wants to achieve a concrete outcome. So The Greens welcome this attempt by Labor to get the Government to put its money where its mouth is and to actually commit to net zero through a legislative framework that will require definite action on the Government's part.

As my colleague has said, the bill is far from perfect. I would hope that it is not the type of legislation that Labor itself would bring if it was in government. But it is, at least, a start. The Greens support the bill, but we will be putting forward amendments to greatly improve it in line with what we would hope to see should Labor ever be in the driving seat, for example. We need to be putting people at the forefront of our decision-making. The reason that we are desperate to act to prevent the most catastrophic impacts of climate change is in large part to avoid the entirely preventable pain and suffering that will come from global heating. We need to be using that same framework in all of our decision-making that comes with avoiding climate change. If we have an orientation that ensures maximum prosperity for people, rather than a fixation on what will grant maximum short-term profits, then perhaps we will have a chance at addressing the climate crisis.

Taking action on climate change is going to create many new jobs. New industries will flourish but, necessarily, certain high-emitting industries will decline. These high-emitting industries have traditionally been located in regional areas, further away from densely populated urban centres. These areas will require direct intervention from the Government to support workers and communities impacted by the transition. The Government must ensure that justice and high-quality employment opportunities are placed at the heart of planning for a low- and no-emissions future. The science of global heating is a question of physics; simply, it shows that every tonne of greenhouse gas emissions released causes the atmosphere to heat by a certain amount. We have set a threshold of acceptable heating of 1.5 degrees, beyond which point the planet will face increasingly catastrophic climatic events that will endanger us all. It follows that a finite amount of carbon can be released before we hit the critical mass of heating, and that is our carbon budget.

A carbon budget is the cumulative amount of carbon dioxide emissions permitted over a period of time to keep within a certain temperature threshold. That means there is only so much carbon we can still burn if we are going to keep global warming below 1.5 degrees. A net zero target by 2050 shows one of two things: either reckless disinterest in taking the climate crisis seriously, kicking the emissions reduction can down the road in an attempt to squeeze every last dollar of profit from existing and planned fossil fuel ventures, or a dangerously naive misunderstanding of the seriousness of the crisis we are facing. Either way, a legislated 2050 target will cause greater economic pain down the road, particularly if gas and coal are allowed to expand in the interceding time. If that is allowed to happen, the precipitous drop in emissions that will be required to achieve net zero once fossil fuel projects have finished extracting their profits will be immense and will come far too late.

The talk of net zero omits the scientific reality of our carbon budget. That is the reason we have made amendments to the emissions reductions targets. The science of our carbon budget shows that if we pursue the inadequate 50 per cent by 2030 target, not only will we overshoot our carbon budget allowance but, in order to bend the line down towards net zero by 2050, we will also have to make more aggressive interventions later. A 50 per cent by 2030 target will lock us into more social disruption for less reward. Conversely, pursuing a 75 per cent or 80 per cent emissions reduction target by 2030 will set us on a sustainable and scientifically realistic trajectory that will provide greater certainty for communities and industries.

It is the responsibility of government to ensure that we have a real plan for, and take a holistic approach to, driving our society towards a carbon-neutral and eventually carbon-negative future. That includes implementing strategies, policies and targets to ensure the transition is rapid enough to meet emissions targets compatible with a safe climate and international agreements, and support for those communities and workers who have traditionally been reliant on fossil-fuel-related industries. The amendments that The Greens will be moving when the bill moves to the Committee stage will expand the remit of the Net Zero Commission to include a mandate to plan for and facilitate a just transition, to reflect the responsibility of the Government.

Every community's path for transition to a renewable economy will be unique. While we can learn from past attempts and experiences both here and overseas, it will ultimately be up to community members, workers, unions, businesses and local governments to come together and agree on what they need in order to transition equitably. A well-funded and empowered just transitions commission will be vital in helping those local communities' visions for the future come to life. The bill asks the Government to put actions behind its words. It is not good enough for the Government to just say the words it thinks people want to hear; it has to actually put substance behind them in the form of concrete plans and structures to ensure that the outcomes are realised. If the Government cannot support the bill, then we really cannot believe a word it says when it comes to climate change.

Mr JUSTIN FIELD (11:43): I speak in debate on the Climate Change (Emissions Targets) Bill 2021. I 100 per cent support the idea of legislating our carbon emission reduction targets. We need to know where we are heading, but it makes little sense to go aimlessly on the journey to that point. Having a plan is critically important. Without a plan to reach targets—not just around climate change but also around other targets that this and other governments have set—we have failed to meet them in many instances. That is because we had not established a clear pathway to achievement.

That is ultimately what the bill seeks to do; it legislates the targets and puts in place a framework for how governments will ensure that they can meet them. I acknowledge that the bill, to some degree, reflects similar efforts in the Parliament to legislate emissions targets and put in place a framework. I acknowledge my former colleague Ms Jan Barham, who brought the Climate Change Bill 2015 to this place. We had a robust debate at the time. It was just before my entry into the Parliament. I will read onto the record one paragraph from her second reading speech. She stated:

We are faced with a genuine opportunity for New South Wales to be a leader and provide responsible and innovative action on behalf of the people of this State. We can wait no longer for the Federal Government to lead on climate change. New Prime Minister Malcom Turnbull has committed to maintain the weak and ineffective climate policies of his predecessor; we are set to be the international dunces at the United Nations climate conference in Paris. As it stands, Australia will be seen as a developed, wealthy country that lacks the courage to make decisions in the best interests of its citizens, and instead has allowed a strange brew of ideology and short-term vested interests to influence its decision-making powers.

That was somewhat prophetic. We have a new Prime Minister, obviously, and there has been another United Nations global climate conference, but that assessment and analysis of the Federal Government when it comes to climate change is 100 per cent accurate. It maintains weak and ineffective climate policies, and we were international dunces at the United Nations conference. We saw that play out in Glasgow. We see the strange, ongoing brew of ideology and short-term vested interests in the Federal Government's obsession with carbon capture and storage and expanding gas exploration into large parts of the country.

I acknowledge that things have changed somewhat in New South Wales. I acknowledge that the current Treasurer, and Minister for Energy and Environment, the Hon. Matt Kean, has made tremendous steps forward in

his words and actions when it comes to preparing our energy systems for a transition. He has been big on words, and that has been said in the Chamber. He has made very aspirational claims about where he wants to get to. I do not think it is unreasonable for the Parliament to interrogate and challenge that. In fact, I think it is a good idea. One way to do that is to put some targets around his and the Government's measures and ensure that there is a framework to meet them. It is in our interest to develop a bipartisan approach to achieving those things, and I appreciate that that is what the Labor Party is trying to do here.

I also acknowledge that that is not enough—as has been said by other speakers, particularly Ms Cate Faehrmann and Ms Abigail Boyd. It does not meet the demands of the science, which shows that even if a global target of net zero by 2050 is met, we still face catastrophic climate change that will destroy nature and biodiversity, cause extinctions, kill people, make parts of the planet unlivable, destroy economies and create global insecurity and conflict. That is not just the projections of leftist climate think tanks; that is what we hear from global scientific efforts to understand the risks and impacts of failing to address climate change. Having said that, I do not think that should be a barrier to finding a consensus on how to deal with climate change, and we do have an obligation.

I contest the arguments put forward by the Hon. Mark Latham that this is not something that the public wants or needs and not something that New South Wales or Australia has a responsibility for or can make change to. In this country, we are the highest per capita emitters of carbon. We have a responsibility because we have leveraged our economic advantage in Australia around access to cheap fossil fuels in coal, oil and gas, but that has made us lazy when it comes to the change that is necessary. We have been the beneficiaries, but we also have to take some responsibility for the damage that the exploitation of those materials has caused.

It should embarrass us that a globally wealthy country with renewable resources far in excess of nearly every other country in the world remains the highest per capita emitter of carbon. It should especially embarrass us that those emissions are dwarfed by our export contribution from the coal and gas industry in particular. It should embarrass us that it is the clearly stated goal of both the Federal Government and the New South Wales State Government to continue the export of those climate-damaging materials. A bill like this, which establishes a commission, creates reporting requirements and creates an expectation that agencies within government understand, report on and take steps to reduce their emissions, offers us the ability to identify where we are not meeting the expectations of the citizenry, and of the national and global community, and to take steps. Let's be clear: Some of this needs far more attention than it is currently getting, even from a government that has said and done good things when it comes to this.

I will have a little more to say about some of the amendments that will be moved by various members in the Committee stage. I have certainly come to the view that we need to work to build bipartisanship around action. These sorts of policies have to be able to translate between governments over time if we are to have a coordinated approach that achieves the objectives of reducing our emissions, enabling businesses and communities to work with the Government with the certainty to be able to make investments in the renewable energy that will help to quickly bring down emissions, and also preparing communities for the transition that inevitably comes.

We have seen over too many decades, too many Prime Ministers and Premiers, the swings and roundabouts of climate policy and how damaging that is for reform. I recognise that when a private member's bill frames this up, it is unlikely to become law, but this is an important conversation to have. I say to the Government: If it is serious about its intentions, which I believe it is, why would it not support putting its target into legislation and making a clear framework that, hopefully, it will hold future State governments, whether Coalition governments or otherwise, to account for? Surely that is in the interests of the people of New South Wales.

Mr DAVID SHOEBRIDGE (11:52): I speak to the Climate Change (Emissions Target) Bill 2021. I endorse the words of my colleagues Ms Cate Faehrmann and Ms Abigail Boyd. This bill is at least an effort from the Labor Opposition to bring climate change emissions targets into law. But this bill without amendment will not give us a safe climate. We need to urgently address meaningful 2030 targets, not the 50 per cent reductions in this bill but a minimum of 80 per cent reductions—that is what the science is telling us. That is what we need to do to keep our planet safe and give ourselves, our kids and our grandkids the future they deserve, in a safe climate with a stable society, because that is what is at stake here.

We have seen multiple media releases from this Government talking the talk about climate and renewable energy. I acknowledge that last year this Parliament finally broke some of the partisan logjam, at least on renewable energy. We got groundbreaking legislation which had the support of the Government, the Opposition and The Greens on the crossbench, which is a hard thing to do, but all of us rallied around and supported renewable energy legislation for five renewable energy zones across the State and billions of dollars of investment in renewable energy. That is good. Let us bank that and say that that is an achievement. But what has not been achieved is meaningful action outside of that, and at the top of that list has to be an immediate moratorium on new or expanded coal and gas projects—and that is the major problem with Labor's bill.

Labor members say that they want emissions reductions targets but, at the same time, Labor is out there supporting new coalmines, new gas projects and expanded coalmines—and from international bottom feeders such as Glencore, which right now is trying to expand its Glendell extension project in the Hunter Valley. That one project is proposing an additional 140 million tonnes of coal being extracted and ripped out of Wonnarua land, destroying massacre sites. That 140 million tonnes of coal will produce something like 500 million tonnes of greenhouse gas. Where is the Labor Opposition in saying no to those projects? You cannot say that you want to have meaningful, achievable targets by 2030 and at the same time be supporting the coal and gas industry, as Labor and the Coalition do.

But this Coalition Government is even worse. The Coalition Government is saying that it wants to take action on climate change—or one Minister, at least, saying that. But we know what the science says. The science says we need governments across the world to be making laws and policies that arrest climate change. But in New South Wales we have a Government arresting climate change activists. Just in the last fortnight I have seen a climate change activist sentenced to 12 months in jail because he spent five hours on a coal train, trying to save the planet, after the failure of the Intergovernmental Panel on Climate Change. There are brave activists out there doing the job that this Government is refusing to do. You cannot be serious about climate change if you support the growth and expansion of the coal and gas industry. But that is exactly what Labor and the Coalition are doing. That is why we will be moving amendments on behalf of The Greens to put into the bill a moratorium on all new and expanded coal and gas projects in New South Wales.

The good news is that we can be excited about what the future holds if we grasp the nettle and deal with climate change. Yes, we can put targets in. We should be doing that and we should be addressing the science. That should be noncontroversial. But the really exciting thing is that in doing that we can create Australia, we can create New South Wales, as an international renewable energy superpower. We can be building offshore wind off Wollongong and Newcastle, pouring an endlessly renewable amount of renewable energy into our major industrial hubs and producing the industrial jobs and the economic future. We should be doing more than just putting in place a Net Zero Commission that is looking at climate targets. The Greens have amendments to make sure that it is also a just transitions commission so that it looks at giving those workers in coal-dependent communities an economic future, because unless we start planning for that transition—the world is moving ahead of us and the coal industry is shutting—those jobs will be lost. What those workers in coal-dependent communities need from us now is the money, the commitment and the structural investment in their communities so that they have a thriving post-coal future. We have so much opportunity in addressing climate change.

There is so much opportunity for those communities and if we do not do it we know what those communities will do. The Coalition policy of pretending that coal will last forever is a betrayal of coal-dependent communities, just like the Coalition Government has previously betrayed other workforces in transitions—in the auto industry and in the textile, clothing and footwear industry. We need to be thinking ahead for those communities, working with them, investing in those communities, with public TAFE, public education and the industries that will thrive in a low-carbon, renewable energy future. With those brief comments I indicate that, with my parliamentary colleagues Ms Faehrmann and Ms Boyd, The Greens will be supporting this bill, but we will be working, hopefully with the Parliament, to put those amendments in to make it the meaningful response that we need to address the science on climate.

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

Questions Without Notice

HIGH POTENTIAL AND GIFTED EDUCATION UNIT

The Hon. PENNY SHARPE (11:59): My question without notice is directed to the Minister for Education and Early Childhood Learning. What is the Minister's response to community concerns that the Government is disbanding the Department of Education's specific High Potential and Gifted Education unit?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (11:59): I thank the honourable member for her question in relation to specific units within the department. Making sure that we have support for our students who are gifted and with high potential is something that our Government obviously takes very seriously. There are opportunities for many students in our public education system who have the ability to excel in different areas to be able to do that. There is a range of measures where we provide support to those students, not least for our regional communities through our Aurora College model, which provides opportunities for opportunity classes to be held in schools remotely and also in relation to our high schools for children who maybe cannot do—

The Hon. Walt Secord: What about that selective school in the south-west?

The Hon. SARAH MITCHELL: It is coming. Opportunities for high school students particularly to do certain subjects that they might not be able to do at their school are afforded by the Aurora College model, which has worked particularly well. The member asked specifically about a unit within the department and made the claim about units being disbanded. I want to seek some advice from the secretary in relation to this particular matter. As I said, we have, and always have had, a strong position in terms of making sure that gifted students at all schools have the opportunity to thrive. That is very important. But I am happy to take on notice the specifics in terms of the staff in that unit, the work that they will be undertaking and how that will work in an operational sense for the department. There is still plenty of support for students who are gifted across our public education system and New South Wales.

The Hon. PENNY SHARPE (12:01): I ask a supplementary question. I accept that the Minister is taking extra advice on this, but will the Minister elucidate her answer about whether the unit as it stands will be replaced and staff redistributed to other areas of the department?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:01): My understanding—and, as I said, I want to seek some more advice from the secretary—is that this really is an internal change within the department. I do not believe there was ever a standalone Department of Education role in relation to that particular position. But I want to seek some advice from the secretary about that. Again, I think it is important to make the point that, if there are internal changes in terms of who works in these policy areas within the department, it does not mean that there is not support available for children who are gifted and talented. But I will take that on notice and come back with some more information for the member.

The Hon. WALT SECORD (12:02): I ask a second supplementary question. During the Minister's answer I interjected to ask where the selective school for Sydney's south-west is and the Minister said it is coming. I would like the Minister to provide detail and a timetable on that, please.

The Hon. Scott Farlow: Point of order: That is a novel way to ask a supplementary question. It was based on the member's interjection. I would say that that it is not within the standing orders for a supplementary question.

The Hon. Walt Secord: To the point of order: It fits the Ajaka three. It clearly came from an answer provided by the Minister and it is very clear that my second supplementary was elicited from—

The PRESIDENT: I have heard enough on the point of order. While the supplementary question was novel and no doubt colourful, I rule it out of order.

WOMEN SUPPORT STRATEGIES

The Hon. CATHERINE CUSACK (12:03): My question is addressed to the Minister for Mental Health, Regional Youth and Women. Will the Minister update the House on how the New South Wales Government has supported women over what has been a very challenging year?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:03): I thank the honourable member for her question. The past year has been incredibly challenging for women. They have borne the brunt of the economic hardship and have faced increased caring responsibilities and things like homeschooling. This Government is committed to supporting women facing adversity while providing opportunities to achieve success. First, I acknowledge that tomorrow is the International Day for the Elimination of Violence Against Women and marks the first of 16 Days of Activism against Gender-Based Violence. I acknowledge the enormous impacts that domestic and family violence has on every aspect of a victim-survivor's life and the ripple effects on their children, family, friends and community. That is why I am proud to be part of a Government that is focused on tackling domestic and family violence. I was pleased to join the Premier, Treasurer and Attorney General last month to announce a \$484 million support package that will deliver 75 extra women's refuges. This is the single biggest investment in addressing domestic and family violence in the State's history.

Never has there been a more imperative time to increase women's financial independence. That is why we are so proud of the fantastic return to work program that this Government designed and implemented over the past year. Over 1,400 women have received \$5,000 grants to go towards purchasing new laptops, work attire, child care and covering relocation costs. One example is Rebecca. She is currently residing in crisis accommodation and is working towards rebuilding her life after fleeing a domestic and family violence relationship. Her caseworker highlighted how the program changed her life and enabled her to purchase a laptop, work attire and engage in training.

As mental health Minister, I know what a challenging year it has been for parents and toddlers. That is why this Government has funded six new Tresillian Family Care Centres, five Tresillian mobile vans and free access to the SleepWellBaby app, and provided nearly \$3 million in additional support for Gidget and Karitane to meet

their excess demand. We also introduced miscarriage and stillbirth leave for all public sector employees in New South Wales. We are focused on unlocking opportunities for women. That is why we have acknowledged 31 finalists and winners as part of the NSW Women of the Year Awards.

We have celebrated over 80 local women, funded 27 organisations to run events during NSW Women's Week, funded 13 projects through Investing in Women, supported 24 women through the Future Women rural scholarship program and supported over 13,000 women with free access to the Women in Business TAFE program. Our new Commissioner of Police, Karen Webb, was announced today for the top job. From supports for small businesses and sporting opportunities and housing supports, this Government is absolutely backing in our women and 2022 is going to be a big year for the women's portfolio. I look forward to delivering the best NSW Women's Week and Women of the Year Awards ever. We are also developing the new Women's Strategy. Bring it on!

HIGHER SCHOOL CERTIFICATE DISABILITY PROVISIONS

The Hon. JOHN GRAHAM (12:07): My question without notice is directed to the Minister for Education and Early Childhood Learning. Given community concerns that high-fee private schools are claiming the highest proportion of disability provisions for the HSC, what support is the Government providing to public schools to ensure that students with disabilities are aware of the disability provisions and have equal access to them?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:07): I thank the member for his question. It is an important question and one that tends to come up most years. There has quite often been media interest in it and this year is no different. Generally speaking, disability provisions are very important in ensuring that students receive the support that they need to succeed in the HSC, and I do not think anybody would argue against that. I am also happy to inform the member that back in 2017 my predecessor and former education Minister, the Hon Rob Stokes, MP, asked the New South Wales Education Standards Authority [NESA]—as the body that runs the HSC for all school sectors—to undertake a review of the HSC disability provisions program. An independent reviewer assessed NESA's implementation of the program and consulted with key stakeholders, including teachers, parents and carers, medical experts and advocates for the education of students with disability.

In response to the review recommendations, NESA is introducing, and has introduced, a range of initiatives to ensure that every eligible student receives the appropriate provisions. This included bringing the applications forward to earlier in the year, which gives schools more time, and developing a comprehensive disability provisions guide, which has been published on the NESA website. NESA has also developed a comprehensive professional learning program to help our teachers and school staff understand the requirements and scope of the provisions. I am pleased to say that 2,400 teachers have completed these modules so far. In addition, to make sure students have equal access to these provisions, NESA now has a team travelling to schools around the State to help teachers and staff understand and apply for the relevant provisions.

I am pleased to inform the member that over 650 schools have been reached to date, with a 40 per cent increase in public schools taking part this year, which is positive. NESA is on track to reach every school with an HSC cohort by the end of 2022. Our public schools and students have record levels of needs-based student funding. This includes training for teachers supporting students living with disability. Following NESA's review into professional learning, we have also mandated that every single teacher in New South Wales must undertake professional learning to better support students with disabilities in order to maintain their accreditation over the next five years.

The Hon. JOHN GRAHAM (12:09): I ask a supplementary question. Will the Minister elucidate the part of her answer where she says that this issue comes up most years and that it was reviewed in 2017? Given that new data shows claims have increased by one-third in the last four years, does the Minister concede this problem is getting worse?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:09): I do not agree with the premise of the question that this is a problem. The reality is we need to ensure that there are robust provisions in place to support students with disabilities to complete the HSC. As I said, the work that was undertaken as part of that review has informed the initiatives that the New South Wales Education Standards Authority [NESA] is currently undertaking in terms of supporting our teachers and staff at all our schools to understand both the requirements and the scope of the provisions, and to also understand how to best access those for their students who need them.

The PRESIDENT: Order! The Minister has the call. She needs no assistance whatsoever.

The Hon. SARAH MITCHELL: In terms of the complexities around these provisions and the individual needs of students, obviously those are individual matters for students, their families and their school communities. But I have every confidence that NESA is working very hard. Again, I think the information I gave in my first answer certainly makes that clear. The number of schools that have been reached so far by NESA indicates that it is doing its job. It is a 40 per cent increase in public schools taking part this year. NESA is making sure that school communities understand these provisions and how to apply for them and is supporting schools in doing so.

The Hon. COURTNEY HOUSSOS (12:11): I ask a second supplementary question. Will the Minister for Education and Early Childhood Learning elucidate that part of her answer where she spoke about the review currently being undertaken by the New South Wales Education Standards Authority around educating school communities about the criteria and the way to apply for the disability provisions? Will the Minister consider reviewing the actual criteria that allow the application as part of that review?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:12): As I said, the review was already completed in 2017. An independent reviewer assessed the New South Wales Education Standards Authority's [NESA] implementation of the program and consulted with the key stakeholders, including teachers, parents, carers, medical experts and advocates for the education of students with disability. The response to that review has informed the work that NESA is doing now. I do not think I could be any clearer than I have already been.

GARDENS OF STONE CONSERVATION AREA

Ms CATE FAEHRMANN (12:12): My question is directed to the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. Earlier this month the New South Wales Government announced a \$50 million investment in the new Gardens of Stone conservation area, which will be used to fund an adventure experience that will feature Australia's longest zip-line, a rock climbing route and an elevated canyon wall. The area is part of a significant cultural landscape for the local Wiradjuri people and includes rock art that is thousands of years old. The Mingaan Wiradjuri Aboriginal Corporation, which represents the traditional custodians of the Lithgow area, has raised significant concerns about the project and the lack of consultation by the Government. If the traditional owners oppose the proposed adventure experience, will the Government continue with the project regardless?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:13): As I am sure Ms Cate Faehrmann is aware, all of the negotiations on the Gardens of Stone proposal have fallen within the purview of the environment Minister. I am not specifically aware of the concerns of that particular Aboriginal organisation. I will seek a briefing on them. If there are matters that are relevant to my responsibilities and that I have direct control over, I will certainly respond to the honourable member as quickly as I can. I will have a good look and if I have any wider concerns, I will certainly raise them with the Minister.

JOBS PLUS PROGRAM

The Hon. WES FANG (12:14): My question is addressed to the Minister for Finance and Small Business. How is the New South Wales Government's Jobs Plus Program delivering new jobs and driving innovation in New South Wales?

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:15): I thank the member for his question. As we continually say in this place, this is a government that is committed to the creation of jobs. The shadow Treasurer and the former shadow Treasurer have heard me say it 1,000 times. I am sure it is a mantra that the shadow Treasurer has learnt by heart. I am sure he is now ready to repeat that mantra—

The Hon. Daniel Mookhey: Past performance is an indicator of future performance.

The Hon. DAMIEN TUDEHOPE: It is all good. We are committed to the delivery of jobs for the people of New South Wales. We are on the right path. In the most recent payrolls summary, New South Wales reported the largest gain in weekly payrolls of all States, with a 3.5 per cent increase in the fortnight to 16 October this year. As we open up the economy in the lead-up to Christmas, we are focused on jobs growth and driving innovation in New South Wales.

The Hon. John Graham: You are going to set a payroll tax record in 2024-25.

The Hon. DAMIEN TUDEHOPE: The Hon. John Graham wants to talk about payroll tax. I could have a discussion on payroll tax every day of the week. If those opposite want to have that debate about payroll tax and their record on payroll tax, I am up for it. The New South Wales Government's Jobs Plus Program provides eligible companies with support to establish and expand their footprint in New South Wales, including payroll tax relief, streamlined planning approval, and the provision of free or subsidised government spaces and accommodation.

Australian businesses that currently employ 20 or more staff and international companies with at least 80 current employees looking to establish a minimum of 30 new jobs before June 2024 are eligible to apply.

Previous investments under the program include Baxter Healthcare, which will see a major expansion of advanced manufacturing in western Sydney, supporting more than 600 existing jobs and creating 80 new ones. Investment from the program announced last week will see infection prevention specialist Nanosonics establish a new global headquarters at Macquarie Park, which will open up and support 400 jobs. Nanosonics currently manufactures and distributes "trophon" technology, which is becoming the standard of care globally for the decontamination of ultrasound probes. The investment will enable the company to increase exports across its largest markets, including North America and Europe. The message is clear: New South Wales is open for business. There is more to be done, but our plan as a prosperous post-pandemic economy is all about getting people back to work and creating jobs.

MORUYA HOSPITAL NEONATAL SERVICES

Mr JUSTIN FIELD (12:18): My question without notice is directed to the Hon. Bronnie Taylor, representing the Minister for Health and Medical Research. This week Dr Michael Holland, visiting medical officer obstetrics and gynaecology at the Southern NSW Local Health District, announced his resignation after 19 years, claiming his position became untenable following the release of an assessment that described neonatal services at the Moruya hospital as unsafe. Dr Holland's public resignation statement said, "I am not proud of NSW Health", and described the root cause of unsafe services as the failure to provide adequate paediatric support. What does it say about the adequacy of planning and delivery of maternity services on the South Coast that a well-respected, experienced senior clinician feels he has no choice but to resign? What does the Minister say to South Coast women who, on top of unsafe services, face a reduction in maternity, neonatal and paediatric beds at a redeveloped Moruya hospital?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:19): I thank the member for his question. I am aware of Dr Holland's comments in his statement to the local paper, which I put in context. NSW Health responded to a request by the local health district [LHD] to review allegations made by Dr Holland that certain additional services were necessary at the current Moruya hospital. The local health district asked the independent Clinical Excellence Commission [CEC] to review the maternity services. The CEC completed a report entitled *Eurobodalla Health Service—Moruya Hospital Maternity Service Resilience Assessment in October 2021*. That report is a source of concern, but not for the reasons that Dr Holland asserted. Rather, the concerns centre on issues as described on pages 17 and 20:

The maternity service and its clinicians need to be better engaged with each other, with the service, and with the hospital and finally with the community. The absence of true professional teamwork impedes the service's ability to absorb adverse clinical events.

...

There were significant concerns from the assessment team relating to fundamental elements to demonstrate the system is safe. First, the apparent under-reporting by clinicians, the lack of psychological safety by clinical staff [both midwives and a doctor described the difficulties in speaking up or being able to get a more senior clinician to listen when concerned] the lack of regular and multidisciplinary meetings, the lack of formulated recommendations and finally the lack of reported evaluations.

The report was presented to Dr Holland and his GP colleagues only a few days ago. NSW Health told Dr Holland that a specialist obstetrician-gynaecologist would be sent to the LHD to work with him and his team to ensure that the issues raised by the CEC could be addressed. NSW Health would like Dr Holland to continue in his role, providing services necessary for the local community. It is disappointing that instead of working with the obstetrician-gynaecologist, he has said he will quit. From the Government's point of view, his resignation is disappointing as it leaves the local community without a resident obstetrician, but all steps are being taken to ensure that there are substitute services available from the time Dr Holland leaves.

The Government's massive focus on the Eurobodalla region has resulted in the new \$200 million Eurobodalla regional hospital being built, which will have the most contemporary healthcare solutions and models of care to meet future demands. Dr Holland has been offered support to ensure that the shortcomings identified in the delivery of his services can be addressed. He knows his services to the community are valued. So why is he walking away, instead of working with NSW Health to ensure the best and safest services are delivered to the local community? From the Government's point of view, which I am sure the community shares, it would be far more beneficial if Dr Holland continued to provide his services but in a way that is appropriately modified, as recommended by the independent Clinical Excellence Commission report. Normally those reports are dealt with in a private way—[*Time expired.*]

Mr JUSTIN FIELD (12:22): I ask a supplementary question. Will the Minister elucidate her answer with respect to the application of the assessment and how the findings of the assessment will be applied at Moruya?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:22):

I thank the honourable member for his supplementary question. Normally the Clinical Excellence Commission reports are dealt with privately, but this has effectively been made a public issue. As a result of the member asking this question in the Parliament, unfortunately there is now a need to answer some of the substance of the concerns of the Clinical Excellence Commission. It should not be that way. I am sure the community knows that the Liberal-Nationals Government has delivered more hospitals in regional areas than has any previous government, including at South East Regional, Wagga Wagga and Goulburn hospitals.

The Hon. Penny Sharpe: A long way from Eurobodalla.

The PRESIDENT: Order! The Minister has the call.

The Hon. BRONNIE TAYLOR: In addition, the Government has announced the new \$200 million Eurobodalla regional hospital and new hospitals at Shoalhaven and Shellharbour, not to mention the magnificent Bega hospital, which is one of the nicest facilities I have seen in rural and regional New South Wales. Labor delivered nothing, and the members opposite will lose interest in other hospitals like they did in their previous 16 years of government. Dr Holland will best serve his community by accepting the offer of the Clinical Excellence Commission to work with him to modernise his practice and to ensure patient safety is paramount. Let us put patients before politics.

The Hon. WALT SECORD (12:24): I ask a second supplementary question. Will the Minister elucidate her answer in regards to her criticisms and attacks on Dr Holland? Will she unreservedly apologise to that great medical practitioner? You should apologise!

The Hon. Bronnie Taylor: Don't speak to me like that.

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

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:24): I refer to my previous extensive answer on the matter.

TEACHER SUPPLY STRATEGY

The Hon. SHAOQUETT MOSELMANE (12:24): My question is directed to the Minister for Education and Early Childhood Learning. How much is the Government spending to relocate overseas teachers to New South Wales to fill teacher shortages?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:25): I thank the honourable member for his question in relation to the Government's work to target high-performing teachers from other jurisdictions, which I have spoken about in the House before. There is obviously a particular focus—

The Hon. Walt Secord: Hands off the Canadians!

The Hon. SARAH MITCHELL: They produced you. Is that a good or a bad thing?

The Hon. Walt Secord: I am not a Canadian. I am an Australian.

The Hon. SARAH MITCHELL: Absolutely, but you are a product of the Canadian education system. That is not the question I have been asked, so I will return to the substance of the question. That particular commitment is addressed through our Teacher Supply Strategy, a \$125 million commitment to look at a range of ways to attract and retain our best teachers. We are particularly targeting STEM teachers through that approach and providing opportunities for interstate and overseas jurisdictions similar to New South Wales—places like England and Canada—to see who would want to live in New South Wales. Why wouldn't they? It is a fabulous place to live, work and raise a family, as we all know.

As I said, that entire commitment amounts to \$125 million. The specific component of support for overseas teachers is \$13.5 million, which I have publicly announced before. It is about making sure we fill existing needs by giving opportunities to people, such as expat teachers or those who once lived in New South Wales but are now living in another State, to come back to New South Wales. During COVID we proved that New South Wales is the best State to live in, so it is a good time to welcome those teachers home. We will continue to ensure that those teachers are of high quality. The Government is trying new and innovative ways to attract and retain teachers in New South Wales through the Teacher Supply Strategy and we are proud of our work.

The Hon. SHAOQUETT MOSELMANE (12:27): I ask a supplementary question. Will the Minister elucidate her answer with respect to teacher shortages by advising the House as to what steps she has taken to

boost future New South Wales teacher numbers? Is the Minister in consultation with the NSW Teachers Federation to address those shortages?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:27): As I said, the \$125 million Teacher Supply Strategy, announced and funded in this year's budget, is about growing the pipeline of teachers we need both now and into the future. As part of that, there is a range of initiatives, including the approach to overseas and interstate teachers, which the honourable member asked me about in his first question. We also have a mid-career transition program to target people who are high performing in other fields to come into teaching, and our Grow Your Own initiative, which I am excited about. That program identifies high-performing senior students, particularly in rural and regional areas, and gives them an opportunity to work in a school as a learning support officer in the year after they complete year 12.

The program will give them the experience of being in the school community, support them to undertake their initial teacher education degree and then bring them back to a regional school. The concept of Grow Your Own is used in other professions, and a lot of evidence and research shows that if we target people who already live in regional communities, they are much more likely to come back and stay. As someone who was born and raised in a regional community, I spent a bit of time in Sydney before ending up back in Gunnedah, where I was born, to raise my own family. We know that it works. If we say to people who already have the experience of regional New South Wales, "Let's find a way to create a career path for you in teaching in the community that you know and love", that is an exciting prospect for them.

The Government also provides opportunities around inclusive education scholarships. It is doubling the number of teach.Rural scholarships and providing more opportunities for the Rural Experience Program, which is a great initiative. That is where a teacher from a metro area spends a term or up to a year in a regional school as an additional placement to experience living in a regional community. It has been really successful in giving people exposure to a country town and helping them understand the opportunities that exist when they teach in a regional community. I could go on, but I have run out of time.

The Hon. COURTNEY HOUSSOS (12:29): I ask a second supplementary question. Will the Minister elucidate that part of her answer where she spoke about the \$125 million? How much of that money has been spent to date?

The Hon. SARAH MITCHELL (Minister for Education and Early Childhood Learning) (12:30): That strategy is a commitment over the next four years, and I am happy to take the specifics of what has been spent up to now on notice. Some good work has already been done to roll out some of those initiatives. One that is already underway is the FASTstream program, for which the first 50 applicants have already been selected. I have spoken in the House before about those really high-performing graduate and early career teachers we will fast-track to principalship within 10 years, and it is incredibly exciting to see that opportunity for talent.

That also includes placement in regional schools. About half of placements in the first year are going out to regional schools, from memory, which they are very excited about. But each of them will spend time in a regional school as part of that program. A lot of work is underway. I am happy to take the specifics of what has been spent so far on notice and come back to the member with an answer. I did not get to this in my earlier answer when the Hon. Shaoquett Moselmane asked whether the Government is speaking to the Teachers Federation, but we speak to all of our stakeholders about a range of issues. That includes teacher supply.

MULTICULTURAL COMMUNITY SERVICES

The Hon. LOU AMATO (12:31): My question is addressed to the Minister for Sport, Multiculturalism, Seniors and Veterans. Will the Minister please update the House on the New South Wales Government's achievements in the multiculturalism portfolio in 2021?

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (12:31): I thank the honourable member for the question, for his great work in multiculturalism, for his interest in the area and for his great work locally. As I have reflected on in the Chamber previously, it has been an immense privilege as multiculturalism Minister to work with communities as they dealt with the height of the Delta outbreak. Between myself and Multicultural NSW, we held more than 60 community forums during the months of lockdown.

The Hon. Penny Sharpe: Are you moving on to something else? This sounds like a valedictory.

The Hon. John Graham: This could be good news.

The Hon. NATALIE WARD: Those opposite do not want to hear good news. We held more than 60 community forums, representing more than 4,500 individual engagements with religious and community leaders, and those opposite do not want to hear the good news.

The Hon. Ben Franklin: Why do you hate good news?

The Hon. NATALIE WARD: That was critical to forming our response and ensuring the New South Wales Government was best placed to assist those communities.

The PRESIDENT: Order! There is too much conversation across the Chamber. Members will restrain themselves. The Minister has the call.

The Hon. NATALIE WARD: Those opposite are so excited; I suspect they have had too much sleep under the new arrangements. Through those engagements, the Government was able to tailor over 3,000 written resources to be translated into almost 60 languages so we could deliver the best advice in language at the doors of multicultural communities. The Government partnered with multicultural and mainstream media outlets alike to ensure the information was widely available through the trusted channels that our communities love to listen to, watch and read. Through that, we saw some of the highest vaccination rates in the State coming from some of our most diverse communities.

In addition, Multicultural NSW assisted the Government to formulate and deliver a financial support package to those communities. In August Multicultural NSW started rolling out funds that amounted to a record \$54.7 million to partner with community groups and non-government organisations to deliver on-the-ground support and continue working to keep our multicultural communities safe. The allocation provided grant programs that initially focused on the local government areas of concern and then expanded to support vulnerable cohorts across the State. As we have moved out of restrictions, it has been a privilege to work with those communities as we return to our normal way of life.

I thank all of our multicultural communities across New South Wales for continuing to engage with the New South Wales Government during the Delta outbreak. I very much look forward to continuing to work with them; it is my great privilege to do so. In one of the most difficult times in our State's history, the response of our multicultural communities was critical to containing the Delta outbreak and increasing vaccination rates across the State. I have spent many hours meeting online on Zoom calls with some of those community groups and religious and community leaders, and meeting with them face to face was an absolute privilege. I look forward to meeting with those communities during the upcoming festive season and into 2022.

SHARK MANAGEMENT PROGRAM

The Hon. EMMA HURST (12:34): My question is directed to the Minister for Mental Health, Regional Youth and Women, representing the Minister for Agriculture and Western New South Wales. During the recent budget estimates hearings, Department of Primary Industries [DPI] staff stated that the Government removes shark nets from beaches during the main migration period for whales to reduce the risk of migrant humpback whales getting caught in the nets and becoming injured or killed. But according to the Federal Department of Agriculture, Water and the Environment, "The majority of humpbacks in Australian waters migrate ... back towards the Southern Ocean from September to November." Given this, why is the Government still conducting shark netting programs in September and November?

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (12:35): I have an irrational fear of sharks, but here we go. The New South Wales Government takes a holistic approach to shark mitigation and swimmer safety, and people are safest when it gets the balance right. That includes drones, SMART drumlines, VR4G-tagged shark listening stations, research, community engagement and education as well as nets where appropriate. Shark nets are deployed off 51 beaches between Newcastle and Wollongong from 1 September to 30 April as part of the New South Wales Government's record \$21.4 million shark management program.

According to the NSW National Parks and Wildlife Service, the whale migration season—I love whales—along the New South Wales coastline commences with northwards migration in May and June, and they start making their southbound journey from around August to November. I am advised that nets are not installed from 1 May to 31 August each year, meaning that the majority of the migration season from May to August is un-netted, which is also the time of peak abundance on the New South Wales coast. September is the traditional start of the swimming season in New South Wales and is when the beaches are patrolled by the amazing Surf Life Saving NSW.

Public safety is the Government's number one priority, and shark mesh nets are effective as part of a suite of shark mitigation measures in New South Wales. Since 1937 there has only been one fatality at meshed beaches. I am advised that nets are checked every 12 to 72 hours. All marine life found alive in the nets is released where it is practical and safe to do so. Since 2009 the shark management program has been authorised by and managed in accordance with a joint management agreement and a management plan under the Fisheries Management Act

1994 and the Biodiversity Conservation Act 2016. It is also worth noting that the nets are fitted with acoustic warning devices to alert dolphins and whales, to minimise the chance of their interaction with the nets.

The Hon. Penny Sharpe: What about penguins? What are you doing for penguins?

The Hon. BRONNIE TAYLOR: Maybe it works for penguins too.

The Hon. Emma Hurst: Point of order: There is only 44 seconds left, and my point of order is about direct relevance. The question was about the comment that was made by the Department of Primary Industries about the nets and the timing of their use, not around the migration period. I ask that the Minister answer that specific part of the question.

The PRESIDENT: The Minister was being directly relevant in relation to the interaction between the shark nets and the migration period but should now focus on the back end of the question in relation to the Southern Ocean migration from September to November as well.

The Hon. BRONNIE TAYLOR: I did refer to the dates when I said that they are not installed from 1 May to 31 August. The majority of the migration season from May to August is un-netted. In the unlikely event of a whale entanglement, DPI supports the NSW National Parks and Wildlife Service's disentanglement team as part of an interagency response—along with the New South Wales water police, Marine Rescue and O'Neil Risk Consulting & Algorithmic Auditing—to monitor the area and provided technical advice and resources as required.

THEATRE ROYAL AND AUSTRALIAN PRODUCTIONS

The Hon. WALT SECORD (12:39): My question is directed to the arts Minister. Given the upcoming opening of the Theatre Royal Sydney, what will be the first Australian production at the theatre? Was staging Australian productions one of the conditions set out as part of the process to receive State Government assistance?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:39): I thank the honourable member for his question. I may need to take advice from the department on the contractual provisions between the Government and Trafalgar Entertainment. I am surprised by the question that the honourable member has asked. Even if, for example, the first show, *Jagged Little Pill*, is a show that premiered overseas, the cast includes Tim Draxl and Natalie Bassingthwaite. It includes several other cast members, and it is providing jobs for Australian creatives behind the stage.

The Hon. Walt Secord: Point of order: My point of order goes to relevance. My question was specific. I talked about Australian productions. I welcome that Australian actors are being employed, but I was talking about Australian stories and Australian-themed productions.

The PRESIDENT: The Minister is being directly relevant. The Minister has the call.

The Hon. DON HARWIN: Why do you hate *Hamilton*, Walt? Why do you hate *The Book of Mormon*, Walt? Why do you hate some of the great shows that we have had in Sydney? What is it about you, who aspires to be the arts—

The Hon. Walt Secord: You hate Australian stories.

The PRESIDENT: Order! It might serve the interests of the House if comments are directed through the chair and if the member does not interject incessantly.

The Hon. Walt Secord: Point of order: I am trying to make a point to the Minister. Does he hate Australian stories?

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

The Hon. DON HARWIN: I thank the honourable member. If previous governments, including some of the ones he worked for, had been a bit more assiduous about making sure we had more theatres in Sydney, there would be more places where we could tell Australian stories.

The Hon. John Graham: You have been in government for 10 years and it is getting worse.

The Hon. DON HARWIN: We are getting a theatre reopened. That is something that your lot could not do, John. The Theatre Royal Sydney is reopening. If we were a city that had more performance spaces, we would have shows opening like *Moulin Rouge! The Musical*, which is an Australian production made by Baz Luhrmann. It is opening in Melbourne.

The Hon. Bronnie Taylor: Is it?

The Hon. DON HARWIN: Yes, it is. It is open now at the Regent Theatre, which is owned by the Victorian Government. There is a problem with market failure. The reality is that keeping our theatres, let alone reopening our theatres, is not easy because the type of site that you need for a performance space at a location that is viable is very tricky. It has repeatedly proved impossible for the private sector to overcome those problems, unless, for example, it is attached to a casino, as Foundation Theatres has been able to do, or it is a theatre owned by a local government organisation like the City of Sydney, which owns the Capitol Theatre. Rest assured, this is being fixed.

The Hon. WALT SECORD (12:43): I ask a supplementary question. Will the Minister elucidate his answer where he used the phrase "market failure"? Is he referring to Australian stories? Is he against the performance of Australian stories on Australian stages?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:44): The honourable member is wilfully misleading the House on what I actually said. I was talking about market failure in terms of opening theatre buildings and performance spaces. I was certainly not talking about Australian stories. If he had been listening, he would have heard me refer to an Australian production that has recently been opened in Melbourne. I have been to any number of Australian productions in the last couple of years, for example the magnificent Australian-made production of *Calamity Jane*. Admittedly, it is a story from overseas, but the biggest audience it performed to in Sydney was at Belvoir Theatre. It is a great theatre, but it has less than 250 seats. It played to 1,000 seats in Melbourne. Actually fixing the infrastructure is very important.

The member should also have a look at the Create NSW website at all of the round 1 project funding, and he will see a number of new Australian stories and works being supported by Create NSW funding right now. It is happening now, and it happens consistently. Because we have had a 10 per cent increase in the arts funding budget in the last year, we are going to have more projects being funded. Because I am working on a strategy to have more performance spaces in Sydney, we are going to fix this problem once and for all. I am so excited about what is happening, and I cannot wait to spend the next 12 months working on it. It is going to change the landscape in Sydney and in New South Wales.

ABORIGINAL LAND RIGHTS ACT REVIEW

The Hon. PETER POULOS (12:46): My question is addressed to the Aboriginal affairs Minister. Will the Minister update the House on his statutory review of the Aboriginal Land Rights Act 1983?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:46): I am pleased to confirm that the statutory five-year review of the Aboriginal Land Rights Act 1983, which was scheduled for 2021, has now been completed. The report on the findings of my review was tabled in Parliament yesterday. First and foremost, the review confirms that the policy objectives, intention and purpose of the New South Wales Aboriginal Land Rights Act remain valid. In undertaking my review, I determined the scope of it should be broad and open. I sought the views from relevant stakeholders to assist on whether the Act is appropriately delivering its objectives or needs changing for the betterment of Aboriginal people in New South Wales.

The final recommendations of the review set out three stages of work that will lead to improvements to the land rights regime, which are certainly needed, and will assist the operations and management of the Local Aboriginal Land Council Network, which also needs to be constantly stewarded. Firstly, I am developing a range of administrative and operational amendments to be made to the Act, which will improve the day-to-day operations for Aboriginal land councils and other users of the Act. This amendment bill will be introduced into Parliament in the autumn sittings after we resume next year. Secondly, a consultation process will be initiated on proposals to consider better ways for Aboriginal land councils to use and activate their land that is subject to native title claims. This is a significant problem for local Aboriginal land councils that are trying to claim land that will ultimately help Aboriginal communities, particularly in regional areas but also in the cities.

Thirdly, in the longer term, I have asked my department to work in partnership with the Department of Planning, Industry and Environment and key Aboriginal stakeholders to consider broader reforms to the Act. Specifically, that work will look at the interaction of the Aboriginal Land Rights Act with other legislative frameworks to maximise the economic and social outcomes from land rights for Aboriginal people in New South Wales. That work must include delivering innovative solutions to determining outstanding land claims at a much-improved rate and, in particular, at scale. I note the recent success in delivering an historic Aboriginal Land Agreement in Orange under the Land Negotiation Program. Under the standing orders, I seek an extension of one minute.

Leave granted.

The Hon. DON HARWIN: I congratulate Minister Pavey for her commitment to driving better outcomes from her department. I extend my sincere gratitude to all who provided me with advice and submissions, and who participated in workshops to inform my consideration of the Aboriginal Land Rights Act and its operation. In particular, I thank the individual land councils for their submissions, and the NSW Aboriginal Land Council and the Registrar of the Aboriginal Land Rights Act for providing their time and contributions in the review process.

SYDNEY HARBOUR CROSSINGS TOLL

Reverend the Hon. FRED NILE (12:50): My question is directed to the Minister for Finance and Small Business, representing the Treasurer. On Tuesday *The Sydney Morning Herald* revealed that the Premier, as then Treasurer, blocked plans to introduce tolls across the Sydney Harbour Bridge. The Treasurer and the planning Minister have said previously that there are no plans to introduce a toll either way on the Sydney Harbour Bridge. Will the Minister assure the people of New South Wales that the Government will not introduce another toll on already over-tolled motorists in New South Wales?

The Hon. John Graham: It's coming tomorrow. I'll give you the heads up.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (12:51): I have a song about it tomorrow. I thank the member. Does it not go to show the ability of members in this place to ask relevant questions—that I got this question from the crossbench and not in fact from the Opposition. Do members know why we did not get it from the Opposition? Because "the funnel for the tunnel", as the Leader of the Opposition in the other place is well known, when he was working for Carl Scully had a policy of funnelling all the traffic into the tollway.

The Hon. John Graham: We're trying to fix the problem.

The Hon. Daniel Mookhey: He knows.

The Hon. DAMIEN TUDEHOPE: He does not want to get involved in these sorts of questions. Members can imagine the Opposition's question time strategy: We have to be a little bit careful about toll questions because we know that we are the masters at introducing tolls because we stopped people from Epping Road to make sure that they had to use the Lane Cove Tunnel. In fact, I can remember my predecessor the member for Epping used to sing, "Bring back our Epping Road." So those opposite are a little bit cautious about asking questions in relation to tolls. So I welcome the question—

The Hon. Rose Jackson: We are talking about tolls.

The Hon. DAMIEN TUDEHOPE: Just calm down. I would have liked the question to have come from you because it would have shown that you had actually thought about policy. The Opposition has no policy in relation to building infrastructure, no policy about how it would pay for infrastructure and no policy in relation to anything that it is prepared to bring to this House.

The Hon. Rose Jackson: Will you toll the harbour bridge?

The Hon. John Graham: Just answer the question.

The Hon. DAMIEN TUDEHOPE: In answer to the question, like all things, the development of infrastructure involves policy consideration. There is a process to go through. The Government has made no decision in relation to any of this.

The Hon. Rose Jackson: Past performance—the toll is coming.

The PRESIDENT: Order!

The Hon. DAMIEN TUDEHOPE: We say this, there is a process to go through for the purpose of delivering infrastructure for the people of New South Wales. They expect us to go through that process and to deliver outcomes for the people of this State. Guess what? We have a track record of being able to do it, and we deliver.

The Hon. John Graham: You have a track record—being toll roads.

The Hon. DAMIEN TUDEHOPE: Give me a question about the— [*Time expired.*]

ULTIMO POWERHOUSE MUSEUM STAFFING

The Hon. PETER PRIMROSE (12:54): My question is directed to the Leader of the Government, Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts. What is the Minister's response to concerns about the high turnover of staff at the Ultimo Powerhouse? Has he investigated those concerns?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:55): One would have thought that the Opposition had learned its lesson yesterday about asking questions about the Powerhouse Museum. For at least five years the Opposition has been beating the drum and trying to suggest there are problems at the Powerhouse Museum. They are simply not there. We are standing at the dawn of an exciting era for the Powerhouse Museum as it operates over four sites. It will have its traditional site at Ultimo, where we are spending between—

The Hon. Walt Secord: Point of order: My point of order goes to relevance. The Hon. Peter Primrose asked a question specifically about staff morale at the Ultimo site.

The PRESIDENT: The Minister's comments were introductory and leading towards direct relevance to the question.

The Hon. DON HARWIN: I am very happy to come to staff morale if that is what the Hon. Walt Secord says because, to be honest, I think staff morale has never been higher. They are so excited about the fact that \$1.3 billion is being spent on capital works across the four sites of the Museum of Applied Arts and Sciences. It is being magnificently led by Lisa Haviilah, one of the most respected people in the arts sector in Australia. Lisa has a well-deserved reputation for excellence in cultural achievement, and she has a great team. The museum has an outstanding trust, which has provided much-needed stability and direction for the staff. I am very surprised to hear that there is substantial turnover.

What may be confusing the Hon. Peter Primrose, and perhaps other members of the Opposition with whom he might have been discussing it, is that in fact the Museum of Applied Arts and Sciences trust had a very considerable budget increase in recurrent spending in the last budget. It has \$1.3 billion worth of projects to plan for with effectively a doubling of exhibition space so not only is the museum keeping all of the Ultimo site but also it is getting Parramatta plus a 40 per cent expansion at Castle Hill. The museum has a lot to do. Obviously, it is an organisation in considerable transition, but I will check on the suggestions that the Hon. Peter Primrose has made. If there is anything that I need to let him know in terms of the question he has asked, I will certainly be very happy to do it.

The Hon. PETER PRIMROSE (12:58): I ask a supplementary question. I thank the Minister for offering to take matters on notice. Will the Minister elucidate his answer, possibly on notice, by advising the House what the actual turnover of staff is at the Ultimo Powerhouse?

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (12:59): I thank the Hon. Peter Primrose for his supplementary question, which perhaps if I were being churlish would say is a restatement of his original question. The member did prompt me to consider whether in fact there was any information that I had not provided to him in my original answer that needed to be provided on notice. As I said earlier, in my experience, generally I hear pretty quickly about matters relating to the Powerhouse Museum, and I have not been advised of any abnormal turnover of staff. I did mention that there is quite a bit of extra, recurrent funding and many extra projects to be planned. Naturally, as we are going from planning for one museum at Parramatta to now planning for two museums—with Ultimo being kept as a result of the great decision this Government took earlier in the year—there is quite a bit of organisational change that is necessary. I will take the question on notice and provide the honourable member with further information in due course.

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

Supplementary Questions for Written Answers

HIGHER SCHOOL CERTIFICATE DISABILITY PROVISIONS

The Hon. WALT SECORD (13:00): My supplementary question for written answer is directed to the Minister for Education and Early Childhood Learning. Will the Minister please provide the number of applications for HSC disability provisions for 2020 as follows: how many were applied for, how many were refused, and from which schools in New South Wales with an HSC cohort?

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. WALT SECORD: I move:

That the House take note of answers to questions.

WOMEN SUPPORT STRATEGIES

MORUYA HOSPITAL NEONATAL SERVICES

The Hon. WALT SECORD (13:01): I take note of answers in my capacity as the representative for the shadow Minister for Health in this Chamber and in my capacity as shadow Minister for Police. Firstly, NSW Labor welcomes the appointment of Ms Karen Webb as the NSW Police Force commissioner, as referred to by the Hon. Bronnie Taylor in her answer about the promotion of women in government ranks. Labor also pays tribute to the outgoing New South Wales police commissioner, Mick Fuller, for his service to the State. I wish him a long and happy retirement. He has served the community tirelessly and can be proud of his legacy. The appointment of Ms Webb is historic. She has exceptional credentials, with years of dedicated service to the NSW Police Force. She will do a fantastic job and will serve the community with dedication and professionalism. The appointment of our State's first female police commissioner is a historic moment to be celebrated—although, frankly, it is long overdue. Finally, I express my sincere thanks to Mr Fuller for his service to New South Wales over the past five years.

Now I turn to the answer given by the Hon. Bronnie Taylor to the question from Mr Justin Field in relation to Dr Michael Holland, the long-serving and eminent Eurobodalla obstetrician and gynaecologist. I understand that Dr Holland has resigned due to unsafe practices within the Southern NSW Local Health District. He is Eurobodalla's only contracted obstetrician and has responsibility for the health care of women and babies from Milton-Ulladulla to Eden.

The Hon. Penny Sharpe: That's a long way.

The Hon. WALT SECORD: That's a hell of a long way. This is a controversial local health district [LHD]. I am familiar with it from my time as shadow health Minister, but I am also familiar with it through serving as a committee member on the rural and regional health care inquiry chaired by the Hon. Greg Donnelly. Dr Holland gave evidence to the inquiry in October 2021, where he revealed that he believed that the neonatal services in the region were "unsafe". He has resigned due to safety reasons. He said:

My position with the Southern NSW LHD has really become untenable as a consequence of a recent review of the maternity services in Moruya District hospital.

Dr Holland has been in the area for 19 years. I understand that his contract was due to end in mid-2023 and he had planned to work for a long time. In short, he is a true champion for the community and has been a vocal advocate for health services in the region, particularly for ensuring that the promised Eurobodalla Hospital is a level 4 service facility and not a level 3. Sadly, the Coalition Government has downgraded health services in that LHD. Dr Michael Holland is a respected medical practitioner and a man of integrity. I find it extraordinary that the Minister representing the health Minister would, under parliamentary privilege, launch an attack on him. He deserves an apology. This Government should apologise to Dr Holland. [*Time expired.*]

MORUYA HOSPITAL NEONATAL SERVICES

Mr JUSTIN FIELD (13:04): I also take note of the Government's answer today to my questions about the resignation of Dr Michael Holland. I will reiterate, he is a respected senior clinician who has served the southern New South Wales community for a very long time. It would benefit the Government to listen to him and his concerns about the adequacy of services at the existing hospital and the plans for the future hospital in Eurobodalla. I want to put on the record a little more of exactly what Dr Holland said in his resignation statement. He said:

I am proud of the team of doctors, midwives, nurses, allied health professionals and health services workers that I have worked with.

I am not proud of NSW Health which, as a department of the NSW Government, is responsible for the provision of health care to the people of NSW.

The last of a series of last straws was the Moruya Hospital Maternity Service Resilience Assessment released in confidence to a limited number of individuals last week.

It was not released to those individuals who have informed me that it does not reflect their evidence given to the review.

It found that the Moruya Maternity Service was operating at the most basic level of resilience.

He went on to say:

It ignores the root cause of unsafe neonatal services which is the failure to provide paediatric services to the largest rural maternity service in the Southern NSW Local Health District.

The Minister wanted to put some context around this issue. I want to put some context around this too because Dr Holland has also been critical of the Clinical Services Plan for the community, saying it is underfunded; it is going to result in a reduction in theatre spaces, the removal of the Central Sterilising Unit, and a reduction in maternity, neonatal and paediatric beds; and rejects a proposed radiation oncology service. What is going to end

up happening in that local health district is that a level 3 hospital and a level 2 hospital will be closed and replaced with a level 3 hospital with fewer beds. That is a net zero gain, as Dr Holland describes it, by 2025.

I say this in the context of an inadequacy in maternity services in particular along the entire South Coast. I get some pressure about this at home. I acknowledge that my wife is a birth educator and doula, and many of her clients use Moruya District Hospital. One of the reasons that they are forced to, of course, is because the Milton maternity services closed down in 2016. She has had many clients who have been turned away from Moruya hospital. She stresses the magnificent work of the midwives and the clinicians there but, at the end of the day, the services are not adequate.

A senior clinician is raising this as a matter of concern. He is identifying the inadequate services as one of the key reasons for the issues at that hospital and he is raising concerns that they are not going to be addressed in the rebuild. That is absolutely astonishing—spending money to go nowhere in improved services for the South Coast, when we are seeing a huge population boom in that area. It is totally inadequate and the Government needs to take this matter seriously.

MULTICULTURAL COMMUNITY SERVICES

The Hon. LOU AMATO (13:07): I take note of answers given by the Hon. Natalie Ward relating to the Multicultural portfolio. The Minister outlined the outstanding \$54.7 million in financial support provided by the New South Wales Government to our communities. During the pandemic we all experienced varying degrees of difficulties but some families and communities were exposed to greater hardship and loss, through no fault of their own. The Government has shown it remains committed to working alongside the community through the response to and recovery from the pandemic.

Grassroots community organisations and specialist non-government organisations have stepped up across the State by providing help to vulnerable people, especially asylum seekers, refugees, international students and other holders of temporary visas. They have helped with food, rental assistance, medicines and sanitary equipment, phone and travel cards, grocery vouchers and, more importantly, social connection to help improve people's mental health and wellbeing. Some of the recipients of Multicultural NSW funding have been overwhelmed by demand for their services, as people lost their livelihood during the pandemic.

Multicultural NSW has focused its support on people who are ineligible for Commonwealth government assistance, especially those on temporary visas. Organisations that received Multicultural NSW funding in September 2021 included the Asylum Seekers Centre, Fairfield Community Resource Centre, Settlement Services International, United Muslim Women's Association, Jesuit Refugee Service, St Francis Social Services—otherwise known as the House of Welcome—Western Sydney Migrant Resource Centre, Lebanese Muslim Association, Hills Community Aid and Information Service, Multicultural Youth Affairs Network of NSW, Australian Red Cross, Salvation Army, HOST International, and CCA NSW.

Their tireless work has helped thousands of people as they begin to find work and support during our recovery phase. Multicultural NSW has been leading an intensive community engagement schedule, supported by senior NSW Health officials, to identify the impacts of COVID on communities and provide them with the latest public health advice to share. This has involved more than 80 online forums since June 2021 with regional networks, religious leaders, peak multicultural bodies, community groups, and the humanitarian and settlement sector. Combined, the forums have involved more than 5,000 individual engagements. In addition to those online forums, Multicultural NSW is speaking every day to community leaders and grassroots community organisations. These community insights have directly informed the allocation of grant funding to support communities throughout the Delta outbreak.

HIGHER SCHOOL CERTIFICATE DISABILITY PROVISIONS

MORUYA HOSPITAL NEONATAL SERVICES

The Hon. PENNY SHARPE (13:10): First of all, I take note of the answer given by the Hon. Sarah Mitchell in relation to the numbers regarding students accessing disability support for doing the HSC. Every student who needs support should be able to get it. This side of the House is concerned that it is very clear that young people across New South Wales in public schools, for whatever reason, are not getting access to the support they need when they are doing the HSC if they have a disability. The numbers speak for themselves. It is clear that there is direct support being provided for kids in private schools. They have parents who are clearly working hard to make that happen, and they are getting the support that they need. No-one has a problem with that.

The Minister talked about the review that happened in 2017. That is four years ago now, and it has grown by a third. Her answer was the stock-standard answer from one of those mega-folders from the Department of Education that says, "We have a program for that. We have a review for that. We have a test for that. We've been

getting to schools. We're getting there eventually and everyone is getting the support they need." It is clear from the Minister's answer and the statistics that are coming out year after year that kids in public schools, for whatever reason, are not necessarily getting the support they need to do the HSC. I think that is a major equity issue.

If we are serious about outcomes and about making sure that kids are not disadvantaged when doing the HSC, the stock-standard answer from the department—"We've got a program for this; we've had a look at it; we're sending people out slowly but surely as we toddle around to our schools"—is not good enough. Why is it that teachers are unable to assist students to gain the support they need if they need special adjustments in relation to the HSC? I think the numbers speak for themselves. Time's up in terms of the excuses around this. I was very disappointed with the Minister's answer today because I think there is a much bigger equity problem that she wants to shrug off, and I do not think she should be able to do that.

I also take note of the answer given by the Hon. Bronnie Taylor in relation to the clinician who has resigned in Eurobodalla. I do not know that person, but he is the obstetrician-gynaecologist for a large area of the State. I have taken a long interest in maternity services issues across the State and the need for women to have access to good support. There is something very wrong with someone of 19 years' standing resigning over what he considers to be unsafe arrangements in relation to health in that area. I thought the Minister's answer was extremely unfortunate; I thought it was actually attacking the very person who was very seriously raising concerns about the matter. That is the worst way to deal with these issues. Those communities need those clinicians.

JOBS PLUS PROGRAM

The Hon. WES FANG (13:13): I take note of the answer to the question about jobs that I asked of the Minister for Finance and Small Business. The Minister mentioned that in this State there has been a 3.5 per cent rise in weekly payrolls. I understand that the National Skills Commission Internet Vacancy Index for October 2021 showed that job advertisements in New South Wales in October rose a massive 16.9 per cent, compared with a national increase of just 7.8 per cent, and that job ads in New South Wales are up 48.9 per cent from pre-COVID levels. The Minister told us about the latest successful applicant for the Jobs Plus Program, the infection prevention specialist Nanosonics. The company will establish its new global headquarters in Macquarie Park, which will support 400 jobs. Those opposite will be pleased with the earlier successful application by Baxter Healthcare, which will see a major expansion of advanced manufacturing in western Sydney, supporting more than 600 existing jobs and, crucially, creating 80 new jobs.

The \$250 million Jobs Plus package is just one of the many measures taken by the Liberal-Nationals Government to foster job creation throughout New South Wales. There is a \$100 million economic recovery package to turbocharge skills training and provide a futureproof workforce. Those of us who live in rural and regional communities, as well as members on this side of the House who live in metropolitan areas, know the challenges in getting workforces with the correct skills. I congratulate the Government on that initiative. There is a \$200 million recovery package for regional New South Wales, including \$30 million for the second round of the Regional Job Creation Fund, but the Government is not finished there. There is \$40 million for priority infrastructure projects across regional New South Wales. As the Minister reminded us, the Government is all about getting people back to work and creating jobs, jobs, jobs.

TEACHER SUPPLY STRATEGY

The Hon. SHAOQUETT MOSELMANE (13:16): I take note of the Hon. Sarah Mitchell's answers. I note the Government's desperate attempt to address teacher shortage not by funding and supporting local graduates and investing in teachers but by reaching out to overseas sources to boost numbers in New South Wales public schools. The New South Wales Government is spending \$125 million on this program. Wouldn't you think that money would be better spent in New South Wales to produce more local graduates in the workforce? Investing in teaching would be a better approach than going overseas.

New South Wales has more than 91,000 teachers employed in public schools. Importing 500 teachers from overseas shows that there is a real problem in New South Wales, one that must be immediately addressed to prevent future crises. I note that it seems the Government has failed to consult with or, at minimum, listen to the New South Wales Teachers Federation. I note the federation's 15 October 2021 press release, which is scathing and critical of the Government. The press release, entitled *NSW Government has no plan to recruit the teachers NSW needs*, stated:

NSW Teachers Federation president Angelo Gavrielatos said he was shocked that the government had not responded more seriously and comprehensively to the crisis caused by acute teacher shortages, rising enrolments, a 30% fall in Initial Teacher Education commencements, and a rapidly ageing workforce.

"We have been waiting 10 years for a comprehensive workforce plan that shows in each subject area how the shortages will be fixed, how many teachers we need and how the government will end the unacceptable situation where 1,000 permanent positions are vacant and 15% of teachers are teaching outside their area of expertise" Mr Gavrielatos said.

The press release continued:

"Not only is the government trying to cover up the scale of the teacher shortages, it has no evidence-based plan to tackle them or deliver the additional 11,000 teachers NSW will require, at a minimum, over the next decade.

"The warnings about how serious this situation is, could not be clearer.

The Education Department reported last year: 'We cannot improve student outcomes without having a sufficient supply of high quality teachers available where and when they are needed. If we don't address supply gaps now, we will run out of teachers in the next 5 years.'

"Only three months ago—

[*Time expired.*]

ABORIGINAL LAND RIGHTS ACT REVIEW

The Hon. PETER POULOS (13:19): I am delighted to be empowered to take note of the answer given by the Aboriginal affairs Minister to the question seeking an update of the review of the Aboriginal Land Rights Act 1983. The Minister provided a comprehensive outline of his role on the statutory review. He outlined that the five-yearly review of the Act has been completed and the report tabled yesterday and that completes the Minister's review. Section 252A of the Act requires that the Act be reviewed every five years. The review was undertaken with close involvement of the NSW Aboriginal Land Council, the registrar of the Act and the Department of Planning, Industry and Environment, which intersects significantly with components of the Act. The NSW Aboriginal Land Council conducted independent forums with local Aboriginal land councils to inform the review. The Minister also received submissions from the broader community and stakeholders. The review confirms that the policy objectives, intention and purpose of the Act remain valid.

I recognise in the Minister's response that he is very sincere in fulfilling his obligations to matters pertinent to his role within the Aboriginal Affairs portfolio. I note in relation to the final recommendations that he reinforced there would be three stages. The first will involve addressing a range of administrative and operational amendments, which will be further implemented. The second stage will deal with a consultative process to be instituted, where there will be consideration in consultation with Aboriginal land councils of how matters pertinent to native title will be addressed. Further, consultation through the department will be conducted to explore innovative solutions to deal with broader reforms of the Act.

MORUYA HOSPITAL NEONATAL SERVICES

The Hon. COURTNEY HOUSSOS (13:22): I feel compelled to take part in this debate after the answers provided by the Hon. Bronnie Taylor to the legitimate and genuine questions from Mr Justin Field about the resignation of Dr Michael Holland. At the outset, I will set the record straight. The latest Labor Government rebuilt or redeveloped every country hospital across this State. When talking about the Bega hospital, let us be clear about who provided the bulk of the funding to build that hospital. It was the Federal Labor Government, after the advocacy of the great former member for Eden-Monaro Dr Mike Kelly, MP. The Liberal-Nationals Government may have tipped in a little bit at the end and was there to cut the ribbon. But let us be clear about who redevelops and rebuilds country hospitals across this State.

The real issue confronting Bega hospital, now that the ribbon has been cut, is the same issue that has been pursued relentlessly by the committee of the upper House inquiry into rural and regional health. I pay tribute to the Hon. Greg Donnelly and the Hon. Walt Secord for the way in which they have pursued this issue around the State, because this question about lack of staff is not one that is raised only on the Far South Coast and South Coast of New South Wales, as has been highlighted today. It is an issue across this State because, after 10 years in government, the Liberal-Nationals Government has not recruited enough staff members. It is not paying them, not rewarding them and not treating them fairly and with the respect they deserve. This week the Government is trying to take away their access to workers compensation. Only today there was a briefing from the Australian Salaried Medical Officers Federation in the Macquarie Room about the treatment of junior doctors. This is not about one single issue happening on the Far South Coast. This is happening right across our health system.

I pay tribute to the respected senior clinician Dr Michael Holland, who for 19 years has practiced on the South Coast in an area from Milton-Ulladulla to Eden. That is 260 kilometres, requiring a 3½ hour drive. This man is not afraid of hard work. Today in question time we heard a remarkable attack from the Minister on a whistleblower. Dr Holland deserves an apology. He is emblematic of what is happening across this State. Without fair conditions and fair pay, our doctors, nurses and health staff will continue to leave. They have had enough. After a decade in government, it is time for the Government to front up.

TAKE NOTE OF QUESTIONS TO ANSWERS

The Hon. BEN FRANKLIN (13:26): I will discuss in some depth three of the contributions made in question time today. The first is the question asked by the Hon. Emma Hurst regarding sharks and the shark netting program. I know that she has an appropriate interest in the protection of animals, but I need to put on the record that the shark meshing program in Sydney and from Newcastle down to Wollongong has meant that there has not been a single fatality in 70 years. I was in Ballina in 2015 when Tadashi Nakahara was killed. It sent shockwaves through that community. It changed the face of that community, emotionally but also economically. It had a massive impact on tourism. That is why this Government rolled out a suite of measures under the shark mitigation program, such as SMART drum lines, tagging sharks, listening stations and drones. It was very successful. I understand the motivation of the member, but we need to understand that there has to be a balance. There is nothing more important than protecting human life.

The second issue I will raise is the question by the Hon. Walt Secord, who implied that if there is no Australian drama as the primary, immediate and first production at the Theatre Royal, then somehow we are failing to support Australian artists and culture. That is facile and not the case. This comes from the man who screamed "Where's *Hamilton*?" across the Chamber for two years, he was so desperate to get a ticket to *Hamilton*, which is the exemplar of another country's cultural undertaking. If we take the member's idea to the logical extreme, we would not ever have in this country a production of Shakespeare, who is the greatest playwright in the history of the world.

On Friday night I had the privilege of seeing the new production of *Julius Caesar* by the Sydney Theatre Company, directed by one of the most extraordinarily brilliant young Australian directors, Kip Williams, with an amazing cast including Geraldine Hakewill, Ewen Leslie and Zahra Newman, who are all Australian-trained actors. It cannot be said that culture is dependent entirely on the substance of the script. The Minister commented on the incredible Australian productions and the programming that is happening. All the member has to do to see the incredible productions currently underway is to look at Create NSW's website. The acting, production, direction, staging, design, costumes and sound are all important for the Australian creative industries. That is exactly what this Government is supporting.

Finally, I take note of the finance Minister's answer about the Jobs Plus Program and the importance of both employment and the economic recovery more broadly. In question time today we have heard discussed a range of different programs, all of which require significant funding. We sustained one of the biggest economic hits through COVID-19 that was possible to take. We were not alone, of course. That was the same with every State and every nation around the world. But by keeping people safe and rolling out \$45 billion in health response and economic support programs since March 2020, we invested in the foundations of our economy.

The economy grew 1.4 per cent in 2021, which was extraordinary, and it was more than \$18 billion larger in 2021 than it was before COVID-19. Business confidence hit a record high of plus-29 in October. The nation lost 46,000 jobs in October, but New South Wales employment rose by 22,000. Consumer sentiment in November rose by 4.4 per cent to 107.9 index points, recording the best consumer sentiment in the country. The Government understands the importance of protecting both lives and livelihoods. We have managed our COVID-19 response appropriately and well. We have kept the foundations of our economy strong and we are roaring back, so that we can make the investments in all of the programs that have been discussed today in question time, and we will do so for many years to come.

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

Motion agreed to.

Written Answers to Supplementary Questions

SPORT PORTFOLIO GRANTS

In reply to **the Hon. JOHN GRAHAM** (23 November 2021).

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

Details of grant funding recipients under the 2020/21 Greater Cities and Regional Sport Facility Funds are available on the Office of Sport website.

*Bills***STRONGER COMMUNITIES LEGISLATION AMENDMENT (CHILDREN) BILL 2021****NATIONAL PARKS AND WILDLIFE AMENDMENT BILL 2021****Messages**

The PRESIDENT: I report receipt of messages from the Legislative Assembly agreeing to the Legislative Council's amendments to the bills.

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

TEACHER ACCREDITATION AMENDMENT BILL 2021**ELECTORAL AMENDMENT (COVID-19) BILL 2021****Returned**

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I report receipt of messages from the Legislative Assembly returning the bills without amendment.

CRIMES LEGISLATION AMENDMENT BILL 2021**Messages**

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

Crimes Legislation Amendment Bill

MR PRESIDENT

The Legislative Assembly, having considered the message dated 12 November 2021 in which the Legislative Council requested the concurrence of the Legislative Assembly with an amendment to the Crimes Legislation Amendment Bill, informs the Legislative Council that the Legislative Assembly disagrees with amendment No. 1. However, with the concurrence of the Animal Justice Party, an amendment cast in similar terms but with minor amendments to improve efficacy is proposed and preferred instead.

Accordingly, the Legislative Assembly requests the concurrence of the Legislative Council in the proposed further amendments in the attached schedule.

Legislative Assembly
24 November 2021

JONATHAN O'DEA
Speaker

The Hon. SAM FARRAWAY: On behalf of the Hon. Damien Tudehope: I move:

That consideration of the message be set down as an order of the day for the next sitting day.

Motion agreed to.

*Private Members' Statements***PREMIER DOMINIC PERROTTET**

The Hon. ROSE JACKSON (14:34): I wonder if members can recall what happened on 4 October this year, which was 50 days ago today. It was the day that we got a new Premier. Today is 50 days of Premier Dominic Perrottet, and it is always useful on these occasions to do a little bit of reflection. The milestone calls for us to look back on the first 50 days of Premier Perrottet. I have had a look at his list of achievements, and it is getting a big F from me. It is 50 days of failure. Where to start? I have 2½ minutes left, so let me see if I can get through my list. The light rail cracks are the biggie. The entire Inner West Light Rail is out of action because of major cracking. The light rail operator has subsequently admitted it put profit over customer safety.

We have had the revelation that two-thirds of the Government's election promises and half of the Premier's Priorities were too difficult to achieve and are not on track to deliver, which is not a good place to start. We have had the cladding scandal. It was revealed by my colleague the Hon. Courtney Houssos that cladding was taken off a building for a media opportunity and then immediately bolted back on. It was not just any cladding; it was dangerous, flammable cladding. It was specifically identified as cladding that should not be on buildings because it was dangerous, and it was bolted back on when the cameras were turned off.

We have had the secret plan to toll the Harbour Bridge. None of us should be surprised about that since the Government is obsessed with tolls, but another new toll was revealed in the past 50 days. On the front page of *The Daily Telegraph*, the water Minister admitted the Government has completely stuffed up water policy. The headline was "Dam fools", and there was an admission that there had been a complete stuff-up of water policy in this State. The new Treasurer, Matt Kean, has showed that he is exactly the same as the old Treasurer.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): The Hon. Wes Fang will come to order.

The Hon. ROSE JACKSON: Privatisation is the centrepiece of the Government's economic recovery plan, says the new Treasurer. I have heard it all before. For about two weeks the new Premier forgot that women existed and had an all-male leadership team. The boys were back in town, standing up at the pub and breaking COVID rules. Discretion was exercised in not fining them, of course, but it was really not about that. It was the sight of all of them just lined up enjoying a beer and not a woman in sight. The Premier is up to his neck in the Transport Asset Holding Entity scandal. Explosive documents have revealed that the Government ignored health advice when establishing the two Sydneys. The suggestion was everyone should be subject to the same rules, yet I was unable to buy some milk after 9.00 p.m. while the rest of Sydney was not under those rules. I only have 10 seconds left, and I am literally about a third of the way into my list. Blocked bans on property developers, toxic sludge being moved—I will not be able to get through my list. We will have to wait for 100 days.

MONIKA'S DOGGIERESCUE

The Hon. EMMA HURST (14:37): Every animal deserves a loving home, and ending up in the wrong pound or shelter should not be a death sentence. Tens of thousands of animals die in New South Wales pounds each year, making the work of animal rescuers like Monika Biernacki, owner of Monika's DoggieRescue, so vitally important. An animal rescued by Monika is saved for life. At her shelter here in Sydney, Monika and her team often care for hundreds of rescue dogs at any one time, helped by loving foster homes and carers. Together they provide a safe haven for hundreds of homeless animals, many of whom are sick, old, pregnant or abused and were once sitting on death row in council pounds. They include dogs like Coco, who was on death row because he was anxious and scared of children, and cats like Ariel, who was rescued just moments before she would have been put down despite her medical issues being treatable.

Those fur babies and many others are now happy, healthy and ready to find their forever homes thanks to Monika's tireless work. While "convenience" killing in New South Wales pounds still exists, we are lucky to have people like Monika who know that all animals, regardless of their start to life, deserve another chance. People like her are willing to put in the work to make sure the animals' needs are met regardless of how challenging they might be and willing to give their time, energy, money and heart to save a life. But Monika and her team can do only so much. With no Government funding and the huge number of abandoned animals in this State, the animals they save are the lucky ones. Many others are killed and given no chance for a better life. I am sure Monika would agree that this urgently needs to change. As we work towards those changes through the Parliamentary Friends of Animals Pound Reform Working Group, I thank Monika and her staff and volunteers for the life-saving work they are doing and have done over the past 20 years. I thank them for saving the lives of 13,000 dogs and 800 cats. Monika and her team are genuine lifesavers.

ANY SATURDAY, 2021. RUNNING WESTWARD

The Hon. WES FANG (14:39): An anthology taking in the sights and sounds of Wagga Wagga's most iconic walk, the Wiradjuri Trail, has taken out top spot at the prestigious fortieth annual Newcastle Poetry Prize. Dr Lachlan Brown, a senior lecturer of English at Charles Sturt University, and his poem *Any Saturday, 2021. Running Westward* has captured the everyday activities encountered on his daily runs along the track and created a charming, witty poem in an ode to the normal in 2021. Dr Brown created his anthology over the course of a year, scribbling down bit by bit at coffee shops across Wagga Wagga. As a kind of inner monologue, the poem is about running along the track and the different experiences and sights he saw during his runs.

Telling the stories of the rise of KFC to new heights during the pandemic, Kanye West and activewear, it is a rather different poem to the usual entries. Its experimental nature clearly captured the hearts and imaginations of the judges to earn Dr Brown the \$15,000 award. The Newcastle Poetry Prize, administered by the Hunter Writers Centre, is a testament to universities and their commitment to art and culture. The strength of the Newcastle Poetry Prize is that it encourages both emerging and established writers to test out new work, especially of an extended nature, on a wider audience. As I have said recently, art has the ability to connect communities and people. Given the rich tapestry of artists in regional New South Wales, especially in southern New South Wales, I am delighted that Dr Brown has been recognised with a major award after more than 20 years of writing poetry. I end with a verse from *Any Saturday, 2021. Running Westward* and encourage everyone to read Dr Brown's work in full—it is a truly exceptional piece of writing:

Any Saturday, 2021. Running Westward
one-handed pram technique pushing back
the dawn sky's black activewear. Feeble pieces
of sleep return or recede like righteous
seismograph measures. The trees arch over
this street as though things could be muted
the spray of cockatoos shredding leaves.

WORLD SOIL DAY

The Hon. PENNY SHARPE (14:42): Today I talk about World Soil Day. We do not talk about soil enough. I dedicate this to a former member of this House, the Hon. Rick Colless, who was a soil scientist and with whom I had many discussions about soil and the importance that it has in our lives. Soil is what holds our trees in the ground, it is what contains our riverbanks, it is what hosts the complex systems of mycelium of mushrooms and, importantly, it is what delivers nutrients to plants like trees, shrubs and flowers, which in turn deliver nutrients to animals. It also directly contributes at least \$63 billion into the Australian economy every year. Dirt, earth or humus—whatever you want to call it—is the glue holding our ecosystems together and, like most of our ecosystems, it is under threat. The United Nations World Soil Day on 5 December every year attempts to draw our attention to this.

The very ground we walk on is under threat from a number of challenges, including salinity, acidification, contamination, carbon loss and erosion. Not only do we need healthy soils to support our ecosystems, but healthy soil is also necessary to support food and fibre production, filter water, prevent dust storms, store carbon, provide safe infrastructure and build resilience against natural disasters like storms, bushfires, floods and droughts. Healthy soil is also necessary to support the development and production of the many important drugs and vaccines we rely on, such as penicillin. I moved a motion in the House this morning to try to get this done on formal business, but the Government objected to it. The Government did this because we were calling for it to restore funding that has been cut from programs like Saving our Species that ensure threatened species and ecosystems can fully recover from topsoil loss. I would not have thought that was a radical idea or that the Government needed to oppose the motion on the basis of this.

My motion drew attention to the fact that, during the 2020-21 Black Summer bushfires, New South Wales lost an estimated 76.7 million tonnes of topsoil, which could reduce ecological carrying capacity by more than a third in the areas that were most affected. Soil takes a long time to form. The average rate of soil production globally is around 114 millimetres per 1,000 years. It is considered to be a non-renewable resource. We have lost a monumental amount of soil through the fires, in addition to the soil that is too salty, contaminated, acidified or has eroded away.

Given the crucial support that soil provides to healthy biodiversity, as well as the threats our native ecological communities in New South Wales already face, we need to take soil seriously when planning how we will save our ecological communities from further endangerment or extinction. In a Federal Government assessment of soil health, almost all of New South Wales has received a poor grade for soil erosion. Of all Australian States and Territories, we need the New South Wales Government to urgently act to save the lifeblood of our ecological health—our soil.

COMPASSION NEVER KILLS RALLY

Reverend the Hon. FRED NILE (14:45): I speak on the theme of compassion never kills. I was honoured to be invited to speak at the pro-life Compassion Never Kills rally last Thursday afternoon. We met behind the New South Wales Parliament at the tree of knowledge in The Domain. The demonstration was organised by Dr Brendan Long, CEO of Right to Life NSW. The rally was a great success, and I thank Dr Long for his efforts. The rally was hosted by the State director of FamilyVoice, Greg Bondar. The list of speakers were from all political persuasions, multi-denominational and drew from medical and aged-care associations. Speakers included Nikki Aben from the Australian Christian Lobby; the member for Riverstone, Kevin Conolly; the member for Fairfield, Guy Zangari; the Catholic Archbishop of Sydney, Anthony Fisher; Anglican bishop Michael Stead; Health Professionals Say No, led by Professor Maria Cigolini; and Professor Andrew Cole from HammondCare. I was pleased to take part as well.

After speeches, the hundreds of people who attended the rally marched down Hospital Road, blocked traffic on Macquarie Street and looped back to our original meeting place. Drums were banged by the young people, chants were heard and the people of Sydney took notice—I am sure that you heard us. Parliamentary staff were looking out of the office windows at the protest. The vote on euthanasia that was originally expected last week will probably occur tomorrow morning in the Legislative Assembly. Supporters of life have 24 hours to convince their local members of Parliament to stop this dangerous bill, defend life and demand support for our vulnerable, rather than leading them to suicide. Should this dangerous bill come before the Legislative Council, I will obviously oppose it, and I call upon my honourable colleagues to do the same. Compassion never kills.

COVID-19 AND QUEENSLAND BORDER CLOSURE

The Hon. CATHERINE CUSACK (14:48): I speak about our good friend Anastacia Palaszczuk, the Premier of Queensland. I have raised issues about her attitude towards New South Wales on several occasions. We are now up to directive No. 55 from the Queensland Government relating to how the New South Wales border

will operate, impacting 8,000 of their own citizens who have been trapped outside of Queensland for months—many of them destitute—as well as the cross-border communities who have been unable to get on with their everyday activities. Many people have lost their businesses, and many jobs have been lost. I have referred to 500 teachers who live in Tweed that work in Queensland who are not regarded as essential workers and are banned from Queensland until 17 December, which is seven days after the end of term 4 in Queensland on 10 December. I have spoken about the ban on elite and community athletes at a time when New South Wales and the rest of Australia is subsidising by 50 per cent the cost of Brisbane holding the Olympic Games, yet our athletes and citizens are unable to participate, as Australians, in preparation for that event.

I have looked at Queensland's funding in last year's Commonwealth budget. I remind members that the Commonwealth is not an entity of its own. In fact, New South Wales taxpayers make up 31.8 per cent of contributors. I imagine our percentage contribution is far higher than that. Queensland taxpayers make up 20.1 per cent, yet New South Wales only receives 28.8 per cent of total payments from the Commonwealth. Out of a total of \$142.5 billion, New South Wales is being short-changed by \$4.275 billion this year. We are cross-subsidising other States. Who might be the beneficiaries of New South Wales taxpayers' money?

Let us take Queensland as an example. It is getting \$2.28 billion above and beyond its share by population. Queensland loves to whinge about funding. It loves to resolve difficult issues over Twitter, particularly in relation to funding COVID testing. In an argument on Twitter, the Queensland Premier and Greg Hunt resolved to have a policy of a 50-50 split. I raised that issue earlier. It is time the New South Wales Government took a close, hard look at how much money it is sending Queensland while Queensland continues to treat our State with this appalling attitude. It is time NSW Treasury and the Premier stepped up to Queensland to ensure we get value for our money. To say we are not getting it now is an understatement. We should be shown some respect by Queensland's recalcitrant Premier, who is not an Australian in the way she is conducting the affairs of that State.

MAKE AMAZON PAY CAMPAIGN

The Hon. DANIEL MOOKHEY (14:51): Amazon is one of the most powerful corporations on the planet. It is headed by the world's richest person, CEO Jeff Bezos. During the COVID-19 pandemic Amazon became a trillion-dollar corporation. Mr Bezos became the first person in history whose personal fortune exceeded US\$ 200 billion. Meanwhile, Amazon's nearly 1.5 million workers worldwide had to risk their lives as essential workers. If Mr Bezos gave every one of his 1.5 million employees around the world a \$100,000 bonus, he would still be as wealthy as he was in March 2020. Needless to say, Amazon has not given its employees a \$100,000 bonus. Indeed, it has barely given them a pay rise for their sacrifice. As Amazon's corporate empire expands, so too does its carbon footprint, which is now larger than two-thirds of all countries in the world. Little is known about Amazon's tax bills, other than the company's tactic of using loopholes to legally reduce the income taxes it pays around the world.

In 2018 Amazon's three Australian entities had combined revenues of more than \$1 billion, but they paid a combined tax bill of just over \$20 million. The pandemic has exposed how profitable Amazon's business model is. This week the Shop, Distributive and Allied Employees' Association [SDA], the Transport Workers' Union and unions across the world are calling for an end to the poor working conditions and low wages that prevail for many Amazon workers. It comes on the eve of Black Friday sales, a time when Amazon workers across the world will face extraordinary stress and pressure to fulfil orders. Labor's point is simple: Discounts and deals should not be built off the back of workers' sacrifices. In Australia, Amazon Flex, a last-mile courier system run through an app and algorithm, is a relatively new addition to the gig economy. Some have accused it of not meeting the minimum wage that otherwise would be paid to its drivers and of pressuring those drivers to drive dangerously overloaded cars to avoid being dismissed on a whim.

Of course, unions in Australia are steadfast in their fight against a race to the bottom, especially in the transport industry, where safety pressures lead to road deaths. As the union for Amazon's online retail workers in the warehouses, the SDA has worked tirelessly to stop the Americanisation of wages and working conditions in Australia. Equally, the Transport Workers' Union is working hard to protect safety standards and lift wages for transport workers who deliver Amazon's goods. The two unions are joining an alliance of unions, not-for-profits and parliamentarians from across the globe in the campaign "Make Amazon Pay". It joins together workers and activists divided by geography but united in their commitment to make Amazon pay fair wages. Whether they are here in Australia or overseas, all workers are entitled to a fair wage, secure job and safe working conditions. Labor will continue its fight to safeguard those rights.

GREYHOUND RACING INDUSTRY

The Hon. MARK PEARSON (14:54): I speak about the end of greyhound racing in the United States of America. Right now over 400 members of the United States Congress are preparing to vote on a bill—the Greyhound Protection Act—that would save thousands of dogs from a life of exploitation and suffering.

Sponsored in chief by Representative Tony Cardenas of California, the Greyhound Protection Act is the first Federal bill in United States history to ban greyhound racing. The bill makes it a Federal crime to engage in commercial dog racing, including betting on Australian and other international races from the United States, thereby hammering yet another nail in the coffin of the greyhound racing industry.

The so-called sport is already banned in 47 of the 50 US states. By the end of 2022 it will exist in only West Virginia, which has two tracks. If the US bans greyhound racing, only six countries in the world will have a commercial greyhound racing industry. Does Australia really want the embarrassment of being one of those six countries that are clinging to a gambling industry based on animal cruelty? It is mortifying that New South Wales is an international outlier in its fervid support of this cruel industry. New South Wales has almost the same number of greyhound tracks as the United Kingdom, United States and New Zealand combined. As the greyhounds of America are liberated from their kennels State by State, the world is watching and paying attention to those countries that continue to exploit greyhounds.

International pressure against greyhound racing is growing. I know that because I stand with those who decry that cruel industry. Recently I joined over 30 international animal protection organisations to endorse the Greyhound Protection Act. As the lead Australian signatory, my name was among many on a letter sent to every United States Congress member, urging them to support the bill. Today I stand in the Parliament of a State that infamously backflipped on a greyhound racing ban. The public reaction to that backflip made it clear the majority of New South Wales does not support the industry, which has already started its terminal decline. The Coalition for the Protection of Greyhounds reports that 80 per cent of racing greyhound breeders, owners and trainers are over the age of 65 and that young people are failing to enter the industry. I am proud to join an alliance of over 30 international organisations in calling for a US ban on greyhound racing that would have an immediate influence on Australia's industry. It is time Australia relegated greyhound racing to the scrapheap of history.

LOCAL GOVERNMENT ELECTIONS

The Hon. PETER POULOS (14:57): On Saturday 4 December 2021 residents and ratepayers across New South Wales will have the opportunity to cast their vote in the local government elections. Whether they reside in the St George area, the Sutherland shire, the City of Liverpool or indeed the Illawarra, a voter can have confidence that a group of stand-out candidates is vying for their vote. Those candidates share a passion for their respective areas and have a transformative vision aimed specifically at instigating a comprehensive program of renewal. They support real reform and believe in nurturing business opportunities and activating greater local investment. Those champions for change are in fact your Liberal council candidates. I recognise and showcase those endorsed Liberals, who are enthusiastically working hard to gain voter support between now and polling day.

It is a great pleasure to recognise so many men and, in particular, women who reflect the diversity that now exists in the ranks of the Liberal Party. They are individuals with life experience who are geared up for grassroots Liberal activism. In the City of Wollongong, once again the Liberal ticket will be ably led by the great John Dorahy, who is contesting Ward 2. John is Illawarra through and through. He exudes confidence because he is real. That is why he is known as Joe Cool. Joining him is Cameron Walters in ward 1 and Rhonda Cristini in ward 2, and Elisha Aitken is running in ward 3. Their focus remains to create safer local spaces, improve lighting throughout the city, further invest in CCTV and, importantly, activate Wollongong and the Illawarra into a commercial powerhouse.

In the city of Liverpool, I am delighted to observe that Ned Mannoun is back and standing for mayor. This could not happen any sooner. Part of his team are longstanding councillor Mazhar Hadid in North ward and Fiona Macnaught in South ward. Ned and his team have a comprehensive five-point plan to make Liverpool safer and more family friendly, with measures including upgrading sporting grounds, fighting rate increases and tackling Labor's debt. There is also a commitment to revitalise the Liverpool CBD with more parking and a focus on jobs. If anyone can re-energise Liverpool, it is Ned Mannoun.

In the Sutherland shire the lead candidates include Carol Provan in A ward, Louise Sullivan in B ward, Hassan Awada in C ward, Carmelo Pesce in D ward and Stephen Nikolovski bringing it home in E ward. This is a great team. Once more the shire Liberals are inviting voters to endorse their plans, which focus on further upgrades to local parks and playgrounds and reducing red tape head on to assist small businesses. In Georges River Sam Elmir is a very experienced Liberal councillor standing in Blakehurst ward, Nancy Liu is contesting Hurstville ward, Sam Stratikopoulos is the Liberal candidate in Kogarah Bay ward, Nicholas Smerdely has been endorsed to stand in Mortdale ward and Lou Konjarski is running in Peakhurst ward. Their objectives include protecting the natural environment and keeping council rates low. Overall, there is a clear choice. Vote for your Liberal candidates on 4 December. Beware of imitations.

MEDICAL RESEARCH

The Hon. TARA MORIARTY (15:00): Australia has been a powerhouse when it comes to medical research. Through the work of our talented medical researchers, Australia has led the way to bring about medicines and technologies that have changed people's lives. Our researchers played a role in the development of penicillin to treat infections and the cochlear implant that has now enabled millions of people to regain their hearing. Australia has contributed to the steady fall in cervical cancer as a result of our research and development of the cervical cancer vaccine. This impressive work is why I am very humbled to have taken on the shadow portfolio of Medical Research, a position I have held since June 2021. In this short time I have gained a real appreciation for the work that our research institutes are doing to achieve breakthroughs in medicine.

I take this opportunity to recognise the Garvan Institute of Medical Research, the Westmead Institute for Medical Research, the Cancer Institute NSW and the Kolling Institute, amongst others, for the important work they do to improve health outcomes for people. Their research has been particularly important as we navigate our way through the COVID-19 pandemic. I particularly want to give a shout-out to the research currently being done and led by the Garvan Institute around COVID-19 vaccines and what to do with future and emerging variants. Through a recent study, its medical research centre has developed a guide for future coronavirus vaccines, with the aim to prevent the virus from infecting human cells, not just reduce the severity of the illness and its transmission to others. This is an extraordinary strategy to reduce future virus threats. This research is the first step to enable our State to manufacture vaccines.

I also highlight the incredible work that the Cancer Institute has done over its long history in New South Wales. The most recent data tells us that 44,491 people were diagnosed with cancer in New South Wales in 2017. Through research into prevention and treatment, 71 per cent of people go on to live a minimum of five years after diagnosis. Survival rates continue to grow year on year, with the rate at the highest it has been since these statistics were first recorded. We have so much knowledge and so much to give in the area of medical research. New South Wales could be a pioneer location for medical research if we choose to invest more in its projects. I am very proud to have the shadow portfolio of Medical Research. I will use my time in this role to ensure that New South Wales leads the way in the area of medical research and continues to recognise the significant work that our medical researchers do.

COCAINE USE

The Hon. WALT SECORD (15:03): As the shadow Minister for Police, I call for increased cooperation at the State and Federal levels to stem the flood of cocaine into New South Wales. This is following NSW Bureau of Crime Statistics and Research [BOCSAR] data showing that cocaine use in the Eastern Suburbs has soared. Make no mistake, all cocaine in Australia is imported through organised crime. It is a State and Federal responsibility. BOCSAR data from June 2021 shows a stark picture—a 46.6 per cent increase in possession of cocaine in Bondi and a 95.8 per cent increase in dealing in cocaine in Bondi. These are extraordinary figures, and it is time the State Government and the Federal Government got their acts together and stemmed the flow of cocaine into Australia. As I said, all cocaine is imported into Australia. In the 1990s it was the scourge of heroin. Now in the Eastern Suburbs, it is the scourge of cocaine. In rural and regional areas it is the scourge of ice. I thank the House for its consideration.

Documents

TABLING OF PAPERS

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

- (1) Annual Reports (Departments) Act 1985—Reports for year ended 30 June 2021:
Department of Customer Service; and
Service NSW
- (2) Annual Reports (Statutory Bodies) Act 1984—Reports for year ended 30 June 2021:
Board of Surveying and Spatial Information;
Independent Liquor and Gaming Authority;
Independent Pricing and Regulatory Tribunal of New South Wales;
New South Wales Government Telecommunications Authority, trading as Telco Authority; and
State Insurance Regulatory Authority
- (3) Children and Young Persons (Care and Protection) Act 1998—Report of Department of Communities and Justice entitled *Child Deaths 2020 Annual Report*.
- (4) Personal Injury Commission Act 2020—Review of the Personal Injury Commission for the year ended 30 June 2021.

- (5) State Owned Corporations Act 1989—Statements of Corporate Intent for year ending 30 June 2022:
Essential Energy;
Forestry Corporation of NSW;
Hunter Water Corporation;
Landcom;
Port Authority of New South Wales;
Sydney Water;
Transport Asset Holding Entity of New South Wales; and
Water NSW.
- (6) Workplace Injury Management and Workers Compensation Act 1998—Report of the Workers Compensation Independent Review Officer for year ended 30 June 2021.

I move:

That the reports be printed.

Motion agreed to.

Bills

CLIMATE CHANGE (EMISSIONS TARGETS) BILL 2021 (SHARPE)

Second Reading Debate

Debate resumed from an earlier hour.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (15:05): I move:

That this debate be now adjourned to the next sitting day on which private members' business has precedence in 2022.

Motion for adjournment of debated negatived.

The Hon. DAMIEN TUDEHOPE: Debate on the Climate Change (Emissions Targets) Bill 2021 should be adjourned by virtue of the fact that the Government, on any view of it, has not been able to properly consider the bill. It is clear to those who have listened to the debate today that energy policy is complex and consideration of it should not be made on the fly. The Government must have an opportunity to properly consider all the provisions contained in the bill. The Government does not say that it should not consider the bill. In fact, it can be said that this is a piece of catch-up legislation.

The Hon. Penny Sharpe: Support it then. Come on, this is your policy.

The Hon. DAMIEN TUDEHOPE: The Government may well like to support the bill, but the Opposition does not want to adjourn the debate so that the Government can give proper consideration to it. Those opposite say, "Support it." They should have said, "Yes, we will give you that opportunity because we're not playing politics with this legislation. We think this is really important and we want to give the Government as much time as possible. We know you have an energy Minister who is absolutely committed to achieving these sorts of outcomes." Those opposite know all that and yet they say, "We want to ram it through this place today."

The Hon. Penny Sharpe: Come on. How many bills this week have we agreed to urgency?

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! I call the Hon. Penny Sharpe to order for the first time. It is getting close to a second call to order.

The Hon. DAMIEN TUDEHOPE: I would be happy if it was the third. I will not excite the honourable member any further. Complex legislation like this requires that the Government has the opportunity to give it proper consideration, and not in circumstances where the Opposition is seeking to become relevant in a space which it has forfeited. The Opposition knows, the Government knows and the people out there know that the Government is delivering on climate outcomes and renewable energy outcomes. It is actually doing stuff. This is a government that backs up rhetoric with action. That is why if this bill was anything but a political stunt, those opposite would have taken the opportunity to adjourn the debate and give the Government and the Cabinet—

The Hon. Penny Sharpe: You had a Cabinet meeting this morning.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! This is the last warning for the Hon. Penny Sharpe.

The Hon. DAMIEN TUDEHOPE: —a proper opportunity to consider it. I can only conclude that this is all about a stunt and not about delivering proper policy outcomes. It is, however, worth taking into account some of the great work the Government has done in relation to the energy space. Earlier the Hon. Mark Latham talked about the anniversary of what we call "the great debate", which occurred 12 months ago, when members talked all night. Those opposite were happy with a considered debate back then. They are not happy to give the same Government the opportunity to properly consider the bill now. One of the proposals in the bill replicates the functions of the Net Zero Emissions and Clean Economy Board, which was established in July 2021 by the Government under the energy and utilities regulation.

Its functions will include advising the Minister on the implementation and development of strategies to achieve the emissions reductions objectives of the State, barriers to the uptake of emissions reductions technology and strategies to attract low-carbon research and industries to New South Wales. The Government is doing it. The governing regulation of the board already requires it to consider the Government's 2030 and 2050 emissions reductions targets in exercising its functions and to promote economic growth and employment. The roles and responsibilities of the Opposition's proposed commission are already largely provided for by the Government's existing board. The bill is also characterised by a lack of detail and clarity, and that is exactly why there is an opportunity to get it right. The Opposition should give the Government an opportunity to consider it because, with the current Minister, the Opposition has the best opportunity to deliver the outcomes it is seeking.

But, no, those opposite do not want to do that. They want to engage in a stunt. Why would they do that? Because they know that the Coalition Government has already delivered a suite of nation-building climate policies that are making real progress towards reducing our State's emissions and generating economic opportunity. That is why the Government does not engage in stunts; it does stuff. The Government has designed and implemented policies that are projected to halve our nation's emissions by 2030 and help us achieve net zero by the halfway mark of the century. Independently peer-reviewed modelling by the Department of Planning, Industry and Environment has determined that the Government's current policy suite will lead to a 47 per cent to 52 per cent decrease in the State Government's emissions compared with 2005 levels. The Net Zero Plan Stage 1 is the foundation of the Government's action on climate change. The plan will attract more than \$37 billion in investment and create more than 9,000 jobs, primarily in regional New South Wales. Those opposite hate the Government doing this stuff. They hate it because they are now trying to be relevant.

The Hon. Penny Sharpe: Remember we supported you. Remember you needed us to get this through.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): Order! I always thought the Hon. Michael Gallacher was a good terrorist at the table with his interjections, but the Hon. Penny Sharpe is showing that he was a mere amateur. This is the final warning for the Hon. Penny Sharpe.

The Hon. DAMIEN TUDEHOPE: More jobs will emerge in the flourishing green hydrogen industry; the Government's recently released NSW Hydrogen Strategy is expected to create up to 10,000 jobs in regional New South Wales over the next decade. The Government's priority is to ensure that regional communities have skilled and well-paying jobs in their towns, now and in the future. A key part of the Net Zero Plan is the NSW Electricity Infrastructure Roadmap—those opposite seem to have forgotten about it—which is the Government's strategy to transform our electricity system into one that is cheap, clean and reliable. The road map will reduce New South Wales electricity emissions by 90 million tonnes by 2030.

New South Wales is also set to become a leader in low-emission industries thanks to the unparalleled \$750 million Net Zero Industry and Innovation program. The program is about co-investing to reduce carbon emissions and develop the low-emissions technology and industries that will underpin our State's prosperity into the future. The Government is also taking steps towards decarbonising our transport sector. Again, those opposite do not like this stuff. The NSW Electric Vehicle Strategy will help make New South Wales the best place to buy, own and run an electric vehicle anywhere in Australia.

The Hon. Penny Sharpe: You guys hated electric vehicles 12 months ago.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): I call the Hon. Penny Sharpe to order for the second time.

The Hon. DAMIEN TUDEHOPE: For the third time, if you don't mind my saying so.

The DEPUTY PRESIDENT (The Hon. Trevor Khan): It is the second time. I will not be corrected from down in the engine room.

The Hon. DAMIEN TUDEHOPE: Apologies. Additionally, the Government is investing to speed up the transformation of the State's built environment towards net zero emissions as part of the New South Wales

Government's net zero buildings initiative, which the Hon. Mark Latham does not like at all. He lives in a colonial bungalow at Campbelltown with its woodburn grey roof.

The Hon. Wes Fang: Woodland Grey. It's a Colorbond colour.

The Hon. DAMIEN TUDEHOPE: I am glad the Hon. Wes Fang knows all about that. The Government has also recently released the NSW National Parks and Wildlife Service carbon positive plan. Do those opposite remember the carbon positive plan? They have forgotten about it. They seem to forget about all the things the Government does, but they expect us to approve a bill which Cabinet and the Government has not had the opportunity to consider against a background of having a history of delivering in relation to this material. The Government is opposing the bill not because it may not have merit but because those opposite did not give us a proper opportunity to consider the bill and the amendments which are going to be suggested by those opposite, or have a proper consultation process about what the New South Wales position will be on the issues raised in the bill.

I will say a couple of things about the One Nation submission. The primary position that One Nation has adopted in respect of the bill is that the Government has to own this. Well, that is not good enough. I say to One Nation members: If you have a position, come and vote on it. A decision not to vote is a decision that you have no policy position in relation to the content of the bill. To have come into the Chamber and given a speech that outlined the reasons why One Nation cannot support the bill and then not vote—if that is their position, I will be watching. I will call it out if they do not vote. I will say, "Where is the Hon. Mark Latham? Where is the Hon. Rod Roberts?"

If they do not vote on the bill, shame on them. They should be labelled with the fact that they have no position relating to the content of the bill. I hope they are watching this on the broadcast live stream upstairs in the cave which they occupy; it is analogous to the Paul Murray cave that they inhabit on a regular basis on Sky after dark. If they are watching, they should know that if they do not turn up to vote on the bill, the label that they own this policy will go with them because they have, by their absence from the Chamber, facilitated the passage of the bill through the House. I make the same observation in relation to any party that does not vote in relation to the bill.

The Hon. Walt Secord: There are now 81 people watching the broadcast.

The Hon. DAMIEN TUDEHOPE: There are 81 people watching. We acknowledge that this is important policy. If Opposition members were serious and not creating political stunts, they would first and foremost acknowledge the great work that the Government has done in relation to renewable energy and carbon emissions. They would say that this is such an important policy that they would adjourn this debate until February next year, to give the Government an opportunity to properly consider it. They would spend time making sure that we had all the considerations right. The Government's opposition to the bill should not be construed as us saying that it does not have merit. It may have merit. The actions of Opposition members will show whether it is a stunt. If they pull it, we will know that it is not a stunt. If it is a stunt, they will force this bill to a vote. It is their choice. If the stunt is pulled and One Nation members sit in their cave and do not come down to vote, we will know where they stand as well.

The Hon. ADAM SEARLE (15:20): I will make a brief contribution on the Climate Change (Emissions Targets) Bill 2021 introduced by the Hon. Penny Sharpe. I am no stranger to these debates around climate change and how to pursue it. I was Labor's spokesperson on mining for four years, on energy for seven years and on climate change for two years. We took to the last election the most far-reaching, ambitious energy policy produced by any party in this Commonwealth. During the election period, those opposite said nothing. They made a small target of themselves. Their policy was to offer no policy. We on this side of the House did the heavy lifting, because we knew that providing a road map to regenerate our electricity assets was the way in which to tackle the biggest carbon emitter in this State, our energy system. This Government for 10 years took no practical steps to address climate change.

We acknowledge that the Electricity Infrastructure Roadmap legislation this House debated around the clock for some days last year did in large part borrow from and was inspired by our policies. We now have a piece of legislation with multi-partisan foundations to drive the development and delivery of the next generation of electricity supply assets. It is a good start. It started by depoliticising the energy policy debates in this State. In the spirit of reaching across the aisle, I acknowledge the work done by the energy and environment Minister, Mr Kean, in bringing that plan to the Parliament. He is the first Coalition Minister to even start to reach across the aisle. Climate politics in this State and this country have been made toxic by the Liberal and National parties generally. I acknowledge the role of Mr Kean in bringing forward that plan, for which, essentially, he stole our homework. I am astonished and disappointed by the Government's attitude to this bill, because in many ways it does not seek to expand the envelope but seeks to put in a legislative frame what is said to be the energy framework—the climate

change framework—for both sides of politics, and not only both sides of politics but also the Government and the alternative Government of this State.

This bill does four things. First, it sets out a series of guiding principles for the Government to look to and to adhere to in development and delivery of policies, to be sensible of the importance of tackling climate change and to really embed that in its policy-making process. How can that be problematic or controversial? Why do those opposite need to sit back and deliberate at great length about that matter? I would have thought that it was the bleeding obvious and that this was something to which almost all members in this Chamber could agree without further consultation. The bill does a second thing. It sets some targets, for 2030 and for 2050. Again this is at the very least the common ground of the Government and the alternative Government and of other parties in this Chamber as well. The 2050 target of net zero emissions is uncontroversial. It is the policy of the Business Council of Australia. How can the Government with any credibility say that it needs to have some mature consideration and reflection on this matter? Why is this not already where it is at? This is where the Government is at because we note that it has claimed this policy as its own for some time.

Let us look at the 2030 targets, because they have been a matter of political controversy. The Federal Government says that the emissions reduction target should be 27 per cent or 28 per cent. At the latest State and Federal elections, State and Federal Labor took a policy of a 45 per cent reduction of emissions. Mr Kean, when he proposed his Electricity Infrastructure Roadmap, said that the target was 35 per cent, which is a whole lot better than Mr Morrison's target but not as good as what Labor proposed. Nevertheless, that was the target. In September of this year it was upgraded to 50 per cent. At the previous election, those opposite were saying that our emissions reductions targets were too big, too ambitious and problematic for the economy. But now they have a 50 per cent target, which was announced by Mr Kean in September of this year. That is where the Labor Party has been at for some time. It is the Government's policy; it is the Opposition's policy. Again, what is this Government frightened of? What does it need to consult or reflect on? These three matters are common to almost every member and every party in this Chamber.

The one debatable point is the net zero commission to monitor and report on progress towards those targets and to propose plans and solutions. If this is the Government's sticking point, it can bring forward amendments for consideration. If it is not the right set of functions or there is a bit of overlap with another body or the Government needs to fine-tune it, it should come to the table with some questions of detail. But this should not be the red line. From the Government we have heard, "Don't read anything into this. We are just not ready to debate this point. If you proceed, it is a stunt." I am afraid that Government members have no credit in the bank. What is being proposed is very modest in the sense that it seeks to encapsulate what is said to be the policy framework not only of the Opposition but also of the Government. What is it frightened of?

One of the good things about the Electricity Infrastructure Roadmap is that it was designed to put into law a process so that investors could have some investment certainty. We know that electricity generation assets have a long lifetime—hopefully. Investors need to have a long frame to make big investment decisions. This bill seeks to take the next step, to give not only the electricity sector but also all sectors of the economy and society certainty about the policy framework for the State. It is not a new framework. There are not new objectives here. The bill is seeking to say that all the talk from the Government and the Opposition will be formalised now in setting these two targets.

We are concerned that the Government's baulking at this bill means that there are still some in the parties opposite—either in this Chamber or in the other place—who are not fully committed to the program and who, if the opportunity arose, would seek to step back from those targets. You do not have to look very far to see the madness that is the National Party in Canberra, standing in the middle of the road, trying to block the traffic, trying to get in the way of a sensible policy of energy and climate change for our country. The reasons advanced by the Government do not hold water, because all of the aspects of this legislation are uncontroversial and should represent the common ground between the Government and the Opposition. If Government members are not prepared to back what they say are their own policy frameworks, they must have something else in mind. If they have something else in mind, they should tell the people and the Parliament. I urge honourable members to support this bill.

The Hon. CATHERINE CUSACK (15:29): I make two essential points in regard to this and in support of the Minister's remarks that the Government is not in a position to support the Climate Change (Emissions Targets) Bill 2021. I ask the Opposition to give some thought to the sustainability of the approach that it is taking, because this debate is very combative. It has been combative for two decades. It is not new that we are talking in derogatory terms and yelling across the table; however, I think that all of us, on both sides, realise that it does little to progress the cause. In fact, such a deadlock has the almost inevitable outcome that nothing gets done at all, and here we are today. The toxic debate and blame shifting needs to be considered. I accept the statement that all sides of the argument have been toxic, not just one side.

I think it was in the year 2001 or 2002 that my family travelled to Townsville to stay with Virginia Chadwick for a time. She had been appointed CEO and chair of the Great Barrier Reef Marine Park Authority. I wanted her to meet the boys. It was a lovely time, and she had just had record areas of park put into sanctuary zones and protected from trawling. I said, "Congratulations! Is that it? Have we saved the park?" She said, "No, we haven't, because the biggest threat to the park is something I can do nothing about." She then talked to me about climate change. She showed me things over a period of days and I returned home absolutely appalled at what we were facing. She also talked about the political challenge and how fearful she was about Australia's capacity to meet it.

Some of us on my side of politics have been absolutely convinced about the problem for many years and have taken up the cause. I served for a time as shadow Minister for the Environment. Matt Kean was working for me during that period and he saw what it entailed. Yet, as Minister, having seen what others around him were put through, he has embraced the challenge and gone forward to change hearts and minds on our side of politics. I cannot speak highly enough of him. I think in recent times the rest of the world has made climate change also an economic problem for Australia. People who keep worrying about the economy now see that it is in the economy's best interest to address it as well, and the tide has turned on this journey.

It was a great sadness to me when John Howard lost office in the 2007 election. He had tried to take a scientific approach. We had the Garnaut report; Kevin Rudd from the Labor Party said that the report did not go far enough. But I look back on that as one of the great missed opportunities. If we had had a person like John Howard managing our side of politics with the support of others, there would have been potential for a more bipartisan approach. That was obviously lost in 2007, and it has been open war ever since.

I am hoping now, as the journey has progressed, that there is an opportunity. Yesterday I listened with admiration to the Hon. Adam Searle's great speech about closing the gap and noted the passion with which he spoke about how we will not solve that unless we do it together. But maybe as an election looms in New South Wales in 12 or 13 months, it puts us under pressure to not sit down, hold hands and figure things out. It is a very difficult phase. I accept all those challenges. But I also say that the same logic applies to this issue. I do not think we are that far apart. I believe that more can be done if the approach can be improved. Our side is not going to be in government forever, and so the Opposition needs to consider how it would want this to be considered when it is in government.

I make a last brief point regarding process and remind everyone of an old story about the solar bonus scheme. That was a legislated scheme by Frank Sartor, which he had inherited from Michael Costa. He did not believe in climate change, but Frank Sartor certainly did and he wanted to push the solar bonus rebate scheme, which at the time was at 60 per cent. The issue was that it was legislated to be a 60c rebate to consumers who signed on to the scheme. I do not want to go into the flaws of it.

The Hon. Penny Sharpe: I still remember your speeches about that, Catherine.

The Hon. CATHERINE CUSACK: I gave many speeches about it. I modelled it and I predicted that it would blow out and it did blow out. It is salutary because the Government could not change the 60c rebate without recalling Parliament. Of course, having to do that caused a run on the scheme, which I think tripled in a matter of hours. I was briefed on it as shadow Minister and I implored the Government to make it retrospective to the previous midnight. Unfortunately, the Government chose to close at midnight of the day of the bill. I said to the officers, "What if we supported you?" They basically said, "We hear what you are saying, but it's too late. The Premier is announcing it as we speak." Nothing could be done, and those flaws in the governance of the scheme ended up costing electricity customers over half a billion dollars.

The Natural Resources Commission made the excellent point that there is a traditional way to do good policy and said that legislation is actually a tool of policy; it should not be the policy itself. Something happens when a government does not have the numbers in this Chamber, which has been the case the majority of time that I have been in Parliament. Labor did not have the numbers for most of its time and we do not have the numbers now. When there is an opportunity to get amendments up there is a desperation by people to put everything into a bill. Some things are much better placed in regulation, where there is more flexibility. I look at bills today and see detailed information about how many people will be on a selection panel for a public service position, who will be represented and who will chair it. That is causing our legislation to balloon, and it is creating an inflexibility for government, which I suppose is the idea of putting it all desperately into a bill. But the inflexibilities then cause all types of perversities, and the solar bonus scheme was the gigantic example of that.

There is talk about having white papers, green papers, exposure drafts of legislation and the legislation being a tool that has a whole body of policy that it sits on. What we have before us is a bill that is the policy—and that is the whole problem that I think the Minister is talking about. Everybody is guilty of it. There is just a general governance issue that I wanted to recommend as a way of going forward. The policy traditions of having papers

explaining what you are doing and justifying it and consulting on it is a slower and harder process, but one of the tools is going to be legislation. Other tools might be funding, programs or forums that get created. A bill is only one tool. It cannot be the whole policy. The approach that members are taking is getting us into so much trouble. I put that thought forward as well. I am obviously desperate that we do something about climate change. I support the Government in saying that it cannot support this bill, but I hope that this journey is reaching a turning point where we can be more collegiate in the approach that we take.

The Hon. PENNY SHARPE (15:39): In reply: I thank everyone for their contributions to this important debate. The bill that Labor has put forward today is deliberately modest. It seeks to do what the Government has said it is doing. It seeks to futureproof the commitment that we are making to the people of New South Wales and their children about taking real action on the environment and climate change. As the Hon. Catherine Cusack has said, it has taken decades for us to get to this position. That is, frankly, shameful for all of us. Those who come after us will not thank us for the dithering of the past few decades. But here we are. We need to seize these kinds of opportunities when they arise, as well as genuinely work in a bipartisan and multi-partisan way to advance the commitment around action on climate change. We cannot continue the partisan arguing that has stopped action for so many decades.

Again I make the point that the bill is very straightforward, and deliberately so. It is legislating targets of a 50 per cent cut in greenhouse gas emissions by 2030 and a net zero reduction by 2050. It deliberately sets up the pathway for how we would develop, monitor and keep an eye on that through the net zero emissions commission. The bill also sets out the key principles around that, which I will not go through again. The point that has to be made is there is an opportunity right now for us to futureproof our commitment to action on climate change and to do that properly. I listened to the Government's excuses for why it is not going to be supporting the bill today. They just do not even bear thinking about. This Parliament has been talking about climate change and emissions reduction very significantly for at least the past 12 months. Labor signalled its desire to legislate this over a month ago. It is not a surprise that we would be seeking to proceed with it.

It is not a reasonable excuse to say that the Government has not had a chance to deal with this. It absolutely has. It just does not want to deal with it, because it does not want to provide the bipartisanship required to put the commitment that it says it is making into law. That is a great disappointment. In the debate we talked about how 12 months ago we sat here and went through marathon efforts to get the renewable energy reforms through. It was extremely significant and put us on the path to reducing emissions in the State. It was done in a bipartisan way. There is no reason for the Government to be so petty and silly and to make all of the excuses in the world about why it cannot support the bill today. This is a very straightforward bill, and deliberately so. It is simply legislating the commitments that the Government has already made and said that it is going to reach.

Many other policy considerations need to be dealt with. There is a whole lot of complexity to that, which we all accept. But that is not what the bill is about. It is about guaranteeing the future and about providing certainty to business, which says it is craving this. The State cannot get all of the investment it needs unless we provide business with certainty. We cannot rely on the Minister of the day, the Premier of the day or even the government of the day. We finally have some consensus that we need to get to net zero emissions by 2050. The bill makes that commitment, regardless of who is in government, who is the Premier, or who is the Minister, because one person cannot hold all this on their shoulders. The commitment that we need to make to the people of New South Wales and—as I keep saying—to our kids and grandkids is too important to be left in the hands of one person, the various toings and froings and the windows of public opinion that open and close.

The Government says that it is committed to these targets. Labor is committed to these targets. The Greens are committed to these targets. One Nation is not so much committed, and the Shooters, Fishers and Farmers Party is probably not either. But it is rare to get this level of multi-partisan support for a policy outcome. I would have thought that perhaps we could be big enough and grown-up enough to take this on. I have a lot of admiration for the environment Minister. I do not like having to say that because I know that he likes it; I do not really want to. But let us be fair. I have been shadow Minister for the Environment for quite a long time in opposition. For a long time it was very hard to find people on the other side of the Chamber who wanted to talk about the environment, who wanted to care about the planet and who actually accepted that climate change was real and that we needed to take action. There were a few exceptions. I put the Hon. Catherine Cusack in that basket.

We have taken great strides. We have to seize the day when we have this level of agreement. Obviously that is not going to happen today with the Government. I am hoping that other members of the Chamber will see this important opportunity. Our community, businesses and kids have a right to feel extremely disappointed if this does not pass today. This is an opportunity, and opportunities do not come around as easily as we think. I do not think it is unreasonable to futureproof the commitment that we all say we are committed to. I do not understand why the Government cannot support this. I want to be kind about it but, frankly, I am disappointed. It also shows that although there is a lot of talk, it is not backed up with action. It is not backed up with this very modest proposal

to legislate what we said we are going to do, find a pathway to get there that involves the community and introduce a reporting and transparency mechanism to monitor how we are going. I do not know why this cannot be supported. I urge members to support the bill. This issue is not going away.

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

The House divided.

Ayes19
Noes16
Majority.....3

AYES

Boyd
Buttigieg (teller)
Donnelly
Faehrmann
Field
Graham
Houssos

Hurst
Jackson
Mookhey
Moriarty
Moselmane
Pearson

Primrose
Searle (teller)
Secord
Sharpe
Shoebridge
Veitch

NOES

Amato
Cusack
Fang
Farlow
Farraway (teller)
Franklin

Harwin
Khan
Maclaren-Jones
Mallard (teller)
Martin

Mitchell
Nile
Poulos
Tudehope
Ward

PAIRS

D'Adam

Taylor

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 five sets of amendments: The Greens amendments on sheets c2021-242B, c2021-243C, c2021-246B, c2021-245A and c2021-244A.

Ms CATE FAEHRMANN (15:57): We will not be moving The Greens amendments on sheets c2021-242B and c2021-245A. By leave, I move The Greens amendments Nos 1 to 12 on sheet c2021-243C in globo:

No. 1 Targets

Page 2, clause 4, line 13. Omit "**2050 target**". Insert instead "**2040 target**".

No. 2 Targets

Page 3, clause 6, line 35. Omit "**2050**". Insert instead "**2040**".

No. 3 Targets

Page 3, clause 6, line 37. Omit "**2050**". Insert instead "**2040**".

No. 4 Targets

Page 3, clause 6, line 39. Omit "**50%**". Insert instead "**80%**".

No. 5 Targets

Page 3, clause 6, line 41. Omit "**2050**". Insert instead "**2040**".

No. 6 Targets

Page 4, clause 7, line 1. Omit "**2050**". Insert instead "**2040**".

No. 7 Targets

Page 4, clause 7, line 6. Omit "2050". Insert instead "2040".

No. 8 **Targets**

Page 5, clause 10, line 25. Omit "2050". Insert instead "2040".

No. 9 **Targets**

Page 5, clause 10, line 33. Omit "2050". Insert instead "2040".

No. 10 **Targets**

Page 5, clause 10, line 37. Omit "2050". Insert instead "2040".

No. 11 **Targets**

Page 5, clause 10, line 39. Omit "2050". Insert instead "2040".

No. 12 **Long title**

Omit "2050 targets" wherever occurring. Insert instead "2040 targets".

The amendments simply change the targets, which I spoke about in my contribution to the second reading debate. If we are going to insist that the Government legislate targets, which The Greens absolutely agree with and which is the reason we supported the second reading stage of the bill, we should legislate the targets that science tells us we need to ensure that we stay within 1.5 degrees Celsius warming. That is what scientists tell us is needed to avert catastrophic climate change. The amendments do that by inserting net zero 2040 instead of 2050 everywhere it appears in the bill as well as inserting 80 per cent by 2030 instead of 50 per cent everywhere that appears in the bill. I urge members to support the amendments.

The Hon. PENNY SHARPE (15:59): Labor does not support the amendments. As I have said throughout the debate, the Opposition is seeking to be very clear that the bill is about futureproofing the commitments that are already made and about which there is consensus within the Parliament. Labor members accept that the science says there is more to be done, but we also believe that the bill is flexible enough that over time the net zero commission will be able to report on that. That is not ruled out.

The Hon. Damien Tudehope: Is that the same as the net zero board?

The Hon. PENNY SHARPE: The net zero commission is different to the board. If the Hon. Damien Tudehope would like me to go into it then I am happy to, but we are in Committee and are not able to do that right now. The Labor Opposition does not support the amendments. Opposition members want to legislate the consensus that already exists across all sides of the House on net zero emissions by 2050 and 50 per cent by 2030. We will not be supporting the amendments.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:00): The Government will not be supporting the amendments. How do we know whether they have merit or not? We have not been given a chance to consider them.

The CHAIR (The Hon. Trevor Khan): Ms Cate Faehrmann has moved The Greens amendments Nos 1 to 12 appearing on sheet c2021-243C. The question is that the amendments be agreed to.

Amendments negatived.

Ms ABIGAIL BOYD (16:01): By leave: I move The Greens amendments Nos 1 to 30 on sheet c2021-246B in globo:

No. 1 **Commission**

Page 3, clause 4, lines 24 and 25. Omit all words on those lines. Insert instead—

Net Zero and Just Transitions Commission means the NSW Net Zero and Just Transitions Commission established by section 8.

No. 2 **Guiding principles**

Page 3, clause 5, line 9. Omit all words on the line. Insert instead—

- (4) Action to address climate change should recognise principles of long-term responsible and sustainable economic management.

No. 3 **Guiding principles**

Page 3, clause 5, line 12. Omit "relevant". Insert instead "sustainable".

No. 4 **Guiding principles**

Page 3, clause 5, lines 15 and 16. Omit "local jobs and industries". Insert instead "community services".

No. 5 **Commission**

Page 3, clause 5. Insert after line 16—

- (b1) the need for financial assistance or job-for-job transition support for impacted individuals,

No. 6 **Commission**

Page 5, line 1. Insert "*and Just Transitions*" after "*Zero*".

No. 7 **Commission**

Page 5, clause 8, line 2. Insert "*and Just Transitions*" after "*Zero*".

No. 8 **Commission**

Page 5, clause 8, line 3. Insert "and Just Transitions" after "Zero".

No. 9 **Commission**

Page 5, clause 9, line 4. Insert "*and Just Transitions*" after "*Zero*".

No. 10 **Commission**

Page 5, clause 9, line 5. Insert "and Just Transitions" after "Zero".

No. 11 **Commission**

Page 5, clause 9, line 7. Insert "and Just Transitions" after "Zero".

No. 12 **Commission**

Page 5, clause 9, line 15. Insert "and Just Transitions" after "Zero".

No. 13 **Commission**

Page 5, clause 9, line 17. Insert "and Just Transitions" after "Zero".

No. 14 **Commission**

Page 5, clause 10, line 22. Insert "*and Just Transitions*" after "*Zero*".

No. 15 **Commission**

Page 5, clause 10, line 23. Insert "and Just Transitions" after "Zero".

No. 16 **Functions of Commission**

Page 5, clause 10, line 32. Omit all words on the line. Insert instead—

- (ii) the impact on communities traditionally reliant on jobs directly or indirectly related to fossil fuel extraction,

No. 17 **Functions of Commission**

Page 5, clause 10. Insert after line 44—

- (vi) financial assistance and subsidies required for individuals and communities impacted by the transition to a de-carbonised economy,

No. 18 **Commission**

Page 6, clause 10, line 5. Insert "and Just Transitions" after "Zero".

No. 19 **Commission**

Page 6, clause 11, line 15. Insert "and Just Transitions" after "Zero".

No. 20 **Commission**

Page 6, clause 12, line 18. Insert "and Just Transitions" after "Zero".

No. 21 **Commission**

Page 6, clause 13, line 36. Insert "and Just Transitions" after "Zero".

No. 22 **Commission**

Page 6, clause 14, line 41. Insert "*and Just Transitions*" after "*Zero*".

No. 23 **Commission**

Page 6, clause 14, line 42. Insert "and Just Transitions" after "Zero".

No. 24 **Commission**

Page 7, clause 14, line 5. Insert "and Just Transitions" after "Zero".

No. 25 **Commission**

Page 7, clause 15, line 7. Insert "*and Just Transitions*" after "*Zero*".

No. 26 **Commission**

Page 7, clause 15, line 8. Insert "and Just Transitions" after "Zero".

No. 27 Commission

Page 7, clause 16, line 12. Insert "*and Just Transitions*" after "Zero".

No. 28 Commission

Page 7, clause 16, line 14. Insert "and Just Transitions" after "Zero".

No. 29 Commission

Page 7, clause 16, line 20. Insert "and Just Transitions" after "Zero".

No. 30 Long title

Insert "and Just Transitions" after "Zero".

The amendments deal with the most difficult aspect of the transition that we are going through. If we do not have an actual plan, that will impact the hardest on communities that have traditionally been reliant on fossil fuels. That has been so frustrating in watching the debate over the past 10 or 15 years. We have known for a long time that we need to change, that we need to move our economy and rapidly decarbonise it. But by leaving it up to the market, by waiting to see what the rest of the world does, we are failing to provide for workers and communities who have been traditionally reliant on fossil fuels and who through no fault of their own have now found themselves in a dying industry. Part and parcel of embedding the commitment to net zero targets has to be a commitment to a just transition, and not as an afterthought but as a central component. If we do not bring those people with us, we will not be as successful in getting to a decarbonised economy quickly. It is absolutely essential that we look after workers and we do it in a structured way.

The Hon. PENNY SHARPE (16:03): I thank Ms Abigail Boyd for moving the amendments, but the Labor Opposition will not be supporting them. It is a very narrow bill. The Labor Opposition understands the impact on workers. Labor members work very closely with our unions in relation to those matters, and that is an ongoing conversation. Laid out very clearly in the bill are the principles around working with communities and affected workers into the future, as well as opening up the opportunity for the jobs bonanza that is coming as a result of this structural change across the world. We are extremely enthusiastic about that. As the Hon. Catherine Cusack said in her contribution to the second reading debate, there are incredible opportunities here. Failure to take action means that we will miss those opportunities. I appreciate the amendment, but Labor will not be supporting it.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:04): Government members will also not be supporting the amendments, again for the reason that we have not had an opportunity to properly consider them. I made observations in my contribution to the second reading debate about all the programs that have been introduced by the Government for the transition to the clean energy environment and the jobs that is creating. The actual stuff the Government is already doing in this space is addressing many of the issues that the member is raising through the amendments. The Government will be opposing the amendments but with the caveat that we acknowledge the significant work being done by the Minister and the Government through the programs that have already been put in place, which are delivering outcomes exactly along the lines that Ms Abigail Boyd has identified as being so frustrating to her.

The CHAIR (The Hon. Trevor Khan): Ms Abigail Boyd has moved The Greens amendments Nos 1 to 30 on sheet c2021-246B. The question is that the amendments be agreed to.

Amendments negatived.

The CHAIR (The Hon. Trevor Khan): We now move to The Greens amendments appearing on sheet c2021-244A. It really is a collaborative effort.

Mr DAVID SHOEBRIDGE (16:06): I think it is called a team effort. That is how we roll in The Greens; it is a collective. By leave, I move The Greens amendments Nos 1 and 2 on sheet c2021-244A in globo:

No. 1 Fossil fuel moratorium

Page 3, clause 5. Insert after line 9—

(4A) Action to address climate change should include the complete phase-out of fossil fuel extraction by 31 December 2030.

No. 2 Fossil fuel moratorium

Page 3. Insert after line 42—

6A Fossil fuel moratorium

- (1) Prospecting for or mining gas, thermal coal or oil before 1 January 2031 is prohibited, except in accordance with an existing authority.
- (2) On and from 1 January 2031—
 - (a) prospecting for or mining gas, thermal coal or oil is prohibited, and
 - (b) all existing authorities are terminated, and
 - (c) an authority must not be granted under an Act authorising the prospecting for or mining of gas, thermal coal or oil.
- (3) No compensation is payable in respect of the termination of an existing authority by this section.
- (4) This section applies despite any other law.
- (5) In this section, *existing authority* means an authority in force under the *Mining Act 1992*, the *Petroleum (Offshore) Act 1982* or the *Petroleum (Onshore) Act 1991* immediately before the commencement of this Act.

In the course of the second reading debate, each of my Greens colleagues and I made it clear that setting targets is one thing but that the key thing between now and 2030 is to do everything we can to keep coal, gas and oil in the ground to ensure a pathway to a safe climate. The amendments put in place a fossil fuel moratorium. There would be no more exploration, no more prospecting and no more approvals for coal, oil or gas between now and 1 January 2031. From 1 January 2031 there would be an end to the extraction of coal, gas and oil and the damage they do to the climate.

Every tonne of coal that is exported and dug up from New South Wales creates 2½ tonnes of CO₂, and hundreds of millions of tonnes of coal are slated for extraction and burning from New South Wales over the balance of this decade. If Labor members are serious about climate and really want to meet a 2030 target, they have to realise that means keeping coal, gas and oil in the ground. It means the Coalition has to wean itself off corporate donations. Stop taking money from Santos and Glencore. Say to ExxonMobil, "We don't want your money because we actually care about the future more than the grubby funds we get to roll ourselves into the next election campaign." This is about thinking about the future, saying no to the fossil fuel donations and voting for our kids, our grandkids and a safe climate.

The Hon. PENNY SHARPE (16:08): Labor does not support the amendments, as Mr David Shoebridge would know full well. As I said before, the bill is very focused. It is about building consensus, not driving division. We understand what needs to happen in relation to fossil fuels, but that is not what the bill is about. Trying to jam it in during this debate is not the right way to do this. Labor is very clear about what it is trying to do here. It invites the Government to change its mind and to support the bill to legislate what it has already committed to do. We accept that over time policies that deal with these matters are needed. It is very clear: The road map itself says that we will get to 50 per cent by 2030, but getting to net zero by 2050 on current business as usual is not going to happen. The Premier seems to think that he does not have to do anything about this, but the environment Minister and Treasurer has been clear that more policies are needed to deal with it. There is a time and a place for that. Let us get this bill in place first, which legislates the commitment to the community for 2050. Let us get the commission in place and start work.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:09): The Government will not be supporting the amendment. I reject the suggestion that government policy is dictated by—

Mr David Shoebridge: It is just a coincidence.

The Hon. DAMIEN TUDEHOPE: He may say it is a coincidence—

The CHAIR (The Hon. Trevor Khan): I have put the Hon. Penny Sharpe on two calls.

Mr David Shoebridge: Dead right.

The CHAIR (The Hon. Trevor Khan): It was probably fair, but I can balance it up. Mr David Shoebridge will let the Minister finish.

The Hon. DAMIEN TUDEHOPE: The mover of the motion might like to tell us about the impact on jobs—

The Hon. Penny Sharpe: No.

The Hon. DAMIEN TUDEHOPE: No, I do not want him to tell me.

The Hon. PENNY SHARPE: It's outside the leave of the amendment.

The Hon. DAMIEN TUDEHOPE: It is outside. There are lots of considerations to make before you would get anywhere near the impact that this sort of proposal, if agreed to, would have on the economy of this

State. Words are easy for The Greens. They talk the talk about how virtuous they are because they can introduce an amendment like this. It has got no semblance of reality in how you model the impact on the day-to-day lives of working families in this State, and they do not care one iota.

The CHAIR (The Hon. Trevor Khan): Mr David Shoebridge has moved The Greens amendments Nos 1 and 2 on sheet c2021-244A. 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. PENNY SHARPE: 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. PENNY SHARPE: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. PENNY SHARPE: I move:

That this bill be now read a third time.

Motion agreed to.

Documents

BUDGET ESTIMATES 2021-2022

Production of Documents: Order

The Hon. PENNY SHARPE: I move:

That private members' business item No. 1541 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. PENNY SHARPE (16:14): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2021, in the possession, custody or control of the Government, relating to Ministerial briefs prepared for budget estimates 2021-2022 hearings:

- (a) all documents prepared for Ministers, department secretaries and deputy secretaries for the budget estimates 2021-2022 initial and supplementary hearings; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This is a very straightforward order for papers. I wait in anticipation for the Government's arguments to it. Labor is seeking this information for the House. I commend the motion to the House.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (16:15): I foreshadow that I will be seeking leave to extend the time of my contribution on this because it is important that it be placed on the record of the House. The Government strongly opposes this motion. It is not reasonably necessary for the House to fulfil its scrutiny function. If passed, it would be invalid and beyond power. The budget estimates process is a key pillar of the Legislative Council's oversight function. Each year, Ministers, their secretaries and their deputy secretaries appear before the portfolio committees of this House. In 2021 there was not one, but three sets of budget estimates hearings. At those hearings, committee members had the chance to ask the Ministers, secretaries and deputy secretaries any lawful question they wished to ask. Any questions taken on notice on the day were responded to or will be responded to in writing. Committee members have also asked numerous written supplementary questions of Ministers, which have either been responded to or will be responded to shortly.

For the Leader of the Opposition to attempt to call for the folders of preparatory materials of each of the Ministers, secretaries and deputy secretaries appearing at estimates hearings is an abuse of two important oversight functions of this House: the budget estimates process and the power to call for papers. Given the budget estimates

process, in which the Executive attends to answer any lawful question asked by committee members, such an order for papers is not reasonably necessary for the House to exercise its oversight functions. It is a fishing expedition that would undermine public confidence in the integrity of the House. The Government acknowledges that, while the primary role of Parliament is to pass laws, it also has an important function of securing Executive accountability.

I note that 317 orders of papers have passed since the 2019 election, which is unprecedented in the history of the Legislative Council. Over the past two weeks, the House has made 39 orders. The Government does not shy away from proper scrutiny. However, the motion in question bears no relationship to contemplated legislation. It is, on its face, unrelated to any actual or proposed decision or official action of the Executive. Rather, its motive appears to be to interfere with the ability of the Executive officers to fairly and reasonably participate in one of the most important and well-established parliamentary oversight processes of all: budget estimates. In that sense, the motion is entirely self-defeating and cannot be said to be necessary for the exercise of the Legislative Council's scrutiny functions. Additionally, if the motion is passed, it would undermine the commitment to fairness of the process for witnesses appearing before committees of this House, in that witnesses who have appeared voluntarily and in good faith would be required to produce their personal and confidential notes of preparations for attendance before the committee. As foreshadowed, I seek an additional three minutes.

Leave granted.

The Hon. DAMIEN TUDEHOPE: This will no doubt deter future witnesses from appearing voluntarily before portfolio committees or from undertaking any preparations whatsoever in the interests of assisting their inquiries, which is a disastrous outcome for the House. Budget estimates notes are by their very nature subject to parliamentary privilege. The Government does not question the power of the House to call for documents that are subject to parliamentary privilege or to publish them in the exercise of its constitutional functions. However, the House should consider the implications of exercising the power to order the production of documents that are necessarily subject to parliamentary privilege. The House should consider the potential impact of its publication of such documents on the quality of information prepared for budget estimates hearings and, by extension, on the scrutiny functions of the House. The House should also consider what effect publication may have on the ability to claim parliamentary privilege in future legal proceedings on the basis identified by Justice Austin.

In addition to the matters I have already raised, the motion is unreasonable in its scope in that it seeks documents held by every Minister and by what the motion refers to as "the Government". The member appears to be seeking to impose this burden on every emanation of the Crown in New South Wales, bar the Governor. The number of entities purported to be caught by the motion is so large that the Leader of the Opposition has not even been able to list them, let alone consider whether papers held by them are in fact reasonably necessary for the House to fulfil its scrutiny role. The Government contends that the House is unable to properly consider the necessity and reasonableness of the motion when the scope of the order it seeks is so vague and unclear. The fact that such a motion is being put forward by the Leader of the Opposition demonstrates the cavalier manner in which certain members of this House have been treating what is an extraordinary power of the House or, as Justice Kirby put it in *Egan v Willis* [1998] HCA 71, "a privilege with the potential to involve significant obligations and the risk of abuse". The impost on the public service agencies charged with their processing cannot be overstated.

The member appears to take the view that the extent or content of the House's power to call for papers is limitless. It cannot logically be so. We accept that the Legislative Council must be armed with such powers as are reasonably necessary for the proper exercise of its functions. The House cannot wield its power to call for documents in a manner that would stymie the proper functioning of the Executive. That is what the motion would tend to do, particularly having regard to the large volume of concurrent orders on foot. Such action would violate the separation of powers and other constitutional principles inherent in our system of representative and responsible government. Therefore, the motion is invalid and beyond the power of the House. It should not be supported.

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

The House divided.

Ayes22
Noes15
Majority.....7

AYES

Banasiak
Borsak

Houssos
Hurst

Primrose
Roberts

AYES

Boyd
Buttigieg (teller)
Donnelly
Faehrmann
Field
Graham

Jackson
Latham
Mookhey
Moselmane
Pearson

Searle (teller)
Secord
Sharpe
Shoebridge
Veitch

NOES

Amato
Cusack
Fang
Farlow
Franklin

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

Mitchell
Nile
Poulos
Tudehope
Ward

PAIRS

D'Adam
Moriarty

Farraway
Taylor

Motion agreed to.

Visitors

VISITORS

The DEPUTY PRESIDENT (Ms Abigail Boyd): I welcome to the gallery this afternoon Ms Jen Ross-King, a representative of Harm Reduction Australia. Ms Ross-King is here as a guest of Ms Cate Faehrmann.

Bills

PILL TESTING BILL 2019

Second Reading Debate

Debate resumed from 14 November 2019.

The Hon. SCOTT FARLOW (16:33): I speak on behalf of the Government to oppose the Pill Testing Bill 2019. All members of this place would share a deep concern about the substantial increase in drug-related deaths and harms at music festivals in New South Wales, especially during the 2018-19 summer period. I offer my sincere condolences to the families and friends of the young people affected. In response to these incidents and the subsequent report on the "Inquest into the death of six patrons of NSW music festivals", the Pill Testing Bill 2019 proposes the establishment of a pill testing licensing scheme that permits the NSW Health Secretary to grant a licence authorising a person to operate a fixed premises or mobile pill testing service. The bill also provides for an exemption from civil and criminal liability for acts done in accordance with the Act. I note that the bill excludes those convicted of an indictable offence under the Drug Misuse and Trafficking Act 1985 from obtaining a licence. However, the administration and possession of prohibited drugs constitute summary offences.

The New South Wales Government has responded quickly to reduce drug-related harms at music festivals in many ways; however, it does not support pill testing and therefore opposes the bill. There is no safe level of illicit drug consumption. There is a real danger that pill testing will provide a false sense of security that does not reflect the complexity of the situation. Pill testing cannot accurately indicate what impact an illicit drug may have on an individual's particular physiology, nor can it reflect the impact of future behaviour, including the consumption of other illicit drugs and/or alcohol. A pill testing scheme is also unacceptably inconsistent with the Drug Misuse and Trafficking Act 1985, which includes important offences—

Ms Cate Faehrmann: Point of order: There is too much noise in the Chamber. I am finding it difficult to hear the Hon. Scott Farlow.

The DEPUTY PRESIDENT (Ms Abigail Boyd): I uphold the point of order. Members will keep their voices down.

The Hon. SCOTT FARLOW: I thank Ms Cate Faehrmann for taking her point of order. A pill testing scheme is also unacceptably inconsistent with the Drug Misuse and Trafficking Act 1985, which includes

important offences associated with the administration, possession, supply and manufacture of prohibited drugs. This gives rise to the need for an exemption from criminal liability, which is provided for in this bill. There is currently an undeserved focus on pill testing as a method of harm reduction. The New South Wales Government has sought to utilise a more diverse range of methods to reduce the harms caused by illicit drug use. Following the tragic deaths of two young people who attended the Defqon.1 festival in September 2018, the then New South Wales Premier convened an expert panel to advise the Government on how to keep people safe at music festivals. The expert panel included the Commissioner of the NSW Police Force, Mick Fuller, the Chief Health Officer from the NSW Ministry of Health, Dr Kerry Chant, and the chair of the Independent Liquor and Gaming Authority, Mr Philip Crawford. The resulting report was released in October 2018.

The Government accepted and implemented its recommendations, including introducing a new licensing regime to improve music festival regulation, providing more support for festival health workers, educating festivalgoers on the dangers of illegal drug use, introducing a new offence to hold drug dealers responsible for deaths that they cause, and trialling on-the-spot fines for drug possession. As part of its response, the Government introduced industry regulation through the Liquor Amendment (Music Festivals) Regulation 2019. That commenced on 28 February 2019 but was subsequently disallowed by this place on 26 September 2019. As members are aware, the policy intent of these regulations was reinstated by the Music Festivals Bill 2019, which passed the Parliament in November 2019.

To assist the industry to reduce illicit-drug-related harms at music festivals, NSW Health has developed a publicly available document, *Guidelines for Music Festival Event Organisers: Music Festival Harm Reduction*. The guidelines have been developed in consultation with a range of stakeholders, including festival organisers, health experts, peer-based harm reduction organisations and private medical providers. The guidelines are continuously reviewed to ensure that they reflect the most up-to-date information. The guidelines were noted as being "a positive step in addressing drug and alcohol related issues at music festivals" by the Legislative Council's Regulation Committee in its report on the inquiry into the impact and implementation of the Liquor Amendment (Music Festivals) Regulation 2019 and the Gaming and Liquor Administration Amendment (Music Festivals) Regulation 2019. I, the Hon. John Graham and the Hon. Catherine Cusack were among the members of that committee, which was chaired by the Hon. Mick Veitch.

Where the Independent Liquor and Gaming Authority has issued a direction to an operator of a subject music festival, the operator must prepare a safety management plan that provides certain information, including how the health services and harm reduction initiatives to be provided at the festival are consistent with the NSW Health music festival guidelines. NSW Health is working closely with festival organisers and medical providers to review their safety management plans and provide advice to ensure that their plans are aligned with the guidelines. It is obviously very important that music festival organisers have appropriately qualified medical teams ready to respond to any incidents.

The NSW Health guidelines provide information to music festival organisers regarding the various considerations involved in providing an onsite medical service. In addition, a set of four pre-hospital clinical guidelines and an assessment form have been developed to support onsite medical providers. While music festivals have been largely inactive in New South Wales during the COVID-19 pandemic, between 26 January 2019 and 15 June 2019 NSW Health pre-deployed 11 medical retrieval teams, in addition to eight local health district response teams, to 11 music festivals that were considered to be at higher risk of drug-related harm. They were multidisciplinary critical care teams, including retrieval and emergency medical specialists, emergency nurses and intensive care paramedics.

A NSW Health medical retrieval team is available to festival organisers on a cost-recovery basis. Peer-based harm reduction services continue to be a critical component of NSW Health's music festival harm reduction response. They include peer educators roaming the festival, engaging patrons in harm reduction education and identifying patrons at risk of drug-related harms. During the 2018-19 festival season, peer-based harm reduction services provided over 111,750 peer interactions, over 17,400 brief interventions and 1,860 care interventions. A peer-based brief intervention may include a discussion with a patron about how to reduce their risk of harm by modifying their behaviour and options for further support in relation to drug and alcohol use. The Government is funding peer-based harm reduction organisations to provide those services to festivals this season.

NSW Health will continue to promote the StayOK campaign for this year's festival season to increase awareness of drug toxicity and support action by festival patrons to get help fast. The StayOK campaign was developed based on research with festival-goers and in consultation with festival organisers and peer-based harm reduction organisations. NSW Health is working closely with festival organisers, peer-based organisations and key venues to maximise the reach of those messages to festivals. It is clear that the New South Wales Government is committed to reducing illicit drug-related harms. However, it does not support pill testing and therefore cannot support the bill. There is no safe level of illicit drug consumption. The implementation of pill testing, which cannot

accurately reflect the complexity of the situation, runs the very real risk that people will develop a false sense of security that results in the very harm the bill is trying to prevent, which is why Government opposes it.

The Hon. JOHN GRAHAM (16:42): I speak for the Opposition on the Pill Testing Bill 2019. I will be joined by my colleagues the Hon. Walt Secord, who is the shadow police Minister, and the Hon. Rose Jackson, who has been outspoken on many of these issues. I indicate at the outset that the Opposition supports pill testing but will be opposing this bill. On 8 November 2019 the Leader of the Opposition made it clear that Labor would support a limited trial of medically supervised pill testing at select music festivals. However, the bill before the House is not that model and therefore the Opposition is unable to support it. I thank the member for bringing it forward, though, and for the role she has played in this discussion over time.

In addition, previously the Opposition has outlined its support for a drug summit. Our view is that it must be held if we are going to tackle these issues and that it should be done in the same format as the 1999 drug summit that brought together MPs, health and medical experts, police, drug user organisations, families and other stakeholders to build consensus on the way New South Wales tackles these issues. The Opposition feels that that would be a forum where we as a State and as a society could take a step forward on the issue. That view reflects the fact—we will see this in further debate, as we saw it in the Government member's contribution—that there is not a consensus about how to deal with these issues, and we urgently need one. I indicate that I believe the bill could not succeed regardless of whether the Opposition supports it or not; I think that is a pity.

At the conclusion of my speech I will outline one view about the path by which I believe reform in this area could take place in New South Wales. I come at this debate as a supporter of festivals, a festival-goer and a music fan, but also as a father of a teenager and another one on the way. That means I have some concern and a little bit of fear about what could go wrong and what measures there are to make sure that that is not the case. The object of the bill is to provide for pill testing services for the purposes of drug harm reduction, in accordance with a licensing scheme to be administered by the secretary of the Ministry of Health. If the licence is issued, it continues to be in force for two years and will continue to be in force for another three years after two years from the commencement of the proposed Act. The bill provides for pill testing in respect of prohibited drugs, poisons, restricted substances, drugs of addiction and other substances that would cause harm if ingested.

The substances that are provided for pill testing may be transferred from a mobile pill testing place to a fixed-premises pill testing place, and amnesty bins at those pill testing places will enable the substances to be kept securely and destroyed after the service has been provided. Results can be notified to a range of agencies, all of which are appropriate. I reiterate that Labor would support a limited trial of medically supervised pill testing at select music festivals. As the mover of the bill has made clear, the bill goes somewhat further than that. Ms Cate Faehrmann has said that we need drug checking and health information at music festivals and in the community, as the use of MDMA is in no way limited to music festivals or nightclubs. The bill allows for pill testing to be licensed at fixed premises or mobile facilities. That is the view being put forward in the bill, and it goes beyond where the Opposition is as we move to tackle these issues.

The Opposition wants a trial to see how that works at music festivals, as has occurred elsewhere. It wants to see a drug summit because pill testing is important—it would make a difference and make festivals safer—but it will not be enough. Some other speakers from the Opposition will talk about the issue. There are many other aspects of the issue that need to be tackled, including treatment, the way it is policed and a range of other things that impact on the issue. The third plank the Opposition would like to see is better festival regulation, and the Government has recapped its position. Firstly, I recognise the actions of the agencies that are regulating festivals: NSW Health, the NSW Police Force, Liquor & Gaming NSW and the other agencies around the table. It is much safer now that festival organisers are being talked to and festivals are being regulated by those agencies. There is a discussion between Government and the industry.

I ask members to cast their minds back to the events that the Parliamentary Secretary was describing. Previously there was a dangerous situation with the way we regulated festivals. We were causing harm with the way we regulated festivals in New South Wales. That has changed, with little thanks to the Government—though I was pleased to hear the Parliamentary Secretary outlining what is happening now—but with much thanks to the agencies that have performed a professional, creditable job and have brought this forward. Once the politics came out, that was a major step forward in terms of safety; the Opposition says, though, that it is not enough.

There are things we can do to make it safer, and that is why the Opposition believes there will be a change in this area over time. Part of the reason it believes that is because of the strong evidence in place on these matters. The NSW Coroners Court held an inquest investigating the drug-related deaths of the six young people aged 18 to 23 at New South Wales music festivals over two summers. Both the mover of the bill and the Government speaker referred to those young people. It was a 16-day process. The deputy coroner reviewed extensive evidence and volumes of information in relation to preventing deaths at music festivals. Delivering her findings, Deputy State Coroner Harriet Grahame recommended that pill testing be trialled in New South Wales as soon as possible,

describing the evidence in favour of the harm reduction tool as "compelling", while the reliance on the "just say no" approach was "dangerous in itself". She said:

Drug checking is simply an evidence-based harm reduction strategy that should be trialled as soon as possible in NSW.

...

The evidence arising from this inquest clearly indicates that there is much that can be done to prevent MDMA deaths.

Further, she talked about the evidence placed in front of that coronial inquiry. Much of it had been reviewed, so much so that summarising it was very difficult, even with the resources they had. However, the findings were crystal clear. It is a very serious evidence base. We often have to make laws with far less evidence at the table than we do in this instance. I strongly recommend to the House the work of the deputy coroner in this case. There were many recommendations to the New South Wales Government, the Department of Premier and Cabinet, the police, music festival organisers and other organisations. The deputy coroner's first recommendation to the Department of Premier and Cabinet states:

That the Department of Premier and Cabinet permits and facilitates Pill Testing Australia, The Loop Australia, or another similarly qualified organisation to run front of house medically supervised pill testing/drug checking at music festivals in NSW with a pilot date starting the summer of 2019–20.

Those dates have been affected by COVID-19 and what has happened to the industry. The key fact being conveyed was the urgency. This is a first step and it should be taken at the earliest opportunity. Recommendation 8, in relation to the Department of Premier and Cabinet, was that a drug summit be held with relevant stakeholders to develop an evidence-based drug policy. Recommendation 8 states:

That the Department of Premier and Cabinet facilitate the holding of a NSW Drug Summit to develop drug policy that is evidence-based and focused on minimising harm to users and the community.

The deputy coroner indicated a range of topics that might be included in the scope of that summit. Relevantly, pill testing was one to be considered. We have talked about that terrible period between December 2017 and January 2019 and the deaths of Alex Ross-King, Joshua Tam, Joseph Pham, Diana Nguyen, Callum Brosnan and Nathan Tran, who were each lost as a result of our collective failure to tackle these issues. I welcome Jen Ross-King here today. She has visited the Chamber before to listen to debate on these issues. She should feel free to correct the record if I get it wrong. I want to refer to what she said about how Alex might have viewed pill testing. Members should feel free to get the real story from her.

At another time Ms Ross-King said, "I know that Alex, had the service been available, would have used the service. I also know that Alex would not have only listened to the experts but acted on the information and whatever education they could have given her." To me, that is a powerful recommendation for why it might help. There is no shortage of evidence, as I have said. I also commend the Special Commission of Inquiry into the Drug 'Ice'. It also recommended that a trial be undertaken on site at a music festival. Again, that recommendation was very clear, and again the report is exceptional work. We are still waiting for the Government to deal with those issues as a whole. Here is one specific recommendation from the Coroner and the ice inquiry that could be dealt with. Former Federal Police Commissioner Mick Palmer, coming from his law enforcement perspective, is crystal clear. He says:

I am not, and never have been, an advocate for drug use. I am, however, unashamedly a ferocious advocate for reducing the trauma and damage caused by drug use ...

The mover of the bill outlined much of the medical support for a trial, including from more than 20 heads of departments at St Vincent's Hospital in Sydney. The Australian Medical Association has been clear; a roll call of medical organisations have called for it. There are two reasons why that is the case. First, we know that this facility will be used. The research is also clear on that. Secondly, we know that this can be used to facilitate timely warnings to health authorities or to people at festivals. That was one of the findings from the Australian Capital Territory Government's pill testing trial over 2018 and 2019, which acted as a precedent in New South Wales. When that trial was evaluated, it showed that it had led to behavioural change, reducing risk, in some cases reducing consumption, and in seven cases identifying potential lethal elements that were then not taken by people at these festivals. Since that time, the 2021-22 Australian Capital Territory budget has allocated \$260,000 for a pilot permanent pill testing site in Canberra's CBD.

I thank Ms Cate Faehrmann for bringing this bill forward. The member has been a strong advocate in this area and in relation to festival regulation issues, which took much time in the Chamber but were resolved and have made festivals much safer as a result. I thank her for bringing forward this bill. In terms of a path through, this bill will not pass the House, but the Opposition does support pill testing. How will this be resolved in the future? The evidence is quite clear. To build support for a trial in the way I have described, one of two things must happen: either a change of government or a change of heart from this Government. One of those two things is required. I am hoping for both because this is an urgent problem. We must get on with it. Whatever happens,

Labor will seek to tackle this area, to build community consensus about what is going to happen and to have at the table all those agencies, including health and police and people with lived experience. That is the only way in which we can progress in this area. It is urgently required. We hope that there is a change of heart. But if not, this is something the Opposition will seek to deal with at a future time.

The Hon. ROD ROBERTS (16:57): On behalf of One Nation, I say that we will not be supporting the Pill Testing Bill 2019. Sadly, pill testing has very little to do with saving lives and much more to do with drug-use normalisation. This is a Trojan horse from The Greens in their never-ending march towards decriminalisation of the use of drugs. The Greens advocate pill testing under the guise of harm reduction. This bill is not about harm reduction. Harm reduction can never be about endorsing, enabling, equipping and empowering ongoing drug use. Make no mistake, drugs kill people. Taking drugs of any type is a health hazard and life threatening. Legislation that empowers and equips the easy use of drugs is not only irrational but also irresponsible. In the hierarchy of hazard control, the first step is elimination—eliminate the problem. The Greens seem to have forgotten that. Governments should aim always to protect their citizens from harm.

Pill testing does not target hard-core drug addicts such as those addicted to opiate-based products. We are not talking about sick, poor individuals who are addicted to heroin, whom we often see on the streets. We are not talking about those types of individuals. We are not talking about those types of individuals who happen to be addicted to methamphetamines or ice. What we are talking about is the taking of illegal substances at music festivals—a deliberate and considered behaviour of informed, self-aware and disposable income equipped adults with a rebellious, careless, lawbreaking attitude.

Members of this Chamber, in particular Ms Cate Faehrmann and the Hon. John Graham, will remember my support that night in this Chamber for music festivals. I need not go over the role I played that particular night. I am very supportive of safe music festivals for our young people. But let us not confuse the two—music festivals and illicit drug taking do not go hand in hand. They are not synonymous. What message does pill testing send? It says to bring your illegally obtained and very harmful substance to a public event where, approved by the Government, your poison will be tested to see if it is the exact poison that you ordered. If the contents of your drug complies with your agreed illegal purchase, then we will then permit you to use that drug.

The Greens say that young people will always take drugs no matter what we do to try to stop them. In effect, they have given up on our young people. I stand here today on behalf of all parents in New South Wales. No parent wants to see their child die from illicit drug use—none at all. As members of Parliament, we have a duty to make laws that protect the people of New South Wales. We have a civic responsibility to ensure that we give our young people the best chance at life. Stopping our young people from taking illegal drugs is not an easy task. But just because something is not easy does not mean it is not worth doing. We must not give up the fight on illegal drugs.

Furthermore, the bill put forward by Ms Cate Faehrmann goes against all the evidence surrounding MDMA-related deaths. Let us look at the facts. Between 2001 and 2016 there were 392 MDMA-related deaths in Australia. None of those deaths was related to impurities in tablets—none. It is the drug itself that kills. There is no safe level of MDMA. The question to be asked is the following, and all of us in our experience in life should pose this question to ourselves: How many tablets does a dealer take to a music festival? We have seen plenty of evidence that, when they get arrested in possession of tablets, it is anything from a dozen up to 200 or 300 tablets. Out of all those tablets that are being sold, only a very small proportion of people fall ill. So if a dealer goes to a music festival and sells 100 tablets one night, how come we do not see—and touch wood we do not because this is the last thing we want—100 young people drop dead from that same tablet? It only affects certain people.

Take, for example, the case of Anna Wood. On 21 October 1995 Anna and her friends purchased ecstasy tablets before attending a rave party in inner Sydney. In the early hours of the following morning Anna became extremely ill, suffering a cerebral oedema caused by the effects of MDMA. On 24 October her life support was turned off. It was a very sad event. Anna had just one tablet of MDMA. But what is of interest and what should be noted is that her friends consumed the exact same amount of tablets, being one each, all purchased from exactly the same supplier. Why did poor Anna die and yet the others suffered no effect at all, absolutely none? These are the facts that we must consider. Taking even one tablet is playing Russian roulette with your life, and The Greens are loading the bullets in the revolver. It is a scientific fact that any amount of MDMA is deadly for a proportion of the population, and that is what we are talking about—a proportion.

Worse still, pill testing gives our young people a false sense of security. Just like Anna Wood, they may be individually susceptible or—for want of a better word and just to make it simple language—allergic to MDMA. What about the effects on those kids? A person's individual vulnerability to the effects of MDMA cannot be tested by pill testing. It may test the pill, but it does not test the susceptibility of the individual to the effects of that particular drug. All of us in this Chamber have been to a medical practitioner, and before they prescribe us any legally obtained drug they ask us whether we are on any other medication. Why is that? Because even legally

prescribed medication can have an effect on you if you are taking something else. They also ask me, "Are you allergic to anything, Mr Roberts, before we prescribe you this medication?"

I can stand in this Chamber and say that a number of years ago I was prescribed valium by a doctor for an illness I had at the time. The purpose of prescribing me the valium was to calm me down. Well, that valium had absolutely the opposite effect on me. Much to my wife's dismay, I was bouncing off the walls, causing her to ring the family doctor in the middle of the night and say, "Listen, something has gone awfully wrong." That drug, legally prescribed, affected me in an unknown and unpredicted manner. The same thing happens with MDMA. Some people can take it and have absolutely no effect. Others unfortunately suffer illness and others, more unfortunately, die.

Most deaths occur when ecstasy is consumed along with alcohol, cocaine and other drugs. Between 2001 and 2016, 48 per cent of MDMA-related deaths were from polydrug use—that is, mixing MDMA with other drugs. Pill testing does nothing to prevent those deaths. Furthermore, 29 per cent of all MDMA-related deaths between 2001 and 2016 were from fatal accidents deemed to be caused by ecstasy use. Pill testing does nothing to prevent accidents related to ecstasy use. It is not okay to take drugs, and shame on The Greens for attempting to normalise the use of illegal drugs. More young people taking drugs will lead to more deaths. During my time as a detective sergeant in the NSW Police Force, I saw firsthand the destruction caused by the illegal use of drugs. I watched as young people, who had the whole of their lives in front of them, had their lives ruined through drug addiction.

It is not just the users who suffer from the effects of illegal substance abuse. The pain and suffering inflicted upon families of illegal drug users is enormous, and I recognise that. Communities in regional New South Wales are experiencing an epidemic of ice addiction. Families are being torn apart. Ambos and nurses on the front line are continually being bashed up by people high on ice. Make no mistake—drugs destroy lives, and The Greens just say, "Oh, young people are always going to take drugs." In reality, The Greens are condemning our future generations to the horrors of illegal drug use. We have a chance to prevent kids from a life of substance addiction by stopping it before it is too late.

Like every other member of this Chamber, last night I got bombarded by a pro forma email urging us to vote for pill testing. I happened to take the time to read the pro forma as sent by all those people. It is interesting. It says, "The pill testing bill also ensures health professionals talk with those who use the service"—great, I have no problems with medical intervention, but here is the telling part—"always telling them first up that the safest option is not to take drugs at all." I am going to repeat that. This is from those that are pro pill testing, telling us to pass the bill. They say "... always telling them first up that the safest option is not to take drugs at all." This bill flies in the face of the "just say no" attitude that we hear from them. It is purely a confused position. In closing, this bill is not only irresponsible but also extremely reckless, and it will not be supported by One Nation.

The Hon. WALT SECORD (17:08): As the shadow Minister for Police, I make a contribution to debate on the Pill Testing Bill 2019 put forward by The Greens member Ms Cate Faehrmann. The long title is "a bill for an Act to provide for pill testing services for the purposes of drug harm reduction; and for other purposes". The object of the bill is to provide for pill testing services for the purposes of drug harm reduction in accordance with a licensing scheme to be administered by the Secretary of the Ministry of Health. The proposed Act provides for pill testing in respect of prohibited drugs, poisons, restricted substances, drugs of addiction and any other substances that may cause harm if ingested.

The bill also provides that the possession and provision of prohibited drugs, poisons, restricted substances or drugs of addiction in accordance with a licence under the proposed Act will not constitute an offence under the Drug Misuse and Trafficking Act 1985 or the Poisons and Therapeutic Goods Act 1966. As indicated earlier by my colleague the Hon. John Graham, the shadow Special Minister of State, who has responsibility for drug law reform, Labor will oppose the bill, as we advocate a different approach. We support an evidence-based approach in conjunction with a drug summit and more funding for rehabilitation, particularly in rural and regional areas and especially in new areas of drug use, including that of the scourge of ice. As shadow Special Minister of State, the Hon. John Graham has responsibility for drug law reform in conjunction with me as the shadow Minister for Police and our colleague Ryan Park, the shadow Minister for Health and member for Keira.

On 14 November 2019 The Greens member Ms Cate Faehrmann introduced the Pill Testing Bill 2019 and gave a second reading speech. As background, a week earlier on 8 November 2019 NSW Labor affirmed our support for a limited trial of a medically supervised pill testing regime at selected New South Wales music festivals. We had and still have a different approach to drug law reform than do The Greens. While I disagree with Ms Cate Faehrmann's approach, I believe that she is sincere in this area of policy reform. However, we have different views on the way forward. Put simply, The Greens plan sets up a permanent licensing scheme where a person can go to the facility and have their pills tested. It would allow for a permanent facility and/or mobile

services. Under the bill, the licence would be for two years. The member is legislating to establish a system where there has not been a proper evaluation, study or examination in New South Wales. It is a bridge too far.

NSW Labor wants a drug summit and, within that examination, medically supervised pill testing on a limited basis at selected music festivals. I have always said that illicit drug use requires a broader policy response than solely policing. It should also be managed as a health challenge. I still maintain that position. In fact, I believe that we cannot arrest our way out of the problem. Before the Christmas-New Year period in 2018-19, the formal NSW Labor Party position had been to oppose pill testing. After a spate of deaths, I believed we owed it to the victims' families to re-examine it. Our position under then Labor leader Michael Daley was that we examine a trial in the broader context of a drug summit. That said, The Greens plan is too broad and too soon. It sets up an entire regime and structure without a proper trial or evaluation.

I acknowledge that there is support in some sections of the community for a pill testing trial. I say "trial" and not an established "licensing scheme". On the other hand, I also acknowledge that there is strong opposition to any moves in this area. I hear their arguments that it sends a signal to young people that it is permissible to consume illicit drugs and that it is the road to normalisation. In October 2019 Deputy State Coroner Harriet Grahame recommended pill testing be trialled in New South Wales as a harm reduction tool. This was in response to the NSW Coroners Court probe into the deaths of Alex Ross-King, 19, Joshua Tam, 22, Joseph Pham, 23, Diana Nguyen, 21, Callum Brosnan, 19, and Nathan Tran, 18, who all died after taking illicit drugs at New South Wales music festivals. After the three-week inquest into the deaths of the six young people, between December 2017 and January 2019, Ms Grahame brought down her report. I agree with Ms Grahame when she says that reliance on the "just say no" approach has not been working. I grew up in North America in Canada. We often saw advertisements from the United States on the "just say no" approach. It was an absolutely ridiculous approach and did not work.

In February 2019 former Federal police commissioner Mick Palmer also called for pill testing and a drug summit, adding his voice to that of the Australian Medical Association and the Royal Australasian College of Physicians. For the record, I shared a platform and held a press conference with Mr Palmer, calling for a limited trial of pill testing. In addition, in January 2020 the Special Commission of Inquiry into the Drug 'Ice', conducted by Dan Howard, SC, recommended a trial be undertaken on site at a music festival and it be independently evaluated. As part of his 15-month inquiry, he made 109 recommendations, including pill testing and another medically supervised injecting room. Before he handed down his final report, I met Mr Howard and his staff and discussed what they were looking at.

Furthermore, in the Australian Capital Territory [ACT] in 2018 and 2019, Pill Testing Australia conducted government-sanctioned onsite pill testing pilots at the Groovin the Moo music festival in the ACT. An independent evaluation of the 2019 pilot was conducted by researchers at the Australian National University, with financial support from ACT Health. The results of the evaluation demonstrated that the substance testing service led to behavioural change that effectively reduced the risk of patrons experiencing drug-related harm and in some cases reduced consumption, as some drugs were discarded and some patrons consumed a smaller quantity of drugs. The 2019 pilot also identified seven samples containing a potentially lethal substance. That information was provided by authorities to notify patrons in the pill testing service, festival medical services and ACT Health.

Members would be aware that some time ago I reached the conclusion, which I mentioned earlier, that we cannot arrest our way out of the scourge of drugs. There has to be a policing and a health response. It was in this context that, as then shadow health Minister, I took a study tour to Portugal in December 2017. In 2001, after having one of the highest HIV infection rates and with one in 10 in the community coming into contact with heroin, Portugal embarked on a radical plan. Many times people in Australia say that we have to adopt the Portuguese model. I have spent time there and I met people conducting the plan. It is not what Australians say it is. The Portuguese say that it is a mix of "pragmatism and humanism" and "pity for those afflicted, rather than anger".

While the consumption and possession of narcotics are still prohibited in Portugal, the use and possession of drugs, including heroin, are decriminalised for specified amounts. The Portuguese model is based on the premise that drug users need to be supported to reduce or quit their dependency. Individual drug users are not brought to court or imprisoned but are the subject of administrative sanctions determined by locally convened groups. I have seen and discussed this with the people who run these groups in Portugal. I stress once again that despite claims by some Australian drug reform advocates, drugs are still illegal in Portugal. Those claims that we hear repeatedly uttered in Australia are lies or mistakes. The Portuguese experience shows that it is possible to take the war on drugs to the drug dealers and not those who are using or addicted.

For the record, I do not propose legalising drugs. But I do think that we have to look at a new approach. Incidentally, on the way back to Australia, I visited Singapore to see the absolutely opposite approach to drugs. I put in an embed request and the Singaporean Government accepted my request. It was a startling and confronting

experience. I made a request to see the uncompromising law-and-order approach of Singapore, which is extraordinarily draconian. A person caught with certain levels of drugs can face up to 24 strokes of the cane, life imprisonment and even the death penalty. I sought briefings and, to my surprise, I got them. I ended up meeting the director of the Central Narcotics Bureau and his staff in Singapore.

We canvassed the trends in the region: so-called compulsory rehabilitation, seizures, parental responsibility measures and urine testing of young people. As an Australian legislator, it was challenging to see the Singapore model laid out in detail and to compare that with the Portuguese model. I suspect it would be confronting for most Australians to see the Singapore model. I visited both Portugal and Singapore because I wanted to see the full breadth of approaches, which brings me to the current legislation on pill testing. I have often remarked that I support an evidence-based approach to drug policy. I attended pill testing demonstrations to learn about the practice, and members would be aware that I attended two pill testing demonstrations or simulations. The first was on 22 January 2019 at the Ted Noffs Foundation in Randwick and the second was at a music festival in the Australian Capital Territory on 27 April 2019 at Canberra's Exhibition Park.

I ask Government members to understand what we observed at those events run by Pill Testing Australia and under the medical supervision of emergency medicine specialist Dr David Caldicott. Experts at those events said there are three types of drug users at festivals and large events: those who do not take drugs at all, those who take drugs and will do so regardless of information provided to them, and those who may take drugs but whose opinions can be changed by information. Pill testing targets that third category. I renew my call for the Liberal-Nationals Government to hold a drug summit and to examine pill testing through an evidence-based approach on a limited basis. I do not advocate legalisation or the permanent regime that Ms Cate Faehrmann proposes, but we do need a drug summit to look at different approaches.

In 1999 drug use in New South Wales was completely different to what it is now. At the time Sydney was awash with heroin, a hit of which was cheaper than a slab of beer. Today it is ice and other drugs. A drug summit would bring together law enforcement, the judiciary, health professionals, family members and former users to consider evidence-based policy. I remind members that the 1999 drug summit led to the establishment of the medically supervised injecting room at Kings Cross, which was controversial at the time. I was director of communications for Premier Bob Carr, and I remember going into his office and saying, "Premier, I don't think we can carry the day and educate the community and set up the medically supervised injecting room." The Premier said that I was wrong, and I was wrong.

He said that he would advocate and explain to the community why a medically supervised injecting room should be established on a trial basis with limited criteria. He said that if it did not work it would not continue. Our efforts to prevent drug abuse and drug harm must change accordingly. However, The Greens proposal of setting up a licensed system and permanent facility is not the way to go. We must hold a drug summit to canvass ideas and the proposals. Then we can decide to proceed with pill testing under medical supervision on a limited basis at select music festivals with the support of the police, medical professionals and the community. I thank the House for its consideration.

Mr DAVID SHOEBRIDGE (17:23): I speak in support of not only pill testing but also the Pill Testing Bill 2019, which will finally institute a legal regime for pill testing. I commend my colleague Ms Cate Faehrmann for introducing the bill to Parliament, and I note that it was introduced on 14 November 2019. Members who say they support pill testing but not the regime in the bill have had the better part of two years to come forward with amendments to pass a bill that we can all agree on through this House. Instead Labor MPs say yes, they support pill testing; yes, they support the recommendations from the Coroner; and yes, they support the recommendations from the special commission of inquiry, but they say that they will not vote for the bill. Again and again we hear that from Labor MPs. I do not just speak in support of pill testing as a proven harm reduction measure; I and my Greens colleagues will vote for the bill today. At the end of the day, that is what matters—that MPs do not just talk the talk but actually use their votes to make important changes to the law.

What does the Pill Testing Bill do? The key elements of the bill allow for licensed pill testing services at fixed and mobile locations to test pills and other drugs; a trial for two years before a review is undertaken of its effectiveness at reducing harms associated with drug use; information about pill testing licence holders, locations of services and reports on substances tested to be made publicly available by NSW Health, thereby sharing the information publicly; pill testing services to provide drug counselling to each user of the service based on the substance tested and each individual's personal circumstances on the ground; employees and volunteers administering the pill testing service to be appropriately qualified to provide drug counselling and advice, with qualifications such as a Certificate IV in Alcohol and Other Drugs; and, importantly, users of the service to be exempt from the use and supply offences in the process of having their substances tested. The bill provides that legal protection so that people can have substances tested.

Why is that good policy? We have already seen the Australian Capital Territory moving ahead of New South Wales again. I commend the work of Shane Rattenbury, Greens Minister and Attorney-General, who has been driving that work in the Australian Capital Territory with the useful cooperation of Labor. The Greens and Labor have been working together to deliver what the bill before the House proposes. It can be done across the border in the Australian Capital Territory, but if we cross the border into New South Wales suddenly the New South Wales Labor Party drops it like a gun. That can only be explained by the toxic politics of New South Wales when it comes to law and order, and drug policy. The Australian Capital Territory Government has committed over a quarter of a million dollars in its 2021-22 budget to pilot Australia's first fixed-site pill testing service together with Pill Testing Australia and Harm Reduction Australia.

They are working with the Australian Capital Territory health department to determine when that project should start and where it is best located. That is what we need: cooperation between the civil society, who are willing to step up and do their bit, and our health departments to put in place evidence-based, credible pill testing. It is happening in the Australian Capital Territory. If politicians had the courage, we could pass those laws today to start it happening in New South Wales as well. What is the evidence in support of pill testing and the bill? I noted that my colleague Ms Cate Faehrmann introduced the bill in November 2019, which was in direct response to the detailed, considered coronial report from Deputy Coroner Harriet Grahame, who looked into the tragic death of six patrons of music festivals. After hearing from the families, police and medical experts, she gave the following recommendations:

1. That the Department of Premier and Cabinet permits and facilitates Pill Testing Australia, The Loop Australia, or another similarly qualified organisation to run front of house medically supervised pill testing/drug checking at music festivals in NSW with a pilot date starting the summer of 2019–20.
2. That the Department of Premier and Cabinet, working with NSW Health and NSW Police, fund the establishment of a permanent drug checking facility, similar to the Dutch model known as the Drug Information Monitoring System (DIMS).
3. That the Department of Premier and Cabinet, working with NSW Health, research and support the development of technology to allow for the most sophisticated and detailed drug analysis to be made available on site at music festivals.

The bill implements those recommendations. But since then the New South Wales Coalition Government has spent almost \$11 million of public money in commissioning the Special Commission of Inquiry into the Drug 'Ice'. That special commission of inquiry handed down its recommendations and, literally within 24 hours of the recommendations being handed down, the Coalition Government rejected one of its key recommendations—without any consideration, without talking to the experts and without any kind of process in government. Which recommendation was rejected within 24 hours of being delivered to the Government? It was recommendation 53:

- A. That the NSW Government establish a state-wide clinically supervised substance testing, education and information service, with branches at appropriate fixed-site locations, to:
 - provide illicit drug market monitoring functions to inform public health and law enforcement responses, and
 - reduce drug-related harms through the provision, in conjunction with such testing, of appropriate health interventions, consumer education and information to members of the public.
- B. That in addition, with a view to establishing an outreach capacity of the service to settings where there is a high risk of harm through illicit drug use, a trial be undertaken onsite at a music festival, and independently evaluated, to:
 - provide illicit drug market monitoring functions to inform public health and law enforcement responses, and
 - reduce drug-related harms through the provision, in conjunction with such testing, of appropriate health interventions, consumer education and information to members of the public.

That is 100 per cent consistent with the bill for pill testing that The Greens are presenting. I will not repeat the arguments that my colleague Ms Cate Faehrmann gave in her second reading speech about why pill testing is effective, how it works and how it presents information. It gives young people the information they critically need to make informed decisions and to keep themselves safe. I endorse the words of my colleague Ms Cate Faehrmann. I speak briefly to the broad support not only for the bill but for the concept of pill testing and the need for pill testing in New South Wales. Some politicians like to pretend that this is some kind of fringe left position, but far from it—this is a mainstream position in the medical profession and in society. The minority on this issue are the dinosaur MPs who refuse to listen to the evidence and are stuck in some kind of 1980s law and order debate with Alan Jones and Ray Hadley, as though that is society. It is not. The Moderator of the Uniting Church Synod of NSW and the ACT, the Reverend Simon Hansford, said:

The church is a strong advocate of changing our current approach by offering people who use drugs help and treatment rather than criminalising them and driving them into the shadows ... Pill testing can be the first opportunity someone has to talk to a health professional about drug use and its inherent risks.

The Royal Australasian College of Physicians [RACP] said:

Pill testing has been adopted by several European countries including the United Kingdom, the Netherlands, France, Spain, Austria, Belgium, Switzerland and Germany. ... The RACP's experts in addiction medicine and public health medicine believe the evidence currently available justifies the introduction of carefully designed pill testing trials in Australia.

The Australian Medical Association [AMA] said in support of pill testing:

The AMA believes that there should be less focus on policing and prosecution, and increased investment in interventions that avoid or reduce harm to young people.

...

Authorised and medically-supervised pill testing provides an avenue to establish rapport, and to provide important harm minimisation messages to young people attending music festivals and other events.

I do not know how many times we have seen senior police retire, finally leave the strictures of the force and then suddenly step up and say, "The war on drugs is unwinnable. I do not know why we are spending billions of dollars doing this." I wish a few more of them would say it while they are wearing uniform. We have a new police commissioner in New South Wales, so maybe that is a chance for some of those statements to come from the inside rather than the outside. Mick Palmer served 33 years as a career officer. He was a longstanding commissioner of the Australian Federal Police and was on the Interpol executive for four years, so he knows what he is talking about when it comes to drug law enforcement. He knows the limitations of drug law enforcement; he knows the war on drugs is unwinnable. He said:

For god's sake let's at least have the courage to run a trial and go from there. Former Premier Bob Carr showed courage when supporting the MSIC in Kings Cross at the turn of the century and the benefits are irrefutable.

Instead of Just Say No – how about we say "Just Say No more kids dying on our watch"?

Talking about the recommendations from Deputy Coroner Harriet Grahame, Mick Palmer said:

I would expect to be sincerely urging the Premier to take the recommendations seriously, and to do everything necessary to reduce drug related harms and to keep people safe during the festival season ...

Instead, what did we get from Coalition members? They dropped the recommendation like a gun. What did we get from Labor? It was "Oh, yes. Give us pill testing but just not yet, just not now, just not ever." I conclude my contribution to the second reading debate with the words of some of the most impacted people in this space, those parents who have lost a child to a drug overdose at a music festival and have lent their voice to the call for reform. John Tam, the father of Joshua Tam, said this:

Our children's faces must be the faces of change. Their deaths must ignite an increase in harm minimisation methods and change in approach to what must be done ...

That is the call for reform from parents. I note with deep respect the presence in the gallery today of Jennie Ross-King, who lost her daughter Alex. Jen said:

No-one is giving a green light. A green light is not needed. Kids are doing it. They have the caps or pills in their hands. So now it's not about zero tolerance and causing more harm by ignoring the fact they're doing it. It's about providing them with information so that they can protect themselves and we can reduce as much harm as possible. And that's the difference between zero tolerance and harm reduction. We may not reach every child, but at the moment we're not reaching anybody.

I commend the bill to the House, and I commend the work of my colleague Ms Cate Faehrmann in presenting it. I say to all members who say they support pill testing but just not yet: Then when? When will we pass the laws to give the information and make as many young people as we can as safe as we can?

The Hon. ROSE JACKSON (17:36): I thank Ms Cate Faehrmann for bringing the bill to the House today and acknowledge that progress on this issue has been and will continue to be gradual. We have been talking about how to regulate drug use since the 1960s, if not before. Unlike some members who would prefer to take pot shots at people who are on their side, I thank the mover of the bill for introducing it so that we can have this discussion as part of our approach to gradually changing those laws but ensuring that we are moving in the right direction. I compare Labor's approach, which tries to move towards an evidence-based approach to drug taking, to the glacial pace of the Government's response to the ice inquiry. Like many, I had hoped that in the last few sitting weeks of Parliament we would see that response and see reform. I read reports in the media that it was being prepared, going to Cabinet and being worked on, and yet we have seen nothing. That is a terrible shame, and it does not look like we will see anything this year.

I also speak as one of the 43 per cent of Australians who have taken illicit drugs. Like many people, I took MDMA when I was a young person. Plenty of members know that I was not really a music festival person; I was more in the nightclub scene. I assure the House that my consumption of alcohol was then and still is much more regular and harmful. If we compare the way that we treat alcohol to the way that we treat illicit drugs, it really lays bare the hypocrisy. Alcohol is a harmful substance. One cannot take alcohol safely; it is bad for you. Yet no-one here is seriously suggesting that this House will prohibit alcohol consumption in this State. That is the radical suggestion—that we move to "just say no" to alcohol. No-one is seriously suggesting that.

Reverend the Hon. Fred Nile: Yes, we do.

The Hon. ROSE JACKSON: I acknowledge the intervention from Reverend the Hon. Fred Nile. Other than Reverend the Hon. Fred Nile, almost no-one in this House seriously suggests that we should prohibit alcohol consumption in this State. We have to regulate it. We have to make sure that it is done safely and that there are proper health warnings so that people know that it is bad when you are pregnant and that you cannot drink and drive. It is the same with other illicit drugs. Telling people, "Just don't do it," does not work. The harm that we are doing to ourselves with alcohol every day is considerably more significant than other illicit drugs.

I speak as a parent of a pre-teen and agree with other contributions from parents who have said that no parent wants to see their child taking dangerous substances or being addicted to drugs. Every parent is determined to do everything they can to stop that, but, similarly, I can barely get my child to manage their screen time effectively, let alone when my child is over 18 and living their life. I am under no illusions about my capacity to tell my kids what to do day in and day out when they are young people. I would do absolutely anything to stop my kids getting hurt. The evidence is that measures like this stop kids from getting hurt, so I cannot understand how any parent could look at their kids, knowing that they cannot control every decision in their life and knowing that they are young people who might do foolish things, and not think, "If I cannot be with them all the time, I can at least ensure that I use my role in this place to try to stop them from getting hurt."

We have listened to health experts on COVID. We have been talking in this place for years now about listening to health experts about the pandemic response. They have something to tell us about drug use too. They have been telling us loud and clear that what we are currently doing is not working. It is good enough to undertake the relatively heavy interventions we have seen on things like mandatory vaccination for certain high-risk industries, which I support because they reduce harm. Health experts are saying to us, "If you work in these industries, you must get vaccinated because that is what is necessary to reduce harm." Health experts tell us, when it comes to drug policy, these are things that we should do to reduce harm. If it is good enough for our pandemic response, it is good enough for looking after our kids.

We should listen to the health experts, but we should also listen to young people. They are telling us loud and clear that when we say to them, "Just say no to drugs," it has resulted in them not saying no to drugs. It is not like it is a difficult conversation and that we just have to keep trying. It is an abject failure. Young people are saying that telling them, "Just say no to drugs," is not an effective way to manage their behaviour. It does not work. We should also listen to the families of people affected by adverse reactions to drugs. They are telling us, as members have quoted, that our current approach has failed them and their families and that we need to try something different.

Labor's approach looks at a broader framework response to drug use. As has been mentioned, Labor absolutely believes that we need to have a comprehensive drug summit in this State. It is not just about pill testing; it is about strip searching, sniffer dogs, education when something goes wrong, adequate medical facilities and amnesty bills. Young people are not just getting hurt because there are toxic substances in the pills that they are taking. That is absolutely right, but that is not the be all and end all of this conversation. There are a lot of other things that we need to talk about if we are going to stop young people getting hurt, which is what the drug summit is all about. That is why that is central to Labor's response.

Statistics show us that, year in and year out, illicit drug use is consistently increasing. I am not saying that this is a good thing or a bad thing, but it is a thing. Those are the facts, and they must guide our policy. There is clear and irrefutable evidence that our current laws not only are not working but they are also hurting people, particularly young people. Members opposite stand here in the face of the evidence from the Coroner, the ice inquiry, medical experts, young people and their families, and do not even contemplate the idea that there should be a change or support a drug summit. Labor's policy is a drug summit. The Government could hold one right now and everyone would come and participate because we want to see change. It could be bipartisan. I ask the Government to show us the response to the ice inquiry. Labor wants to work with it to get this happening.

The one thing we cannot do is continue the way things currently are. That will result in people getting hurt. Drugs are dangerous, and taking them is risky. The proposal to trial pill testing is specifically focused on managing and minimising this risk. It is not about saying that drugs are safe. At no point during the pill testing procedure is an individual told that taking drugs is okay or that they are safe to consume. The message is given to people that there is no safe level of drug taking and that the safest approach is to not take them at all. That is not contradictory to saying that if you are going to do it, do it safely. That is the way that we manage risk in so many parts of our lives. I have already talked about alcohol, but there are numerous examples of things that we do that are risky, like getting behind the wheel of a car. We do them and we understand those risks. This is just another example of that.

Properly done, with medical supervision, pill testing provides a unique opportunity for trusted health professionals to communicate with young people about the risks of taking drugs. To be clear, these are conversations that young people are not otherwise having. When I took ecstasy, I did not talk to my parents or my doctor about it. I was not aware of the adverse risks or what the warning signs were. I was just a stupid young person in their late-teens and early-twenties who did it. Thank god it was safe for me, but those are not conversations that young people are otherwise seeking out and having. Pill testing provides the specific opportunity for that conversation to happen. It will not lead to more drug use; there is no evidence of that. There is comprehensive evidence about how it works because it happens all over Europe and in the Australian Capital Territory. This is not a radical or new proposition. It is tried and tested stuff, and there is no evidence that it will lead to more drug use. The reality is that it will not eliminate drug-related deaths and harm. We should not oversell its risks, and we should not oversell its benefits. All pill testing will do is lead to less harm, which is why Labor supports its trial. How could anyone stand in the way of that?

Reverend the Hon. FRED NILE (17:47): I had not planned to make a major speech on this issue. I apologise for that. However, I put on the record my opposition to the Pill Testing Bill 2019 introduced by Ms Cate Faehrmann and supported strongly by Mr David Shoebridge. I endorse the speech by the retired detective sergeant from the police force, the Hon. Rod Roberts, who is currently in the chair and probably has to hold the arms of the chair to restrain himself at this stage of the debate. I thank him for his speech, and I hope he will send copies of his speech to all members of Parliament, both the upper House and the Legislative Assembly, for their information. He had a lot of positive points in his speech, which were important and that everybody should be aware of.

I was elected to the Parliament on a strong anti-drug agenda. That was the policy. I have endeavoured to uphold that policy for the past 40 years, perhaps not with great success with what has happened in our society. I have tried to be consistent in having a policy of opposing drug use because of the harm and the deaths of young people. I was a father of four teenagers, who are now young adults. I am proud that two of those young men, David and Stephen, joined the police force. In their role of police officer, they could support my policies. Another son became a high school teacher and my daughter works in social welfare with families. I had a personal challenge about what to do for my four children when they were children and teenagers. I am pleased that in their personal lives they have adopted strong policies for their own welfare and now for the welfare of their families. They all have children, and I have eight grandchildren now. I thank God for their lives and their families and hope he will bless them.

I hope all members will vote against the bill. It is a tip-of-the-iceberg type of bill. The Greens always window dress such bills to suggest they are not dramatic or important in any way and are not pro drugs. They are pro drugs and pro drug use. That is why the House must reject the bill. Over my 40 years, all similar bills have been rejected by the Parliament. I think that is why even the Labor Party is in the balance on this bill. The Greens expected the Labor Party to support the bill. Apparently they are not getting Labor's support, nor should they. I urge all members to study the Hon. Rod Roberts' speech.

Mr David Shoebridge: It's okay, they're voting with you, Fred.

Reverend the Hon. FRED NILE: What's that?

Mr David Shoebridge: Labor's voting with you, Fred. You've got Labor.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): Order! Members will not interject.

Reverend the Hon. FRED NILE: I am sorry, I should not have responded. I know that The Greens, even in policies that I strongly oppose, think they are doing the best for young people. However, they are misinformed. I hope God will open their eyes during this time in Parliament. I urge all members of both Houses to vote against the bill, which is a symbol of a soft policy on illegal drugs.

Ms CATE FAEHRMANN (17:52): In reply: I thank all members who contributed to debate on the Pill Testing Bill 2019. I acknowledge their considered contributions. Let us remember that I introduced the bill more than two years ago. It is important for us to remember the circumstances, which most members referred to, that led to its introduction. Before I do that, I will acknowledge specific contributions. Government member the Hon. Scott Farlow referred to the expert panel that was set up to look at keeping people safe at music festivals. I put on record that the panel was specifically asked not to consider pill testing. It is extraordinary that the Government's response to the bill relied on the expert panel in saying, "It is all okay. The Government has considered it. It set up an expert panel, which made recommendations." The panel was specifically directed by the former Premier not to consider pill testing. Why would anyone not consider pill testing?

I thank Reverend the Hon. Fred Nile for his contribution. I thank Labor members the Hon. John Graham, the Hon. Walt Secord and the Hon. Rose Jackson for their contributions to the debate. It was good to get on record

how passionate Labor is in supporting pill testing. My understanding is that at its conference Labor supported a potential trial. The Health Services Union has spoken to me passionately about pill testing. It has also talked about a drug summit. Considering the bill has been on the *Notice Paper* for two years and that I gave adequate notice of it, we could have discussed the potential for an amendment that would have satisfied the Opposition to support the bill and undertaken the type of pill testing trial that Labor is keen to support.

That would have been a good signal to a lot of people in the community that the evidence of the many experts who have contributed to community debates on pill testing, to the coronial inquest and to the Special Commission of Inquiry into the Drug 'Ice' is being taken seriously by more than a handful of members in this place. The experts at the coronial inquest and the Special Commission of Inquiry into the Drug 'Ice' were adamant that the trialling of pill testing in New South Wales was urgent and could not wait for Labor to have a drug summit a few years down the track if it were to get into government. I acknowledge the contribution of my colleague Mr David Shoebridge and his very good work in this space over many years. I also acknowledge the contribution of the Assistant President, the Hon. Rod Roberts, whose contribution spoke of his values and experience in the police force. I will address a couple of the issues he raised.

First, in the trials in the Australian Capital Territory, in New Zealand—in the past 24 hours New Zealand has voted to have permanent pill testing sites—and in the 20 countries that other speakers mentioned, it has been demonstrated and proven that one of the most essential elements of pill testing services is talking to the largely young people who attend music festivals and fixed sites about what they are about to consume. The Assistant President was right when he said the safest thing is not to take the drug, because it is true. Probably the safest thing for me tonight is not to have a glass of wine with dinner, but I am probably going to do that, after today. As the Hon. Rose Jackson said, the safest thing is probably not to get behind the wheel of the car on the weekend and drive, but I will do that. We know that one in two adults in this country—every second adult—has taken an illicit drug in their life. That is the statistic. The "just say no" argument does not work. The largely young people who go to music festivals will have bought their drugs beforehand or will buy their drugs at the festival. That is the fact. We can say, "Wouldn't it be great if they didn't," but it is not the case.

Mr Assistant President, I do not know whether you have been to any music festivals lately or indeed in the past few decades. People go to have a good time. A fair few of them have consumed alcohol and a fair few are consuming MDMA and other drugs. Health professionals at pill testing sites say to them, "You do know that the safest thing is not to consume this drug." If they say, "I'm going to consume it, so I want to know what's in it," the drug is tested and then they get the advice. First they are asked if they are on any prescription drugs, such as antidepressants. Contributions to debate referred to polydrug use and the combination of prescription and illegal drugs. One of the demonstrated reasons for deaths occurring is that people who are taking all of these drugs cannot get advice about using illegal drugs with prescription drugs. I have spoken to a number of health professionals at pill testing sites, including in Portugal—I note the Hon. Walt Secord's contribution in relation to that—and in Australia. I have also spoken to The Loop experts who have travelled to Australia.

Health professionals talk to these young people about every single drug they are on, whether they are suffering from anxiety, the type of mood they are in, whether they are depressed. They have a really sensible discussion with them about whether they should take that drug and the statistics show that some people then choose not to or that they will take less. That is what is happening. I acknowledge Jen Ross-King, who is in the President's gallery today, who lost her precious daughter Alex Ross-King in January 2019. We just had a conversation about this. Of course, young people are going to take drugs, but the conversation that they have with those health professionals is so important.

As Gina Vumbeca from Pill Testing Australia says, if you know that your child is going to take a drug at a music festival—they have the drug with them when they go in or they get it inside—who do you want the last person they talk to before they take that drug to be? Do you want it to be the person that they bought the drug from—the dude in the corner of the festival who does not give a crap about what they are selling? Or do you want it to be the person at the pill testing site who tells them, "This has got a dangerous substance in it," say N-ethylpentylone, "You probably shouldn't take this one," and then they bin it? In the United Kingdom, if the pill testing service finds a deadly substance that is in circulation—say it is a little red pill—they will take a photo of it and distribute flyers across the festival advising of it, they will send text messages to every single person in attendance at the festival, and they will save lives. That is what we are talking about.

I note the contribution of my colleague Mr David Shoebridge who mentioned that the former Commissioner of the Australian Federal Police, Mick Palmer, has said, "The use of sniffer dogs and very strong police presence at music festivals hasn't made a difference. At the end of the day, young people will do what young people will do." Young people will always take drugs. The Assistant President, the Hon. Rod Roberts, has said that The Greens are encouraging and trying to normalise drug use. Well, with 30 per cent of young people having admitted to taking illicit drugs in each surveyed 12-month period, that is a hell of a lot of young people.

With every second Australian having admitted to taking illicit drugs at some point in their life, that is a hell of a lot of people. I would say that is almost normalised.

I note the contribution of the Hon. Rose Jackson in terms of tobacco and alcohol. I will throw prescription drugs in there as well. A lot of members in this place have heard my personal story of my mother who was terribly addicted to prescription drugs for three decades. My mother took so many prescription drugs she was completely zonked to the eyeballs and became a completely different person to who she was before she took those drugs. I would prefer for half of those opioids to not even be available, or particularly to not be available in the quantity that my mother took them. But she abused them.

That is the point I think we are talking about. Most people want to know, if they are going to take a particular type of drug—whether it is illegal or legal—how to do so with the least risk to their health. How do they do it safely? If you are an 18-year-old and you are going to go to a music festival, probably 15 of your friends are going to say, "Why don't we see if we can try to buy ecstasy?" Yes, I am saying that, but I am not encouraging it. I am just giving the facts and I am speaking the truth. This is the reality that we as decision-makers and lawmakers need to deal with.

I want to put on record the comments of Magistrate Harriet Grahame, the coroner who presided over the Inquest into the death of six patrons of NSW music festivals. Jen Ross-King gave evidence at that inquest, and I understand she sat through all of the hearings. Magistrate Grahame's coronial findings came down in favour of implementing pill testing in New South Wales. She made recommendations calling for the consideration of both a fixed-site model and mobile units, such as the ones that have been deployed in the Australian Capital Territory trials by Dr David Caldicott and his colleagues from Pill Testing Australia. That is now going to be a fixed-site trial as well.

Magistrate Grahame dismantled, in forensic detail, arguments against the policy put forward by the police commissioner, offering her emphatic support for a trial and directing the New South Wales Premier to expedite it as a matter of urgency for the 2019 summer festival season, using the best available technology. We are coming into a party season now in New South Wales. People have been pent up for the past two years. I was speaking with Jen Ross-King earlier about concerns for young people leaving school and about to attend schoolies, for example. There are lots of people about to descend on summer events and festivals, ready to party. They have been denied from doing so for the past couple of years. The Special Commission of Inquiry into the Drug 'Ice' also recommended pill testing. The coronial findings of Magistrate Grahame stated:

During the course of this inquest I have listened to opposing views in relation to the possible benefits or harms of introducing drug checking in NSW. I have reviewed hundreds of pages of reports and peer reviewed articles from Australia and overseas. I have listened carefully to hours of oral testimony, attended a pill testing demonstration and watched numerous documentary reports. I have taken into account the opinions of experts I consider to be at the top of their professions. I have listened to the views of young people and drug users, police, parents and doctors. I have sat quietly and given this matter my most serious attention. At the end of my reflection, I am in no doubt whatsoever that there is sufficient evidence to support a drug checking trial in this state (both on-site and fixed). In my view the evidence is compelling. Of course drug checking is not a magic solution to these tragic deaths. Of course its introduction will not guarantee further deaths will not occur. Drug checking is simply an evidence-based harm reduction strategy that should be trialled as soon as possible in NSW.

That is what this bill does. That is what Magistrate Harriet Grahame, the coroner who investigated the six tragic deaths of Hoang Nathan Tran, Diana Nguyen, Joseph Pham, Callum Brosnan, Joshua Tam and Alexandra Ross-King, recommended to the Government. We have had the Special Commission of Inquiry into the Drug 'Ice' that the former Premier specially commissioned to look into how to reduce the impacts of and deaths from ice. Again, pill testing was one of the recommendations. Here we have a bill to do just that—it is not overly ambitious—and it does not have support from the Coalition Government or from Labor. That is incredibly disappointing. But I say to the people who want this Parliament to move at some stage to pill testing that the campaign is not over and at some point we will get there. Let us hope that in the coming months and years young people are able to access more information than they could two years ago, somehow. Unfortunately, they did not have the information that they needed then to stop them losing their lives. That is what this bill is about. This bill is about saving lives. I commend the bill to the House.

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

The House divided.

Ayes6
Noes32
Majority.....26

AYES

Boyd

Field

Pearson

AYES

Faehrmann (teller)

Hurst

Shoebridge (teller)

NOES

Banasiak

Houssos

Nile

Borsak

Jackson

Poulos

Buttigieg

Khan

Primrose

Cusack

Latham

Roberts

Donnelly

Maclaren-Jones

Searle

Fang

Mallard (teller)

Secord

Farlow

Martin

Sharpe

Farraway (teller)

Mitchell

Taylor

Franklin

Mookhey

Veitch

Graham

Moriarty

Ward

Harwin

Moselmane

Motion negated.*Documents***MR LUKE MOORE****Production of Documents: Order****The Hon. ROD ROBERTS:** I move:

That private members' business item No. 1564 outside the order of precedence be considered in a short form format.

Motion agreed to.

The PRESIDENT: Order! Members will restrain themselves. The noise is overwhelming. If members wish to have a conversation, they can do so outside the Chamber.

The Hon. ROD ROBERTS (18:20): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Minister for Police and Emergency Services, NSW Police Force or the Law Enforcement Conduct Commission relating to the arrest, charging and detention of Mr Luke Moore on 25 February 2021:

- (a) all documents, including but not limited to notes, notebook entries, duty book entries, diary entries, Computerised Operational Policing System [COPS] entries, statements, briefs of evidence, exhibit book entries, miscellaneous property entries, records of interview, fact sheets, charge sheets, custody records including prisoner's property records, audio and video recordings or any other document created by:
 - (i) Constable Daniel Keneally;
 - (ii) Constable Jessica Reilly;
 - (iii) Sergeant Joshua Madden;
 - (iv) Superintendent Sam Crisafulli;
 - (v) Detective Malcom Felgate;
 - (vi) any person in the Fixated Persons Investigation Unit;
 - (vii) any person in the Prosecutor Unit; and
 - (viii) any person in the Professional Standards Unit.
- (b) all documents, including representations, letters of support, letters of comfort and references provided by any person on behalf of Constable Daniel Keneally; and
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This motion is a call for papers in relation to a very serious matter. Calls for papers are extremely serious matters, and I do not take them lightly. I have used Standing Order 52 only once before. Members should be mindful of that fact. I believe it is a standing order that should not be abused. In my own defence, I am batting one for one on the standing order. Last time, the call for papers produced a lot of documents that needed to be aired in public. I suggest that it is so in this case. I am looking for documents in relation to a police matter. At about 8.30 p.m. on 24 February this year Luke Moore called the Newtown police station and spoke with Constable Daniel Keneally.

Between 8.30 p.m. and 9.34 p.m. Constable Keneally contacted the real-time intelligence centre and submitted an intelligence report. At about 11.35 p.m. Constable Keneally completed a formal statement in relation to that conversation. Unbeknown to Constable Keneally at the time, Mr Moore had recorded the telephone conversation.

On the evening of 24 February Constable Keneally was working with Constable Jessica Reilly, who subsequently witnessed Constable Keneally's formal statement. At 12.50 p.m. the following day Luke Moore was arrested at Nowra by Senior Constable Paul Crompton and taken to the Nowra police station. Moore was subsequently charged at 4.32 p.m. by Detective Malcolm Felgate of the Fixated Persons Investigations Unit with three offences: use carriage service to menace, harass or offend; use carriage service to threaten to kill; and use carriage service to menace, harass or offend. A bail decision was made at the Nowra police station and Moore was refused bail. He attended court the following day whilst in custody and received an additional charge unrelated to the original charges. Bail was refused at the Nowra Local Court on 26 February. Moore was held in custody at the South Coast Correctional Centre until 19 March 2021. On 19 March Moore was granted bail at the Nowra Local Court and was released.

What we have here is a man that has been arrested on a purely verbal and loaded situation. All the members in this Chamber know that I was a police officer back in the good old, bad old days and a detective in the Criminal Investigation Branch to boot. I am aware of a practice, although I never partook of it myself, of loading and/or verballing suspects. This is the best example I have ever seen. Constable Keneally provided a statement and signed it. In it, he detailed a conversation between him and Moore—"I said", "He said". But we must remember that Moore had recorded the conversation. Any similarity between Moore's recorded conversation and Keneally's statement is purely coincidental. The two do not marry up. One is a complete fabrication, and that is Keneally's statement. How do we know that? We know that because there is a tape in existence of what really happened.

What happened as a result of this fabrication and load up is that Luke Moore spent three weeks in custody at the Nowra correctional centre, bail refused, on a completely trumped-up charge. How do we know it was trumped up? We know that because the police dropped the whole matter and withdrew the charges. He does not appear before a court and is found not guilty because the police think "shit" when, I believe, they become aware of the tape. All of a sudden the charges are dropped, Luke Moore is escorted out of the Nowra correctional centre, and dusted off—"Sorry, mate, to be a problem. There's the door. See you later." Subsequently, Moore lodged a complaint and the police investigated the complaint internally. It was handled by a uniformed sergeant by the name of Joshua Madden from Keneally's own police station. I suggest it was not independent. A decision was made and a superintendent, Sam Crisafulli, the patrol commander, or whatever they call them now, at the Newtown police station in charge of Keneally—I seek an extension of time.

Leave granted.

The Hon. ROD ROBERTS: Crisafulli tells Moore that there has been a sustained finding against Keneally and that he did not act with due care and diligence in making the statement. Due care and diligence? He has fabricated evidence. As a result of that, an innocent man spent three weeks in custody. We need to get to the bottom of this matter. We need to know what happened. We need all of the police documents. We need to also know why this has been dusted over by the New South Wales police. Why was Keneally not subject to criminal charges? Why was he dealt with departmentally with a smack on the wrist? That is the serious nature of this call for papers. This goes to the heart of the administration and operation of the NSW Police Force. I strongly commend this motion to the House. I thank members for their indulgence in allowing me extra time.

Mr DAVID SHOEBRIDGE (18:26): On behalf of The Greens, I indicate our support for this motion. It was earlier this year when Luke Moore had a conversation with Constable Keneally of the Newtown police. Following that, Constable Keneally verballing Luke Moore and made allegations that he made threats to the police commissioner and serious threats of violence against police. It was a serious police verballing by Constable Keneally. As a result of that verballing, Luke Moore had his door knocked on and was banged up, charged with serious offences and spent three weeks in the South Coast Correctional Facility, bail refused because of the seriousness of the offences. The magistrate said that he had threatened the life of the police commissioner and police, according to Constable Keneally, and banged him away for three weeks, bail refused. In the course of that, police seized Luke Moore's phone and computer records, but they did not look at them. Little did they know, there was a ticking time bomb in their evidence brief. When they eventually listened to that conversation recorded by Luke Moore, they realised that Constable Keneally, together with the Fixated Persons Investigations Unit, had fitted him up.

If ever there is a time to review the actions of the Fixated Persons Investigations Unit and the actions of New South Wales police, you would think that this would be it. But instead we have Newtown police investigating Newtown police and just brushing it under the carpet. The day before the trial, when Constable Keneally would have been tested in court on oath for his fabricated statement, based upon the completely uncontradictable evidence of Luke Moore's recording of the same conversation they withdrew the charges, walked away and hoped

that it could all be swept under the carpet. That is what they do. The complaint made by Luke Moore was swept under the carpet, police investigating police, nothing to see, walk away. We think that there is something to see. We want to see the records and the documents.

I know that the New South Wales police do not like Luke Moore. He has a colourful history. Luke Moore had the benefit of getting a St. George bank account called a Complete Freedom account, which gave him rather more freedom than St. George intended and the police charged him over the use of that account. Luke Moore embarrassed them on appeal and walked away from the charges. I get that there are police officers who do not like Luke Moore. He was found not guilty, and no-one should face this kind of prosecution and trumped-up charges from police, and the police need to be held to account. They have not done it. Let's do it here. We support the motion.

The Hon. MARK BANASIAK (18:29): The Shooters, Fishers and Farmers Party supports this motion. We believe transparency in police decisions and enforcement is important. If the public wants confidence in the police doing their job and doing it properly, sweeping it under the rug is not the answer. If a mistake has been made, let's air it, see what has happened and put things in place so that it does not happen again. That is how the public has confidence in decisions that are made by the police. I support the motion by the Hon. Rod Roberts, and I encourage all other members to do so as well.

The Hon. DON HARWIN (Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts) (18:30): The Government will not be opposing the motion.

Reverend the Hon. FRED NILE (18:30): I give my support to the motion moved by the Hon. Rod Roberts, and I hope that all members of the House will support it. We must do all we can to make sure that the NSW Police Force operates honestly and correctly, according to all the police requirements and regulations. This is obviously a case where that did not happen, so it needs to be examined and the senior police need to issue some sort of statement apologising and rectifying the situation.

The Hon. JOHN GRAHAM (18:31): I listened carefully to the member's contribution. The Opposition has some concerns about the territory that this is straying into. We appreciate the direction the member is coming from. We have also listened carefully to the view of the Government.

The Hon. ROD ROBERTS (18:31): In reply: I do not think there is much more to be said. I am concerned about the Opposition's assertion that I am going into some area—I hope they are not suggesting that this is the administration of justice because we are certainly not going near the administration of justice. We are only talking about police operation. If that is the case, I do not think that there is any value in me saying anything more. I commend the motion.

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

Motion agreed to.

The PRESIDENT: I will now leave the chair. The House will resume at 7.30 p.m.

Motions

MEMBER CONDUCT

The Hon. MARK BANASIAK: I move:

That private members' business item No. 1488 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK BANASIAK (19:32): I move:

(1) That this House notes that:

- (a) at 8.47 p.m. on 11 November 2021, the Hon. Shayne Mallard, MLC, rose to speak on behalf of the Government in response to private members' business item 1462;
- (b) within 30 seconds of delivering his speech, the Hon. Shayne Mallard, MLC, was heckled by his own Coalition partner, the Hon. Wes Fang, MLC, with the comment "What am I? Am I chopped liver, mate?";
- (c) after completing his speech, the Hon. Shayne Mallard, MLC, was seen and heard confronting the Hon. Wes Fang, MLC, in the gallery seating area of the Chamber in an imposing manner; and
- (d) after the Hon. Shayne Mallard, MLC, returned to his seat, the Hon. Wes Fang, MLC, retaliated and followed him to his seat to continue the altercation, upon which threatening gestures, posturing and aggressive behaviour were observed by other members in the House.

(2) That this House notes that:

- (a) the behaviour of the Hon. Shayne Mallard, MLC, and the Hon. Wes Fang, MLC, on 11 November 2021 is conduct not befitting of members of this House;
 - (b) the behaviour of the members has caused embarrassment to the President and other members of this House; and
 - (c) the behaviour of the members has brought the House into disrepute.
- (3) That this House calls on both the Hon. Shayne Mallard, MLC, and the Hon. Wes Fang, MLC, to, at the next sitting day after the passing of this resolution:
- (a) present and provide an explanation for their behaviour to the House;
 - (b) apologise to the President and members of this House for bringing the House into disrepute; and
 - (c) publicly apologise to each other for their aggressive and uncalled-for behaviour.

I thought I had put refereeing and adjudicating schoolyard brawls behind me, but here we are. Many of the incidents that came before me when sitting in the deputy principal's chair started over serious matters like, "He would not take the out in handball," or, "He drew a penis on my book." The incident that occurred the other week was caused by a matter of similar severity. The altercation between the Hon. Shayne Mallard and the Hon. Wesley Joseph Fang caused embarrassment to the President and to other members of this House, and the behaviour of both members brought the House into disrepute. I am sure the President feels let down, because no-one likes to see the House in a state of disorder.

The repercussions of the incident were quite immediate. Instead of counselling both members, the Government's solution was to shut down Parliament each sitting night earlier and blame it on late nights, for fear that both members would forget that they are members of this place, rather thinking they were contending the front bar featherbrain non-title fight. In preparation for this debate, I had the opportunity to review the events of that evening. At 8.47 p.m. on 11 November, the Hon. Shayne Mallard rose to speak on behalf of the Government in response to private members' business item No. 1462 on the *Notice Paper* that day. About seconds into delivering his speech, the Hon. Shayne Mallard was heckled and verbally by his Coalition partner the Hon. Wesley Joseph Fang with the comment, "What am I? Am I chopped liver, mate?"

According to Wikipedia, chopped liver was traditionally served as a side dish rather than as a main course. The inference would be that if a person—in this case, the Hon. Wesley Joseph Fang—thinks that they have been given less attention than someone else, they might feel like they have been treated like a side dish and not the main course. What has caused the honourable member to believe that he has been served up as a side dish instead of a main course is for him to explain and not for us to judge. The House is now affording him the opportunity to do that. The Hon. Shayne Mallard is known for the composed way that he conducts himself in the Chamber. Unfortunately, I cannot always say the same thing for the Hon. Wesley Joseph Fang. I am sure that if the Hon. Shayne Mallard could revisit the events of that evening, he would not have been seen or heard confronting the honourable member in such an imposing manner after delivering his speech or resorting to standover tactics. I am sure he would have used better judgement, pulled the honourable member aside and perhaps apologised for whatever it was he did or did not say.

The altercation of that night should have ended there, but unfortunately it continued, with the Hon. Wesley Joseph Fang retaliating and following the Hon. Shayne Mallard back to his seat. He was obviously seeking another confrontation, with threatening gestures, posturing and aggressive behaviour. It was the Hon. Bronnie Taylor who intervened to hold back the tide, perhaps fearing an imminent punch was about to unfold. Regrettably, this is not the first time the Hon. Wes Fang has exhibited aggressive and bullying behaviour towards members in this House and in the other place. Just ask my colleague the member for Murray, and she will talk to you about the continual online stalking and serial trolling of the Hon. Wes Fang.

Such incidents point to a lack of professionalism, respect and courtesy that this House should have. This motion is not about Helen Dalton, but perhaps the Hon. Wes Fang should reflect on his behaviour both in person and online. I will not say too much more on this issue, but the Hon. Shayne Mallard and the Hon. Wesley Joseph Fang owe the President and other members an explanation and perhaps an apology for bringing this House into disrepute. The aggressive and uncalled-for behaviour, particularly in retaliation from the Hon. Wes Fang, has no place in this House. Members of this Parliament are here at the behest of people in this State. It is not a playground for resolving internal divisions or rivalries between the Liberal Party and The Nationals, but they have embarrassed the President's office and this House. I ask that both members reflect on that. In the spirit of the end of year, perhaps we could get them to apologise to each other. I commend the motion to the House.

The Hon. MARK LATHAM (19:37): I disassociate myself from the roughhouse tactics of this Chamber. I came here as a reformed character, wanting to leave my chequered past behind.

The Hon. Penny Sharpe: Reformed!

The Hon. MARK LATHAM: Not deformed, but I was a reformed character, wanting to leave my chequered past behind. Growing up in the housing commission estate in Green Valley and in some of my antics in Federal politics, I have been associated with going the biff. I came here thinking that this was a pretty leisurely place, more like a cigar-smoking parlour, where members would wander across from their legal chambers, have a few brandy balloons, relax, pass a few laws, tell a few stories and then go home. I have come here absolutely startled, and I am reconsidering my role in the Chamber and whether it was a good thing to actually be here. The storming of the chair by the Hon. Natasha Maclaren-Jones excited in me emotions and had my blood moving at a rate that I had not experienced for some time. It was exhilarating to see the storming of the chair and the shouting down by the Hon. Peter Primrose and the Hon. Anthony D'Adam. It was the mother of all stoushes, an absolute ripper by any standards.

I was in the House of Representatives the day that Tony Abbott came into the Chamber wanting to biff Sid Sidebottom, a member from Tasmania. We all know Tony Abbott because he walked like he had big ports under his arms. We all thought, "It is on here. This is going to be like the South Korean Parliament." I was going to grab the mace and whack him over the head. I confess to those impure thoughts and actions in my past. I have come here shocked at some of the roughhouse biff that has gone on, from the storming of the chair to the chorus of noise rising through the Chamber.

Then one night while I was sitting in the Chamber innocently minding my own business, as I tend to do, it was Mallard versus Fang. It was unexpected, but there it was in the middle of the Chamber. I pay tribute to the Hon. Bronnie Taylor, who stepped in and moved them away to restore the honour of our Chamber. How do we compare it? I remember Frazier versus Ali, the "Thrilla in Manila". I remember the "Rumble in the Jungle". Most of all, I remember Rocky Balboa versus Ivan Drago, which of course ended the Cold War and changed the course of history. I would not put Fang versus Mallard on that level, but in closing I say this. If the problem here is Helen Dalton, I have to say if they get in the ring, I am backing Helen to knock them both out. She is a strong terrier fighter. I am with Helen—affirmative action for the women. I can imagine Helen knocking them out pretty quickly.

The Hon. Bronnie Taylor: You wouldn't knock me out, Latham.

The Hon. MARK LATHAM: That is a very different proposition. The main thing is that there was an incident in the House, as *Hansard* would have recorded, but perhaps in the good spirit of our Chamber, which is fairly sedate and mild-mannered in all truth, we could move past it. I note the contents of the motion, of course, but in the spirit of Christmas, which is getting closer, and of the felicitations to be given tomorrow when we wish each other all the best for the festive season, we can move past the incident and come out swinging next year.

The Hon. BRONNIE TAYLOR (Minister for Mental Health, Regional Youth and Women) (19:40): I make a contribution to debate on the motion before the House. I have never missed the Hon. Robert Brown of the Shooters, Fishers and Farmers Party and what he brought to this House—his dignity and his ability to discuss things—more than now. If we are all honest with each other, I think we have all exhibited and witnessed some unsavoury behaviour at times. Many times I have been told that that is the nature of politics, that is what happens and that is the way it is. The motion before the House is a political pointscoring exercise, which is extremely disappointing. I do not want to get into a debate about what has been said about me, what has been done and who has done what. Let us be honest with each other, sometimes unsavoury behaviour and an unsavoury culture exists in Parliament. A lot of people say that is part of the Westminster system and that is what members do.

Debate on the motion has mentioned a member of the Legislative Assembly and social media trolling. If I have ever seen trolling, it was done by that Legislative Assembly member. Members have spoken about what other people have done, but I have personal experience. My family has been attacked by that local member on Facebook and social media. Let us all be honest. I suggest that we reflect on the fact that members have personal lives. We all know that we need to be professionals. We also know that at certain times in people's lives those things transfer into their workplace and they are under enormous pressure. It may be something in their personal life. It may be a family member who is extremely unwell. Every member in this Chamber knows that the two members referred to in the motion have both had a difficult time of late. I find it absolutely reprehensible that the member has moved this motion, which hits people when they are at their lowest.

As the mental health Minister in New South Wales I have to take what is served up to me about things we are not doing well. All members in this Chamber say we care about each other, so let us see a little more of that. All members of this esteemed Chamber have the right to be here. All of us have been elected to this place and we all deserve a little bit of respect at all times. No-one has any more right to speak in this place than anyone else. No-one should be constantly ridiculed by all sides of this Chamber, because people can take only so much. Here we are at a quarter to eight at night in the Legislative Council, paid for by the taxpayers of New South Wales, for a member to move a motion as a political pointscoring exercise. Today we have debated bills in this place. I have not agreed with some and have agreed with others. Motions have been moved, some of which I do not agree with

and others that I do agree with. For goodness sake, let us be serious about our roles in this place and the responsibility that we have to the people of New South Wales. Let us get on with the job and be grown-ups.

The Hon. PENNY SHARPE (19:45): Where do I start? All of us, wherever we come from, are immensely privileged to have been elected to this Chamber to represent the people who have voted for us. Politicians have a bad reputation for our behaviour to each other, to our staff and sometimes online. None of that is good and none of it should occur. It is a serious matter for members to be able to speak freely in this Chamber. Whether we like what is being debated or not, it is very important. We should all reflect on our own behaviour. There is a massive disconnect in the community between the way that people see members behave and my experience of the way we behave most of the time. Members of upper Houses spend a lot of time working together. We work extremely cooperatively in dynamics where governments do not have the numbers of the day. We have to work across a diverse group of people, and most of the time we do that very well.

A particular aspect of this motion that we need to be careful about is using the numbers of the House in relation to individual members. We have established processes for doing that, through the Privileges Committee and in other places. That is important. We must be careful when using the tyranny of the majority in relation to specific issues when we have other ways in which to deal with them. The Hon. Mark Banasiak is right to be concerned about the behaviour we saw in this Chamber. But let us be honest, it is not the only time we have seen things that have not been good.

From Labor's perspective, I suggest all members pause and reflect. Members should be gentle with one another. That does not mean that members cannot be extremely vigorous in asserting the positions they hold and represent, and with respect to the people they care about. The vigorous debates that we have all the time in this Chamber are important. I reported to my caucus that by the end of this week we will have dealt with 120 private members' matters during the past three weeks. That is an extraordinary amount of material. It pulls us all in many different ways, and we have to make calls all the time in relation to those matters. For the vast majority of the time we deal with it extremely well and very professionally.

I understand that the Government will move an amendment to the motion, but I do think we need to stop and reflect. Politics is not for the faint-hearted, because what we decide and what we care about matters. We should be able to bring, passionately, the issues that we care about to this Chamber and be able to deal with it. It is the best system we have got—this is how our society has decided that we resolve conflict in a peaceful way. That is actually exactly what we do, and we need to do it. I think perhaps there needs to be a point of pause and reflection in relation to the responsibility we all have to conduct ourselves appropriately at all times.

I make a personal plea. A couple of years ago I chaired the Youth Parliament. I was really quite appalled by the behaviour of the young people because they were behaving in the way that we behave during question time and other things. Behind the scenes they were developing incredible transport policy and a whole range of other things, but it really worried me that what they had picked up from us were the worst elements of what we do as opposed to the best elements of what we do. I thank the Hon. Mark Banasiak for bringing this motion. People can laugh about this stuff. We all have a pretty good sense of humour in this place, which I enjoy a great deal, but there are limits to that. We all need, first, to be a little gentle with each other and, second, to pursue our issues vigorously, but also with an eye to the outside in what we are reflecting out in the rest of the community. I think that is the most important lesson to learn from all of this.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (19:50): Some of the contributions made tonight have been quite enlightening and cast a serious note in relation to what has occurred. I move:

That the question be amended by omitting all words after "That" and inserting instead "this House calls upon all members to treat each other with dignity and respect at all times".

I have long been an advocate of better work conditions in this place. The Hon. Mark Banasiak put an arrangement that was reached as some sort of response to the incident which occurred. I think it was a reasonable response to trying to improve the workplace that we all work in. There is no doubt that if you subject people to working until 12.30 a.m. and getting home at 1.00 a.m., and then getting up again at 5.00 a.m. the same morning to start it all again, you cannot be surprised that those people are potentially frayed from time to time.

I use this as an opportunity to thank the Leader of the Opposition for participating in a productive way in relation to these past couple of sitting weeks. I hope to be able to continue that discussion next year in respect of how we run the House. But I think there is an important component about the workplace that we work in. I would hate to see a circumstance where the Hon. Mark Latham is unleashed. It would be an appalling scenario, and in such circumstances I do not think we have enough security in the building to be able to deal with that. He may take objection to that statement.

The Hon. Mark Latham: No, no, correct—call in the riot squad.

The Hon. DAMIEN TUDEHOPE: But it would be something that I think, in all seriousness, we ought to be taking into account. I think the Hon. Bronnie Taylor made a really important point, which I will finish on, and that is this: We all bring personal circumstances to the House. I remember, even in my former life, turning up for work after having a child crying all night or whatever it is. You are not all that pleasant to your work colleagues the next day in those circumstances, I can tell you. In many respects, small things can set you off. I know that the two members who were involved in the incident are really honourable people. They have had a discussion about it, and we have had a broader discussion about it. Things happen and we move on. I do not think, quite frankly, there was a real reason to bring this motion tonight. However, the point about treating each other with courtesy and respect, I think, is well made. I encourage members to adopt the motion as amended.

Mr JUSTIN FIELD (19:53): I feel a little obliged to speak on this motion given that the discussion that night was in response to a motion that I brought to the House concerning—

The Hon. Bronnie Taylor: It's your fault.

Mr JUSTIN FIELD: It is my fault. Both members were involved with the issue I was discussing. It had to do with some concerning evidence that we had heard at the Warragamba Dam inquiry. I do not think that the dispute between the two members related to the inquiry, I have to say. It is just a coincidence that they are both members of that committee. I think what members have said about the importance of us treating each other with respect and dignity is absolutely right. That was a very serious motion. The evidence that we heard at the inquiry was from a number of people, some of whom were quite distressed about their contribution to and work on a project that is incredibly contentious within the community, that has sections of the community very concerned about the implications for them, their families, their Indigenous culture and the environments that they care about. They were putting their reputations and their jobs on the line to give evidence to our inquiry, and the motion that I brought was to raise questions about that evidence and to seek an elucidation from the Government about how it was going to respond to some serious allegations.

I was listening intently. The Hon. Shayne Mallard was replying with consideration, in detail, clearly with the direction of the responsible Minister. There were people watching the House proceedings. They wanted to hear what was said and what was going to be done. I do not want to make a suggestion about why certain things were said or how certain people reacted, but I think we have a responsibility to treat the issues here with dignity and respect as well, because there are people who we are acting on behalf of in this place. Sometimes there is a tendency for members to sit in the back corner of this building, not really engage in the discussion or the debate, and just yell things out. It is all well and good to engage in banter when you are actually engaged in the discussion and the debate, but when you are not I suggest that perhaps that is not the time to engage in that way. If such behaviour elucidated a response, I can imagine the frustration of some.

I am not casting judgement about who was right or wrong, but sometimes we need to reflect on how these things catalyse. I spoke to both members afterward. I was concerned because that was unusual, from what I have seen, in terms of their behaviour. But I want to be on the record as representing those people in the community who ask us to come here and do something on their behalf as well, and how our actions reflect on the seriousness sometimes of how they are engaged and the issues that we are debating in this place.

The Hon. MARK BANASIAK (19:56): In reply: I thank all members for contributing to what I would call more of a discussion and a reflection than a debate. I note that the Hon. Mark Latham picked up on the level of humour that I was attempting to bring to the situation. It was not for pointscoreing or an attack; it was more about using a bit of humour to bring light to a serious situation about how we treat each other in this House. Generally, I think in this House we probably treat each other with a bit more respect than you perhaps see in the lower House. A lot of the stuff that is done in this House is in jest. There is a lot of friendly banter, which I think is good. Picking up on the very cool, calm and collected comments from the Hon. Penny Sharpe, it is important that we stop and reflect on this behaviour. I agree that young people in the community—particularly potential young leaders—look to our behaviour as a guide and we need to lead in an appropriate way.

Picking up on the Hon. Bronnie Taylor's comment that we need to grow up, we are grown-ups. Part of being an adult is having the ability to admit your mistakes and say, "Look, it was a rush of blood to the head. I got it wrong, and whatever the reason behind it all, let's move on and do better next time." To the Hon. Damien Tudehope's comment that perhaps this motion was not needed, I think some positives have come from talking this out because we have spoken about the need to be respectful. I note and wholeheartedly accept the Minister's amendment, because I think that generally throughout this Chamber we do treat each other with respect. There is always a bit of friendly banter when we walk outside of the Chamber after a robust debate. But we are all smiles and talking about what everyone is doing on the weekend and all that sort of stuff—which I think is good. I am sorry the Hon. Bronnie Taylor misses the Hon. Robert Brown. Perhaps after a few more years she might pick up

on my dry sense of humour. You never know. We can only hope. I thank everyone for contributing to the discussion and indicate that the Shooters, Fishers and Farmers support the amendment.

The PRESIDENT: The Hon. Mark Banasiak has moved a motion, to which the Hon. Damien Tudehope has moved an amendment. The question is that the amendment be agreed to.

Amendment agreed to.

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

Motion as amended agreed to.

Documents

REGIONAL ROAD TRANSFER AND NSW ROAD CLASSIFICATION REVIEW

Production of Documents: Order

The Hon. PENNY SHARPE: I move:

That private members' business item No. 1532 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. PENNY SHARPE (20:00): I seek leave to amend private members' business item No. 1532 outside the order of precedence by omitting part (e) of the motion.

Leave granted.

The Hon. PENNY SHARPE: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents created since 1 February 2019 in the possession, custody or control of the Minister for Planning and Public Spaces, the Department of Planning, Industry and Environment, the Minister for Transport and Roads, Transport for NSW, or NSW Treasury relating to the Regional Road Transfer and NSW Road Classification Review:

- (a) all draft versions of the Independent Panel's recommendations and report;
- (b) all draft versions of any New South Wales Government responses to the Independent Panel's recommendations and report;
- (c) all documents, including but not limited to, letters of engagement and emails, meeting diaries, meeting agendas, meeting minutes created, community consultations and submissions relating to submissions made by:
 - (i) eligible regional councils; and
 - (ii) Transport for NSW.
- (d) all documents relating to future submission rounds; and
- (e) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I do not intend to speak for long on this matter. It is a motion seeking documents under Standing Order [SO] 52 relating to the independent panel's recommendations and report. The Opposition is looking for the responses to the independent panel's recommendation and the documents show the decision, off the back of the Government's commitment, to transfer roads from local government back to State and to work through that process. Roads are one of the most significant issues that local government has to deal with; who owns them and maintains them is a huge issue, particularly for regional councils. It has significant implications for not just the state of the roads and those who use them but also the balance sheet of local councils and the work and jobs that are generated in the maintenance of those roads. This is a fairly standard motion under SO 52. The Opposition believes that after the amendment, the scope of the motion is not too wide and hopes that the House will support it.

The Hon. SCOTT FARLOW (20:02): I join the Hon. Penny Sharpe in brevity; the Government does not oppose the motion.

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

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. PENNY SHARPE: On behalf of the Hon. Daniel Mookhey: I move:

That private members' business item No. 1554 outside the order of precedence be postponed until a later hour.

Motion agreed to.

*Bills***ANTI-DISCRIMINATION AMENDMENT (SEX WORKERS) BILL 2020****Second Reading Debate**

Debate resumed from 5 August 2020.

The Hon. PENNY SHARPE (20:03): On behalf of the Opposition I speak on the Anti-Discrimination Amendment Sex Workers Bill 2020. I thank Ms Abigail Boyd for bringing to the House the bill and the issues to which it draws attention. The object of the bill is to amend the Anti-Discrimination Act 1977 to make it unlawful to discriminate against someone on the grounds that they are, or have been, a sex worker. The bill prohibits discrimination against sex workers in much the same way as the Anti-Discrimination Act prohibits discrimination against particular groups or those with other protected attributes. The bill also makes it unlawful for a person, by a public act, to incite hatred towards, serious contempt for, or severe ridicule of a person on the grounds that they are a sex worker. Sex workers are extremely discriminated against in our community. They often experience real and tangible discrimination, whether they are trying to get a lease for a house or whether it is large exposures online relating to the nature of their work.

For a very long time, sex worker organisations such as the Sex Workers Outreach Project and the Scarlet Alliance have been raising this serious matter. I give a shout-out to those organisations for the work that they do. They have been at the forefront of standing up for women, men and others to work safely within the sex industry, to be treated as workers, and to do the work that they do free from discrimination, and I think that is extremely important. In the lead-up to World AIDS Day I acknowledge the work they did in fighting HIV and AIDS for such a long time. In New South Wales no-one has acquired HIV from a sex worker because, very early in the epidemic, sex workers worked extremely hard to do peer education to ensure that safe sex was practised throughout the sex industry in the State.

When it comes to understanding the importance of peer education in really difficult matters, we have much to learn from that incredible achievement by people who are subject to a huge amount of discrimination. I also acknowledge the way New South Wales has decriminalised sex work and how we have some of the best sex work laws in the world. It is considered one of the best and safest public health models in the world and one of the best and safest environments for sex workers to operate safely, free from harassment and within the bounds of the law. We do not often reflect on the achievements that New South Wales has made; it has been a leader in this area for a really long time. To the substance of the bill, Labor has a real issue with the Anti-Discrimination Act. We are extremely proud of it. Neville Wran introduced it in 1977, a very long time ago—I was seven when it came in.

In the 44 years since, it has become a quite cumbersome piece of legislation. It is confusing and outdated. There is terrible language in it that does not reflect where we are today. It has not kept pace with the evolution of anti-discrimination thought and practice. Labor has taken the same basic position to the last two elections, and that position remains: Labor believes we need a full and comprehensive statutory review of the Act. We need to streamline the processes. In 1977 it was incredibly robust and groundbreaking; now it is a bit higgledy-piggledy, with a whole range of things that make things complicated. It really comes down to this: Labor wants every person in New South Wales, no matter who they are, to be able to live their life freely, free from discrimination, and to have the protections they need, when we recognise that they experience discrimination for a whole range of reasons.

Labor members want to have a conversation about making sure that other attributes are included but, at this point, Labor's position is to not rule anything out, particularly as we get closer to the election. Labor wants a full review of the legislation. We want to have the best anti-discrimination Act not just in Australia but in the world. We should be aiming extremely high in these matters. That is Labor's position in relation to the bill. I thank Ms Abigail Boyd for bringing the bill and for her continued advocacy on behalf of sex workers. A lot of people have not been prepared to be advocates in this space. I acknowledge the work previously of the Hon. Peter Phelps, who was an extremely strong advocate for sex workers and their rights, and their right to work safely and legally in New South Wales. He was always a terrific voice on these issues. There is still work to do. I do think that this is worth being included in the Anti-Discrimination Act, but the main point from Labor is that a lot of work needs to be done on the Act. We remain committed to a full review of that Act so that we can get it right.

Mr DAVID SHOEBRIDGE (20:09): I speak in support of my colleague Ms Abigail Boyd's Anti-Discrimination Amendment (Sex Workers) Bill 2020. I first of all thank Ms Abigail Boyd for bringing this bill to the House and for her ongoing advocacy in this space. It has been a quarter of a century since New South Wales became something of a world leader by decriminalising sex work. Since then we have seen enormous improvements in the health and wellbeing of sex workers and their clients. Yet, as you would know, Mr President, the stigma around those working in this industry remains. Despite New South Wales decriminalising sex work in

1995, sex workers remain routinely discriminated against in our State. They can be denied housing, refused basic services, be discriminated against in employment and unnecessarily exposed to risks to which other workers are not.

The Greens believe that all workers, no matter their chosen professions, should be treated with dignity and respect, both inside and outside of their workplaces. As my colleague Ms Abigail Boyd has said so many times, sex work is work and should be protected by amendments under the anti-discrimination legislation. It is well past time for the Anti-Discrimination Amendment (Sex Workers) Bill to pass. This is reform that recognises the need to protect sex workers from some of the worst forms of discrimination. The passage of the bill would mean that sex workers can safely search for housing, which is a basic right we should all have. It would mean that sex workers could apply for essential services and not face discrimination or hide the truth about themselves. It would mean that sex workers would be able to step up and report harassment and other crimes while knowing that they would not be discriminated against for speaking out about what happened to them. In 2021 it is well past time for the stigma to end. It is well past time to stop the discrimination and finally protect sex workers from harassment for simply doing their jobs.

The bill would make it unlawful to vilify someone on the grounds of them being or having been a sex worker. It would also make it unlawful to discriminate on the grounds that a person is or has been a sex worker in circumstances that I will outline. For an employer, principal or employment agency it would be unlawful to discriminate against an employee, a contract worker, a partner in a firm or an applicant for any of these positions. It would make it unlawful for local government councillors to discriminate against another councillor on the basis of their occupation.

The bill would make it unlawful for an industrial organisation, professional organisation or registered club to discriminate against a member or an applicant for membership or qualification. It is an extraordinary thought that right now it is not unlawful for a registered club to refuse someone the basic right of membership on the basis of their occupation as a sex worker. It would be unlawful for a public educational authority to discriminate against a student or an applicant for admission and for a person who provides goods or services to discriminate against another person seeking the goods or services. Finally, it would be unlawful for an agent or a principal to discriminate against a person who has accommodation or seeks accommodation, which is the right to something as simple as a house.

I commend my colleague for bringing this bill. I endorse observations of the Leader of the Opposition and her careful and thoughtful submission in support of ending the discrimination against sex workers. I hope that her considered position works its way through whatever machinery is required within the Opposition and that Opposition members can bring themselves to support this bill in the form brought by my colleague Ms Abigail Boyd. I reach across the aisle to ask the Coalition too to make this step and to end the discrimination against sex workers. Work is work. People have a right to the protection of their dignity and to seek employment and basic services in our society without being discriminated against on the basis of the work they choose. With those short words, I commend the bill. I again thank my colleague Ms Abigail Boyd for bringing it to the House.

The Hon. EMMA HURST (20:14): On behalf of the Animal Justice Party I support the Anti-Discrimination Amendment (Sex Workers) Bill 2020. I congratulate my colleague Ms Abigail Boyd on bringing this important bill to the House and on her continued advocacy in this space. In 1995 New South Wales was the first jurisdiction in the world to decriminalise sex work. This was a ground-breaking change. But, sadly, in the 25 years since then, sex workers have continued to face harassment, discrimination and abuse. The continually high rates of assault among sex workers are particularly concerning. The Scarlet Alliance has said:

... sex workers are often not taken seriously when they report sexual assault, and come up against stigma, discrimination and "a conception that, by virtue of their profession, they should be handled in a different way when it comes to accessing justice".

This is unacceptable. Nobody deserves to face harassment, discrimination or abuse. This bill will correct a glaring gap in our laws. It will amend the Anti-Discrimination Act to make it unlawful to discriminate against persons on the grounds that persons are or have been sex workers. These changes will, for the first time, give sex workers concrete, legal protections against some of the worst forms of discrimination, including in relation to employment, housing, education, and obtaining goods and services. The changes will also protect them from discrimination by local councils, who, as Ms Abigail Boyd pointed out in her second reading speech, have been reported to discriminate against sex workers in relation to zoning of premises, requirements for development applications and allowing people to work from their homes. This bill is long overdue. I congratulate Ms Abigail Boyd again on bringing it forward. All workers deserve to be treated with dignity and respect. This bill will bring us one step closer to achieving this.

The Hon. NATALIE WARD (Minister for Sport, Multiculturalism, Seniors and Veterans) (20:16): On behalf of the Government I oppose the Anti-Discrimination Amendment (Sex Workers) Bill 2020. In doing

so, I acknowledge the work of Ms Abigail Boyd in bringing the bill to the House and raising this topic, which she has very diligently and consistently done in this place. I thank her for her work. I acknowledge also the Leader of the Opposition for her ongoing work over a very long period and for the contribution she made this evening. Before I get to the nub of what I will contribute, I will say that we have come a long way.

As a baby lawyer I came to New South Wales from South Australia. I started a law firm and was working in property, and I was speaking with a colleague who was working in planning. I said, "What sort of work do you do?" She said, "I do brothels." Coming from Adelaide, where brothels are illegal, I was mortified. I went into a whispered tone and asked, "What do you mean?" She said again, "I do brothels." I said, "Do you talk about that?" I had no idea and no appreciation of it being a perfectly legal thing and regulated as part of planning law in New South Wales. It was a revelation to me. I acknowledge that it is something that has come a long way. From those baby lawyer days I can very much appreciate the position we are in and the work that needs to be done. That said, at this time the Government is not able to support this bill, but it has done much work in this place. I wanted to place that on the record.

Since 1995 the New South Wales Government has been committed to providing protections and safeguards to sex workers through appropriate regulation. The decriminalisation of the New South Wales sex worker industry in 1995 with the passage of the Disorderly Houses Amendment Act 1995 and the resulting sex work industry regulatory framework has effectively protected the rights of sex workers. The Disorderly Houses Amendment Act 1995 was among the first laws in the world to decriminalise brothels and living off the earnings of sex work. It also amended the Crimes Act 1900 to abolish the common-law offence of keeping a brothel and related common-law offences.

The decriminalisation of sex work in New South Wales has been recognised by Scarlet Alliance Sydney, which is an association representing the interests of sex workers, as bringing about improved work safety, extremely low rates of HIV and STIs, increased transparency and better access to justice, health and services for sex workers. The Legislative Assembly Select Committee on the Regulation of Brothels inquired and reported in New South Wales in 2015. The committee noted that decriminalisation has reduced the prejudice experienced by sex workers and has the support of the vast number of them. The committee received evidence showing that decriminalisation has profoundly improved the safety, wellbeing and health of sex workers and their clients, as well as improved police integrity with respect to the industry. Further, because sex work is treated like other work, sex workers will have the benefit of existing anti-discrimination protections that apply in the workplace.

I now turn to the specific proposal in the bill to add sex worker status as a protected ground of discrimination. The primary policy consideration underlying anti-discrimination legislation is the protection of fundamental rights and freedoms. A decision to add a new ground of discrimination to the Anti-Discrimination Act should not be made without fully considering and consulting on whether there is an appropriate policy rationale for doing so. There has been insufficient evidence presented to justify the inclusion of sex work as a ground of discrimination in the Anti-Discrimination Act 1977. Ms Abigail Boyd indicates in her second reading speech on the private member's bill that The Greens have engaged with the Scarlet Alliance, the Australian Sex Workers Association and the Sex Workers Outreach Project. I commend her for that work. However, no other public consultation has occurred regarding the private member's bill.

Ms Abigail Boyd also referred in her second reading speech to a joint report by the Scarlet Alliance and the Australian Federation of AIDS Organisations, *Unjust and Counter-Productive: The Failure of Governments to Protect Sex Workers from Discrimination*, published in 1999. This report provides some anecdotal evidence of discrimination against sex workers in some areas of public life. It also provides some evidence of how efforts to promote the safety of sex workers can be hindered by sex industry laws and other regulatory frameworks. However, it does not provide a strong rationale for why sex work should be included as a head of discrimination in the Anti-Discrimination Act.

The NSW Law Reform Commission considered whether the ground of profession, trade, occupation or calling should be included as a ground of discrimination in its 1999 review of the Anti-Discrimination Act. It concluded that there was an absence of compelling evidence to suggest that occupation is being treated inappropriately as a basis for decision-making. More recently, the Australian Human Rights Commission, in its *Discussion paper: Priorities for federal discrimination law reform* of 2019, surveyed a range of new protected attributes that could be included in Federal discrimination law, but it did not specifically raise sex worker or occupational status as an existing gap. Furthermore, there has been insufficient consultation on the private member's bill. The bill proposes amendments that would impact the general population of New South Wales, as well as a number of key stakeholders, including local councils and the Anti-Discrimination Board, which have not yet been consulted. These issues would require greater consideration and consultation in order to properly consider the impact of the private member's bill on those stakeholders and the public functions that they perform.

The scope of the new ground of discrimination proposed by the private member's bill is out of step with equivalent laws in other Australian jurisdictions. I referred earlier to South Australia, but I also refer to Western Australia, the Northern Territory and the Commonwealth, each of which does not provide protections for sex workers against discrimination. Queensland, Tasmania and Victoria provide protection against discrimination on the ground of lawful sexual activity, while the Australian Capital Territory prohibits discrimination on the basis of profession, trade, occupation or calling. The private member's bill instead would protect any "person who provides sexual services on a commercial basis", with no requirement that they be engaged in lawful conduct as with other jurisdictions. It is not clear whether definition is intended to protect only those workers directly engaged in sex for commercial purposes or whether it would also extend to those indirectly involved, such as brothel keepers. It might therefore protect those who run illegal brothels—potentially even those who run brothels that coerce the workers into sexual servitude, in breach of the Crimes Act.

Further, Queensland and Victorian anti-discrimination legislation contains relevant exceptions in relation to the provision of accommodation. In Queensland and Victoria, it is not unlawful for an accommodation provider to refuse to supply accommodation if the accommodation is to be used for the purposes of sex work. Queensland anti-discrimination legislation also contains a relevant exception in relation to work with children. The private member's bill does not contain these exceptions. The approach taken in the private member's bill to exceptions in relation to discrimination against sex workers is also inconsistent with the approach taken in the Anti-Discrimination Act for other grounds of discrimination. There does not appear to be a clear rationale for this departure, and we would like to understand that better.

Finally, I turn to Ms Abigail Boyd's suggestion that the private member's bill will address the perceived discrimination of sex workers by local councils in their assessment of brothel development proposals. With the decriminalisation of sex work, brothels became commercial businesses requiring local council planning approval under the Environmental Planning and Assessment Act 1979. Under the Act, councils are to take into account relevant considerations, such as the proposed development's social and economic impacts in the locality, when assessing and determining development applications. These considerations are required for decisions in relation to premises for sex work as well as any other planning decisions. The focus is placed on the amenity impacts of sex services premises as businesses, like other businesses. It is not clear how the bill is intended to apply to planning decisions, but it is not accurate to characterise any unfavourable planning decisions as discrimination.

The High Court of Australia has previously found, in *IW v City of Perth* [1997] HCA 30, that a local council's decision to not grant planning approval did not amount to discrimination. In that matter, it was alleged that the local council had discriminated in its provision of services by refusing to grant development approval. The court held that the service provided by the council was the council's consideration of the application. As a result, an unfavourable decision by the council did not and could not amount to discrimination in the provision of goods and services. Further, an applicant whose development proposal has been rejected can request that the council review that decision. These decisions are, of course, subject to appeal to the Land and Environment Court. These measures ensure that all planning determinations are subject to appropriate review and should not require further oversight from the Anti-Discrimination Board. For the reasons I have outlined, the Government opposes the private member's bill.

The Hon. ADAM SEARLE (20:25): I make a short contribution to the debate on the Anti-Discrimination Amendment (Sex Workers) Bill 2020 and associate myself with the speech and position outlined by the Leader of the Opposition in this place. While we are very sympathetic to the objects of the legislation, piecemeal reform of the Anti-Discrimination Act is not what we propose at this time. We believe there needs to be a thorough root-and-branch review. That is the best way to approach not just this issue but a range of other issues touching on the Anti-Discrimination Act, which, as the Leader of the Opposition outlined, is long overdue for a proper rewrite.

We were leading the way in the nation in 1977, when our legislation was the first of its kind. I think most people who have practised law in this area, or who are active in the areas where this legislation touches on day-to-day experience, would acknowledge that its provisions are a bit clunky. They are not very modern, and you can tell, when you look at the different bits that have been grafted on in response to different issues that have arisen, that the style is different, and the interpretation has been, shall we say, uneven. So the time is well and truly overdue to properly tackle the issues that are currently regulated by the Act but also new and emerging issues like this one—not that it is particularly new.

I also acknowledge the contributions that mentioned that New South Wales was the first jurisdiction in the world to decriminalise adult sex work. The outcomes of that have been well and truly lauded, not just in New South Wales but around the world. It has been internationally accepted that decriminalisation is the best way to ensure sex worker safety and maintain transparency in the industry. The process of decriminalising adult sex work began in 1979 with the removal of some criminal sanctions around aspects of street-based work, but it was not until 1995, in the time of the Carr Government, that legislation was passed that saw most aspects of the industry

decriminalised. This was in the wake of the Wood royal commission and, almost two decades after decriminalisation, a 2012 Kirby Institute report to the Ministry of Health stated that the sex industry in New South Wales had not increased in size, there were no incidents of police corruption around it, and the mental and sexual health levels of sex workers were largely similar to those of the general population.

At the time that legislation was brought to this Parliament, I was chief of staff to the then Attorney General, Jeff Shaw, QC, who pioneered that work. I had carriage within his office of that particular piece of legislation, which started New South Wales on the current trajectory that has led us to where we are today. So I feel some personal commitment to continuing that journey. Hopefully, at one point in the not too distant future, we will reach a position not a hundred miles away from where Ms Abigail Boyd has pointed us with her bill but do it as part of a wider and more thorough review of the Anti-Discrimination Act more generally.

Reverend the Hon. FRED NILE (20:29): I speak in support of the bill. As other members have already said, we have discussed this issue many times in previous years. It is not the first time it has been on the agenda of the Legislative Council. We have voted previously to remove discrimination against sex workers. In some ways the bill follows on those reforms. There should be no discrimination against a person, male or female, on the basis of their employment, their sex, their race, their colour et cetera. That is the position of the Christian Democratic Party.

Debate adjourned.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. PENNY SHARPE: On behalf of the Hon. Daniel Mookhey: I move:

That private members' business items Nos 1555 and 1556 outside the order of precedence be postponed until a later hour.

Motion agreed to.

Motions

ORGANISED CRIME AND MONEY LAUNDERING

Mr JUSTIN FIELD: I move:

That private members' business item No. 1579 outside the order for precedence be considered in a short form format.

Motion agreed to.

Mr JUSTIN FIELD (20:31): I move:

- (1) That this House notes:
 - (a) the comments by the Hon. Damien Tudehope in this House on 14 October 2021 that: "there is increasing evidence to suggest that money laundering is occurring through gaming machines in hotels and clubs";
 - (b) the acknowledgement by the Hon. Victor Dominello in answer to a Supplementary Question for Written Answer provided on 12 November 2021 that Liquor and Gaming NSW is in possession of a document prepared for a May 2019 Clubs NSW board meeting that "clearly refers to the current levels of anti-money laundering and counter-terrorism financing compliance as at best at 5-10% for the approximately 770 clubs.";
 - (c) the stark differences in response to allegations and evidence of money laundering in gaming facilities in New South Wales, with the establishment of the Bergin inquiry into Crown Resorts, the extension of the Bell inquiry into The Star, but no similar level of inquiry into potential money laundering through poker machines at New South Wales clubs and pubs;
 - (d) the differences in the Casino Control Act 1992 and the Gaming Machines Act 2001 when it comes to the Independent Liquor and Gaming Authority's inquiry powers; and
 - (e) the response to questions in Budget Estimates hearings on 27 October 2021 by Independent Liquor and Gaming Authority Chair, Phillip Crawford, regarding the sufficiency of powers to investigate potential money laundering through New South Wales clubs and pubs, that: "Under section 205 of the Gaming Machines Act, I think the Minister on submission can request us to carry out an inquiry".
- (2) That this House calls on the Government to establish a suitably empowered inquiry to investigate the extent of money laundering through poker machines in New South Wales clubs and pubs, the adequacy of the current regulatory regime and to consider the suitability of individuals and venues to continue to hold approvals and authorisations to keep and operate gaming machines in New South Wales.

We were all shocked to see the evidence before the Bergin inquiry into Crown Casino in New South Wales and the very specific and detailed recommendations that came out of that, in particular the need to deal with the obvious links between the casino industry—in that case, Crown Casino—and organised crime and money laundering. But it was more than shocking to then see, in the wake of that inquiry and with so much public attention

on the issue of money laundering in our gambling venues, that The Star casino was found to have been participating in behaviours that seemed almost identical. In fact, in the media exposé about The Star on *60 Minutes*, we saw that in one instance one individual had laundered as much as \$175 million through the poker machines at the casino.

The response from the Government was the right one. It extended the Bell inquiry into The Star. It is an incredibly powerful inquiry, like the Bergin inquiry, and effectively has royal commission powers to compel evidence and witnesses to inquire into what has gone on. But it led me to ask a simple question. Given that such a specific and powerful inquiry was called into Crown when there is not even a casino operating in New South Wales and given that such a powerful inquiry into The Star was established off the back of media reporting, why do we not have a similar inquiry into potential links of organised crime and money laundering with our clubs and pubs, the biggest cumulative gambling venues in New South Wales and where about 95,000 of the State's poker machines operate?

It is not for lack of evidence, suggestion or concern that there may well be money laundering going on through clubs and pubs, because of course we know, based on information provided in documents by a whistleblower, that there are significant concerns about the adequacy of compliance with anti-money-laundering and counterterrorism laws in New South Wales clubs. In fact, ClubsNSW board minutes from 2019, which have been seen by the media and reported on extensively, suggest that as little as 5 per cent or 10 per cent of clubs in New South Wales are complying with requirements of anti-money-laundering and counterterrorism laws. The rest are failing to do so.

I have been asking a series of questions in this place and in budget estimates about exactly what the Government has been doing about this knowledge, given it certainly has not instigated any form of serious inquiry, public or internal, as far as we know, into this. In fact, it took some time for the Government to even acknowledge that it was aware of this leaked ClubsNSW board report. Only after questions in budget estimates and then again in this place did we get an acknowledgement that the Government and the department are indeed in possession of the May 2019 ClubsNSW board meeting document, which:

... clearly refers to the current levels of anti-money laundering and counter-terrorism financing compliance as at best at 5-10% for the approximately 770 clubs—

that are required to comply. That is an extraordinarily low level of compliance. In this House we have heard the Minister, the Hon. Damien Tudehope, acknowledge:

... there is increasing evidence to suggest that money laundering is occurring through gaming machines in hotels and clubs.

We know that, even if the Independent Liquor & Gaming Authority [ILGA], which acted in the cases of Crown and The Star, wanted to, the powers of the Gaming Machines Act are nowhere near what they are with the Casino Control Act. In budget estimates, when I asked the chair of ILGA about the sufficiency of his powers, he acknowledged:

Under section 205 of the Gaming Machines Act, I think the Minister on submission can request us to carry out an inquiry.

The suggestion, of course, is that there has not been any such inquiry requested by the Minister. We are not aware of any internal process to even assess the efficacy of this board paper or what ClubsNSW has done to address these issues. My request to the House is simple. It is:

That this House calls on the Government to establish a suitably empowered inquiry to investigate the extent of money laundering through poker machines in New South Wales clubs and pubs, the adequacy of the current regulatory regime and to consider the suitability of individuals and venues to continue to hold approvals and authorisations to keep and operate gaming machines in New South Wales.

I commend the motion to the House.

The Hon. SHAYNE MALLARD (20:36): I speak against the motion. The Government takes money laundering very seriously; however, it is important to acknowledge that the Federal Government has long been responsible for implementing and enforcing the anti-money-laundering laws through the Australian Transaction Reports and Analysis Centre [AUSTRAC]. AUSTRAC regulates more than 15,000 businesses in industries that may be subject to money laundering in New South Wales. As part of this, AUSTRAC imposes requirements that businesses have systems and controls in place to manage the risks.

Hotels and clubs with gaming machines are one of these business types and are therefore regulated by AUSTRAC under the Commonwealth anti-money-laundering framework. As part of this, there are more strict requirements for venues with more than 15 gaming machines. Hotels and clubs with 15 or fewer gaming machines must, among other requirements, be enrolled with AUSTRAC, report suspicious transactions to AUSTRAC, and keep records and transaction details. Hotels and clubs with more than 15 gaming machines are reporting entities under the AUSTRAC rules.

Reporting entities are subject to strict requirements. To meet these requirements, they must have an anti-money-laundering and counter-terrorism-financing [AML/CTF] program approved by its directors before customers can play on gaming machines; appoint a designated AML/CTF compliance officer in a position of sufficient authority who is trained and adequately resourced; adopt an AML/CTF risk awareness training program; implement an AML/CTF program and complete a risk assessment, both of which must be implemented and formally adopted by the club board and subject to ongoing oversight by senior management and board; have procedures for ongoing customer due diligence, including transaction monitoring; have the club's AML/CTF program independently reviewed at least every two years; have procedures for collecting and verifying "know your customer" information; and submit an annual compliance report to AUSTRAC.

To the extent that any venue in New South Wales is breaching these obligations, the State Government has no role to play. The Government cannot prosecute breaches of requirements that AUSTRAC imposes. However, that does not mean that the State Government has no role to play in the detection and prosecution of money-laundering offences. As the House would be aware, the Bergin report and, to a lesser extent, the Finkelstein report in Victoria detailed the extent to which money laundering continues to occur in casinos despite AUSTRAC's work.

For that reason, the Bergin report recommended that the State Government take a far more hands-on approach to regulating money laundering in casinos and the Government is working on the implementation of those recommendations. The Government acknowledges that the Bergin report did not look into issues of money laundering in pubs and clubs. However, there is increasing evidence to suggest that gaming machines in pubs and clubs are being used to launder cash. I seek an extension of time of two minutes.

Leave granted.

The Hon. SHAYNE MALLARD: The State Government is, therefore, taking a more active role in detecting and prosecuting offences related to money laundering. Liquor & Gaming NSW and the Independent Liquor & Gaming Authority are working with the New South Wales Crime Commission and the Australian Criminal Intelligence Commission on a large money-laundering-related project. That work includes examination of potential money laundering at pubs and clubs. I note that the New South Wales Crime Commission has extensive powers and that an inquiry of the type proposed in the motion is unnecessary while the Crime Commission is involved in those efforts. I also note that the Independent Liquor & Gaming Authority has its own extensive powers to undertake inquiries and investigations under the Gaming and Liquor Administration Act.

It also has the power to undertake disciplinary action against venues under the Gaming Machines Act, including where the venue has engaged in conduct that has encouraged, or is likely to encourage, the misuse and abuse of gambling activities in the hotel or on the premises of the club concerned, or the licensee is no longer fit and proper to hold a licence. I note that the Gaming Machines Act 2001 requires all clubs and hotels to connect their gaming machines to the centralised monitoring system, which allows Liquor & Gaming NSW to view all transactions on gaming machines and identify transactions of concern that may indicate instances of money laundering. Liquor & Gaming NSW has been working hard to ensure that this data can be utilised to help detect money laundering into the future.

The Government has been working on other ways to combat money laundering. From 1 May 2020 the Government reduced the cash input limit for any new gaming machines or updated machines requiring approval from \$7,500 down to \$5,000. That was a further reduction from the original \$10,000 limit. That limit is now half the prescribed cash transaction amount that must be reported to AUSTRAC. It is important to note that the liquor and gaming industry, along with the broader economy, is seeing a significant shift away from cash transactions towards cashless financial transactions. It also represents a shift for the regulation of money laundering because it allows for suspicious transactions and transactions over AUSTRAC's prescribed \$10,000 reporting limit to be reported automatically to AUSTRAC.

The Government is working with industry to investigate the introduction of cashless gaming, which has the potential to assist with the identification and investigation of potential money laundering in hotels and clubs. I have every confidence in the work that Liquor & Gaming NSW and the Independent Liquor & Gaming Authority are undertaking to detect money laundering and the powers they have at their disposal, which is why the Government does not support the inquiry.

The Hon. MICK VEITCH (20:42): I thank Mr Justin Field for bringing the motion before the Chamber. It is important that the House acknowledges his advocacy in this space. Like a dog with a bone, he has taken a persistent approach to the issue. That is admirable, and my suggestion is he should continue. The Hon. Shayne Mallard mentioned quite a bit of what was in my notes, which I will not repeat. However, I draw attention to the fact that, as I understand it, there is already a Federal inquiry into the matter. The Legal and Constitutional Affairs References Committee established an inquiry into the adequacy and efficacy of Australia's anti-money-laundering

and counter-terrorism-financing (AML/CTF) regime on 23 June 2021. Although the terms of reference for that inquiry are broad, I specifically draw attention to two parts:

- b. the extent to which Australia's AML/CTF regulatory arrangements could be strengthened to:
 - i. address governance and risk-management weaknesses within designated services, and
 - ii. identify weaknesses before systemic or large-scale AML/CTF breaches occur;
- c. the effectiveness of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (the Act) to prevent money laundering outside the banking sector ...

That committee will undertake its work and deliver a report in March 2022. I do not think it is appropriate that New South Wales set up a new inquiry at this point in time that would duplicate the work of that Federal inquiry, particularly before we receive its findings. It is important that we give consideration to them. Having said that, that does not mean the Opposition does not support the concept of Mr Justin Field's motion. There is a bit happening in the space, and we would like to give consideration to that body of work before progressing. On that basis, we do not support the motion.

Mr JUSTIN FIELD (20:44): In reply: I acknowledge the contributions from the Government and the Opposition. I appreciate the Hon. Mick Veitch's comments. More than a few members of the Government and the Opposition have told me to keep going on this issue.

The Hon. Mick Veitch: I wanted to put it on public record for you.

Mr JUSTIN FIELD: I acknowledge that. There has been a shift in the way members and political parties in this place are talking about the issues and risks. I do not doubt that the damning evidence before the Bergin inquiry has contributed to that. A few people are probably also concerned that the evidence that comes out of the Star inquiry could add to that and where we go from there. I appreciate the acknowledgement of the Government that it has a role, because up until now there has been a lot of focus on the responsibility of the Australian Transaction Reports and Analysis Centre [AUSTRAC]. But in this space we have clear evidence that the clubs industry has acknowledged, as recently as 2019, that compliance with AUSTRAC in its members is extraordinarily low.

In New South Wales to launder money is a crime under the Crimes Act, for which the police have responsibility. As the Government acknowledged in its contribution, it has the technology to identify that through the centralised monitoring system. During budget estimates hearings, in answers to questions I asked about the adequacy of how that system is working and reporting, I think, there were some expectations that the algorithms and technology would be able to achieve more than they possibly have. It seems that they have not quite been doing the job that they were expected to. I raise again that we have evidence to suggest that compliance is low, we are not sure that our existing tactics to identify money laundering are working and we have evidence that this is a significant problem in the rest of the gambling space.

We have had debates in this House in the past couple of weeks about the response to the inquiry into the drug ice. We know there is a link between organised crime, bikie gangs and money laundering, a lot of which happens in regional communities. I would not mind betting that a lot of that is happening through poker machines in clubs and pubs in regional New South Wales. Based on that prima facie case, there is a need for the Government to ensure that the Independent Liquor & Gaming Authority [ILGA] has adequate powers to look into that. I appreciate what the Government said about ILGA's powers, and I have articulated why I do not think they are adequate. It seems to require direction from the Government. The inquiry mentioned by Labor is quite different, but I appreciate where the Hon. Mick Veitch is coming from. Let us watch this space. More evidence will build and, at some point, there needs to be a political and parliamentary response to the issue. I thank all members for their contributions.

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

Motion negatived.

Bills

COMPANION ANIMALS AMENDMENT (PUPPY FARMS) BILL 2021

Second Reading Speech

The Hon. EMMA HURST (20:48): I move:

That this bill be now read a second time.

I refer members to my earlier comments, before the bill was referred to the Select Committee on Puppy Farming in New South Wales.

Second Reading Debate

Ms ABIGAIL BOYD (20:48): On behalf of The Greens, I speak in support of the Companion Animals Amendment (Puppy Farms) Bill 2021. I note that earlier today a select committee was established to inquire into and report on puppy farming, and I look forward to participating in that important inquiry as a member of the committee. With Victoria having introduced new laws to crack down on puppy farming in 2017, the landscape in New South Wales has changed since the 2015 joint committee inquiry into puppy farming. The time has come to revisit how we can end this cruel industry. I thank the Hon. Emma Hurst for putting puppy farms back on the agenda with the bill and the Hon. Mick Veitch for initiating the inquiry. I also recognise the work of so many individuals and organisations in raising the plight of companion animals bred and held captive in intensive farming. Their role in keeping the victims of puppy farms in the public consciousness cannot be overstated.

In January 2015 a notorious Northern Tablelands puppy farm was inspected by the RSPCA after whistleblowers tipped it off to the appalling conditions and horrific abuse experienced by the hundreds of dogs and puppies at the farm. With no permits ever sought from the local council, the farm was housing dogs in tin sheds for shelter with inadequate access to water, with metre-high piles of faeces and rotting corpses of dogs littering the property. But, while breaches of the code of practice were found, warnings were issued by the RSPCA and fines were eventually issued by the local council, there were no real consequences for the operator and the fines were whittled down to a minuscule amount. Even after that investigation and despite the Coalition Government vowing to close that puppy factory down, Gwydir Shire Council intended to approve the operator's planning proposal, which was designed to legalise what had until then been an illegal operation. After a huge public outcry, the council ultimately refused the development application [DA]. On a successful appeal by the operator through the Land and Environment Court, the puppy farm was able to obtain the permits it needed to continue operating.

In September 2020 the same puppy farm was again inspected, after whistleblowers reported the devastating death of Strawberry, a pregnant 10-month-old boxer who was denied veterinary care for four days after birthing complications that left her puppies rotting inside her. Eight weeks after Strawberry died, her two surviving puppies were advertised for sale in a pet shop in Western Australia. Strawberry was still a puppy when she suffered an agonising death—just a piece of machinery that broke down while churning out the so-called commercial product of the puppy farmers responsible for her death. Her story is devastating, but it is all the worse because in her death she has come to represent the literally uncountable number of dogs who have lived and died for the profits of the puppy industry or who are still hidden away and hoping to be rescued.

When it comes to the suffering and deaths of those puppies and dogs, the legal or illegal status of many of the abhorrent facilities can often be a moot point. In the adjoining Glen Innes council, another industrialised dog-breeding facility that had been operating illegally was allowed to begin operating legally after its illegal operation was caught out. The farm of 50 breeding dogs, which inquiries by Animal Liberation confirmed was being run by a former operator of the Gwydir Shire puppy farm at which Strawberry went on to die, was operating without council consent or the required permit until complaints from neighbours alerted the council to it. Despite being convicted in local court for their illegal operations in Gwydir Shire, the operator's development application to legalise the Glen Innes operation after it was found out was approved by council. That DA was not publicly notified and, as there was no public exhibition, the public had no opportunity to lodge objections. Those are just two related examples in the agriculture Minister's electorate, only a tiny fraction of the puppy farms that could be operating across the State, but they are responsible for the suffering of hundreds of individual dogs.

It is important to remember that, even when a puppy farm is investigated by the authorities, not all animals are rescued. Often the abuse, neglect or suffering is not deemed extreme enough under the law to justify a seizure, so the animals remain captive victims of forced breeding in conditions that may not meet an out-of-date threshold for cruelty but certainly do not provide the dignity or quality of life that those sentient beings deserve. New South Wales councils are endeavouring to respond to strong public opposition to commercial dog-and-cat breeding and puppy factories. They continue to be hampered by weak legislation and, notably, new DAs. In the same space, some New South Wales councils have assessed and approved other puppy factories without any public exhibition or consultation at all. The system and related planning instruments are all in a state of shambles, full of inconsistencies and loopholes.

Members who know me will know that my two dogs, Maya and Peso, are my world. I have spoken about them before and been teased for my ridiculous adoration of them, but they are an irreplaceable part of my family. It is because my dogs mean so much to me that I stand so strongly against puppy farms. Dogs are sentient beings with their own unique thoughts and feelings, interests and fears, personalities and friendships. They make such wonderful companions to us because they are their own individuals, who each enrich their humans' lives in their own unique ways. Like people, each dog has individual value and a unique contribution to make. My dogs are not interchangeable with each other, and they do not exist simply to enrich my life. They are their own beings. The

idea of sacrificing the welfare, wellbeing and quality of life of one unique and sentient individual for another to live a happy life is abhorrent, and yet we trade in those lives because one person's desire for animal companionship is an opportunity for another person to profit.

Strawberry and so many other dogs like her have lived lives hardly worth living so that their children can be sold for a profit, albeit to a happy home. People who shop for dogs are most often well intentioned, driven by a connection to a particular breed, a desire to see their companion grow up from puppy or just an ignorance of the circumstances in which their new pet came into the world. Puppy farms profit from the desire of uninformed people to have an animal in their lives to love and care for. No pet owner who has bought a puppy bred in those horrific conditions would be okay with their money supporting such unethical businesses if they knew the conditions that their pets' parents are kept in. Businesses making a living from actual lives nonetheless continue to turn a profit, with the cost borne by the many dogs who go their whole lives without the affection, enrichment or comfort that their children will see.

I recently spoke with a pedigree dog breeder about reforming the pet industry. She told me that breeders love their dogs. It is in their best interest to love them and treat them well because people who buy dogs from breeders expect that their pets will live long and healthy lives, and breeders would not be able to sustain their business if the "quality of their product" was so poor that it had to be "returned". Puppy farms are just one symptom of the way in which animals suffer when we allow profit-driven commodification and commercialisation to dictate everything we do.

Everywhere that a bottom line motivates our interactions with animals, they suffer. The egg production industry crams hens into cages and barns as tightly as possible because it is cheaper to do so. Because the gambling industry makes a killing from bets placed on horse and greyhound racing, hundreds of horses and greyhounds are raced to death every year or discarded once they are no longer useful. Council pounds do not have enough money to prioritise unprofitable rehoming services, leaving lost and abandoned animals languishing in run-down facilities that do not have the money to install air conditioning, let alone the staff to ensure that the animals receive the enrichment that they deserve.

There are feasible alternatives to conducting medical research on animals. But, because the financial cost to governments and private research facilities is too high to put the work into transitioning to cruelty-free research, animals continue to be killed or experimented on. We could end mulesing in five years if sheep farmers prioritised selectively breeding out the need to do it, but they do not because it would temporarily increase their operating costs. There is a profit to be made from the live export of cattle and other farmed animals, so we send them on weeks-long journeys in tightly packed, unsanitary and overheating ships.

Puppy farmers exploit the public's desire for cute pets and take advantage of their ignorance about the conditions into which they come into the world because it makes them a profit. Both the major parties fail to do enough about any of those issues, partly because of donors that make their profits from all of those industries and partly because meaningful action to address injustice is rarely beneficial to a budget bottom line. While The Greens have been campaigning for decades for an end to the intensive breeding of companion animals and look forward to the major parties joining us in this fight, we do not hold our breath.

Companion animal breeders and pet shops that sell their "products" and the industry bodies that represent them have said that taking the action we need to end puppy farming will shut down the dog-breeding industry. They say that this is all about ending companion animals, that there will be no animals to buy and no pets in our lives. To them I say: Take a look around. Take a look at the number of dogs and cats in shelters needing homes. Take a look at the euthanasia rates of healthy animals in our pounds. For every multithousand-dollar puppy they sell, there are dozens of dogs in pounds, shelters and rescues, helplessly waiting for the day that they are adopted or just killed. There is no shortage of unique, sentient individuals hoping for a forever home.

Finally, industries that do more harm than good do not have a place in our society. The people who work in and make a living from those industries deserve comprehensive government-provided support to transition out of them, but industries that exist only to make a profit, and not because they are a net good, must be shut down. Whether it is greyhound racing or puppy farms, the real cost to people, to the planet and to sentient beings is too high to allow them to continue. I commend the bill to the House.

The Hon. MARK BANASIAK (21:00): The Shooters, Fishers and Farmers Party opposes the Companion Animals Amendment (Puppy Farms) Bill 2021. I intended on giving quite a lengthy speech, totalling close to 20 minutes, outlining all of the specific amendments that we have concerns about, but I will not go to that length. At a brief glance, the bill is very similar to the Victorian bill that was introduced in 2017 but in a more restrictive structure. Despite some of the messaging that is coming out of Victoria from the honourable member's counterparts and from Oscar's law, it actually has not achieved a reduction in puppy farming. It has pushed it

further underground and put undue pressure on responsible breeders, only leaving some of these online scams and un reputable breeders.

It has put local councils at the centre of a lot of this enforcement, and they have then passed on those enforcement costs. There have been silly examples where councils have put ridiculous restrictions on hobby breeders, saying that they have to have public toilets and public car parks at their house to comply with a companion animal development application. The Victorian bill directly correlates with a decline of 97 breeds of dogs, and a lot of those breeds are at risk of being functionally extinct. A further 23 breeds are no longer registered with the Australian National Kennel Council. The bill has also had an impact on 46 breeds of cats, which should be of concern when we are talking about preservation breeding and keeping some of those wonderful breeds in this country that we all love.

As I said, I will not labour too much on the amendments, but I note that the Shooters, Fishers and Farmers Party has concerns over a whole range of them. For that reason, we were intending to oppose the bill at the second reading stage because we do not think it can be amended to a point where responsible breeders can continue doing what they are doing while targeting the people that the honourable member wants to target. Based on the Victorian model, I do not think we will get there. I hope some of the concerns about these amendments will come to the fore during the committee inquiry because they are significant. Some of the amendments contradict what the experts say is best for animal welfare and is best veterinary practice. I do not think the honourable member intended for that to be the outcome, but we need to look at what those perverse outcomes may be for responsible breeders. Hopefully, that comes out through the inquiry.

Some stakeholders have raised concerns about the use of Strawberry as an example. In her speech, the honourable member mentioned that Strawberry died at the age of 10 months, but in the next sentence she said that she was impregnated when she was a year old. It has caused a bit of confusion in the community, particularly for responsible breeders. I ask her to clarify what actually happened with Strawberry, when she was impregnated and when she died. Some of the responsible breeders are bemused by that. That may have been an error in the transcript or perhaps a—

Ms Abigail Boyd: She died at 10 months.

The Hon. MARK BANASIAK: I ask the honourable member to clarify that. On that note, the Shooters, Fishers and Farmers Party would have opposed the bill at the second reading stage, but it does hope that some of these issues are well ventilated in the select committee.

Reverend the Hon. FRED NILE (21:04): I speak briefly in support of the Companion Animals Amendment (Puppy Farms) Bill 2021 introduced by the Hon. Emma Hurst. The intention of the bill is good, and we fully support it. We have a duty to protect and care for our pets, which only want to offer unconditional love, loyalty and companionship to us. The bill's protections are well intentioned. My concern is that it may only be tightening safeguards on already regulated breeders. The breeders who are the problem are those who are not registered. Puppy farms are often run by individuals who avoid registering their breeding businesses and would also try to avoid the requirements of this legislation. The RSPCA was recently given \$25 million by the New South Wales Government to assist in its investigations into puppy farms. Even the RSPCA has had great difficulty trying to locate them using conventional methods, so we have to use unconventional methods. So that we can do these animals justice and explore alternative methods to handle and stop these practices, I recommend that this bill be referred to an inquiry with strong powers.

The Hon. MICK VEITCH (21:06): I make a very brief contribution to the debate on the Companion Animals Amendment (Puppy Farms) Bill 2021. I pick up where Reverend the Hon. Fred Nile left off. This issue is being referred to a select committee, which is a decision that the House made this morning. It is going to an inquiry. I thank the Hon. Emma Hurst for her discussions around the terms of reference for that inquiry. From the Opposition's perspective, it is important to put on the record that it went to the 2015 election with a policy around puppy farming. Ms Abigail Boyd had a bit of a go at us for not having a position on puppy farming. I can guarantee that Labor also went to the 2019 election with a puppy-farming policy, because I wrote it. I have a strong view about the industrialised breeding of pups.

The Hon. Bronnie Taylor: I was on the committee with you.

The Hon. MICK VEITCH: As the Hon. Emma Hurst knows, the community does not accept the industrialised breeding that takes place in puppy farms, as they have become known. The select committee will go through a process and pick up a lot of the issues that the Hon. Mark Banasiak raised to work through getting this right. My view is that we only get one more go. As the Minister interjected earlier, we were both on a committee maybe five years ago looking at companion animals. It was a joint select committee with the two Houses, which is a strange beast. The reality is that not a lot has happened, hence the bill from the Hon. Emma

Hurst. The committee that was established by the House this morning essentially gets one more go at getting this right. There must be action in this space. I also flag that, after the committee inquiry, I will seek leave to make a proper second reading contribution to the bill.

The Hon. WALT SECORD (21:08): I make a very brief contribution to the Companion Animals Amendment (Puppy Farms) Bill 2021 and endorse the comments made by my colleague the Hon. Mick Veitch. I am aware that Labor went to the 2015 election with a policy. In 2019 the Hon. Mick Veitch was charged with drafting our policy in response to this issue. Our party has had a lot of debate about this matter. The Hon. Emma Hurst would know that I am a fellow traveller. I understand that we must tackle the industrialised farming of puppies. We want to see a strengthening of the laws in New South Wales. Victoria introduced laws in 2017. We know that some breeders moved across the Murray River and established operations in New South Wales to get around the Victorian laws. That indicates the need for New South Wales laws to be strengthened. I lend my support to the comments made by Ms Abigail Boyd about sentient creatures. God did not give us dominion over animals. We are here to share the planet with them. I am pleased that the Hon. Mick Veitch is chairing the inquiry into the subject of the bill. I hope that the committee's deliberations strike a balance of the rights of responsible breeders, of those who want puppies and of the puppies themselves.

The Hon. SHAYNE MALLARD (21:10): As we have heard, the House is forming a select committee to examine the subject of the bill and related matters. I empathise with the concerns expressed by members about immoral and illegal puppy farming. All responsible puppy breeders and people involved in the industry who love puppies and dogs would share that concern.

Debate adjourned.

Motions

ABORIGINAL CULTURAL FISHING

The Hon. MICK VEITCH: I move:

That private members' business item No. 1559 outside the order for precedence be considered in a short form format.

Motion agreed to.

The Hon. MICK VEITCH (21:11): I move:

- (1) That this House notes that:
 - (a) the High Court in its 1992 Mabo decision rejected the doctrine that Australia was terra nullius at the time of European settlement;
 - (b) the case held that the common law of Australia recognises a form of native title that reflects the entitlement of the Indigenous inhabitants of Australia, in accordance with their laws and customs, to their traditional lands and waters;
 - (c) in 2009, the New South Wales Parliament amended the Fisheries Management Act 1994 to recognise and provide for Aboriginal cultural fishing; and
 - (d) 12 years later, the Aboriginal Cultural Fishing Access Arrangements under section 21AA of the Act have not fully commenced.
- (2) That this House call on:
 - (a) the Government to commence these provisions without delay and without any further regulation; and
 - (b) the Minister to direct the Director General of Primary Industries, pending the commencement of section 21AA in full, to review all fines and prosecutions of Aboriginal fishers under the Act to ensure genuine cultural fishing is recognised and not deemed illegal under the Act.

I have had conversations with a number of people about this matter. The Government has had 11 years to commence item [27] of schedule 1 to the Fisheries Management Amendment Act 2009, which inserts new section 21AA into the Fisheries Management Act 1994. The non-commencement of section 21AA has caused serious issues for Indigenous people in New South Wales. Since giving notice of the motion yesterday, I have received a couple of phone calls from people who do not support the concept of cultural fishing. I have also had phone calls from people who do. I reflect upon a conversation I had this morning with an individual who rang and spoke to me at length about the meaning of cultural fishing. It is not simply about the take or the catch. Cultural fishing is about teaching, in his words, "the young fellas"—generally it is the young people in their communities—about riverine and estuary health. It is about how to manage and look after the fish stock. Cultural fishing is not only about taking the fish, the lobster or, as someone said to me today, the abalone. It is about a much broader concept.

The non-commencement of section 21AA is a real problem for a range of people. There are people in the fisheries department who want it to happen. By moving this motion, I hope to put a spotlight on it and create the

impetus to finish the process by commencing section 21AA and to work through a number of genuine cultural fishing issues. The other thing that has happened in the cultural fishing space is that Portfolio Committee No. 4 - Regional New South Wales, Water and Agriculture, chaired by the Hon. Mark Banasiak, will conduct an inquiry into this matter. So there will be a parliamentary focus on why the section has not commenced and the impact of that. The clocks have stopped working.

The Hon. Bronnie Taylor: That doesn't mean you can talk forever!

The Hon. MICK VEITCH: I can go for as long as you want. First, I want the Government to commence section 21AA. That is the gist of the motion. Secondly, a number of people have been found in breach of genuine cultural fishing. Let us review those cases and not impose breaches where people are engaged in genuine cultural fishing. A lot of the issues that the non-commencement of section 21AA has generated can be resolved by commencing the section. That would provide the impetus for the department to put in place the framework that will allow the section to operate. For the Fisheries Management Amendment Act 2009 to have passed both Houses of Parliament and for the item inserting section 21AA not to have commenced is causing issues in Indigenous communities. I urge the House to reflect upon the motion before the Chamber. I urge the Minister, whether or not the motion is successful, to do something in this space. We cannot wait any longer. For a range of reasons, it is imperative that this public policy area be sorted out. I commend the motion to the House.

The Hon. MARK BANASIAK (21:15): I speak in favour of the motion and thank the Hon. Mick Veitch for bringing it to the House. In 2019, when I first became a member of the Legislative Council, I raised the matter in the first budget estimates because I was shocked that a piece of legislation that had passed both Houses had not commenced 11 years later. A lot has been said in this Chamber about the failure to commence the Modern Slavery Act 2018 being an affront to the processes and procedures of this House and of the other place. That Act is only a couple of years old, whereas the Fisheries Management Amendment Act 2009 is 11 years old. It is a shame that it has taken so long to raise the concern. When I questioned the Minister and the public servants in budget estimates, they commented that there had been difficulty engaging with the representative groups. That boggles the mind because it is not difficult to engage with Aboriginal communities. I did it in my past life as a teacher. The trick is to shut up and listen. It is as simple as that—listen more than talk.

The public servants spoke about looking at what they called "our local management plan approach", but the reality is that the stakeholders put forward that local management plan approach. Since then there has been radio silence on those trial programs. The Aboriginal Land Council has told me that it has not heard feedback as to what is happening with that. Now an inquiry is underway and the member's motion is before the House. I support the member's call to stop prosecuting people who engage in cultural fishing until section 21AA commences. Let us work through the inquiry process, irrespective of why commencement has taken so long, and move forward because the bill was passed 12 years ago and the commencement of the new section is long overdue. I thank the honourable member for bringing the motion to the Chamber. Hopefully, we see positive action in this space.

Mr DAVID SHOEBRIDGE (21:18): On behalf of The Greens, I support the motion. I thank the Hon. Mick Veitch for bringing it to the House. In 2009 The Greens MP Ian Cohen worked hard to get the 2009 amendment to the Fisheries Management Act 1994 through the Parliament. That amendment recognised and provided for Aboriginal cultural fishing. For the past 12 years, First Nations communities across the State have been asking the Government politely, and now insistently, now demanding, that that legislation finally commence with the regulations that are needed.

There could not be a more timely moment in which to bring this motion and insist upon the laws recognising, in effect, what the High Court has acknowledged since 1992—that is, that native title continues and subsists notwithstanding colonisation. Native title continues, and it is downright offensive for First Nations peoples to be prosecuted for taking their own resources, particularly off the South Coast of New South Wales. These are First Nations fishing resources, and First Nations cultural fishers are being prosecuted for taking a few kilograms of abalone while the commercial industry harvests 50 tonnes or more. I commend the NSW Aboriginal Land Council, and I particularly note the communication from its chairperson, Anne Dennis, in which she says:

The NSW Government's continued criminalisation of our cultural practices is unacceptable. Aboriginal people make up 4% of people living on the NSW South Coast, but account for 80% of jail terms for fisheries offences since 2009 ...

That is according to NSW Bureau of Crime Statistics and Research data—80 per cent of the jail terms are against First Nations people for taking their own resources under native title rights. Time after time they are prosecuted, and they have to keep raising the native title defence. I acknowledge the work of Tony McAvoy, SC, a Wirldi man and the first Indigenous senior counsel. He has to keep coming out time after time to defend his people from prosecutions being brought by Fisheries NSW. I also commend Kathryn Ridge, a solicitor who has done the hard yards with Tony. Without those two doing that work, who knows how many First Nations cultural fishers would

be facing genuine jail time. But, each time, they have to raise the native title defence. Each time, they have to say the prosecution is wrong. The awful arrest of Kevin Mason featured in the media recently. He was chased into the water by a fisheries officer. He kept saying, "Don't take my food. Don't take my food." They arrested him and prosecuted him anyway. It needs to end.

The Hon. SHAYNE MALLARD (21:21): I speak on behalf of the Government. In summary, from the briefing that I have received, the Government's position is that it also wants to see section 21AA commence, but the landscape is very complex. I am going to go through that in some detail, and I may ask the House to indulge me with an extra minute to do that. The Government does not oppose the intent of the motion, because work is already well underway to address the issues at hand.

By way of background, the Fisheries Management Amendment Bill was introduced in 2009, as we have heard, to better recognise the cultural importance of fishing to Aboriginal people in New South Wales. This included changes to the objects of the Fisheries Management Act to recognise, protect and promote Aboriginal people's cultural, spiritual, social and customary association with the State's fisheries resources; expressly providing that permits may be issued for the sole purpose of Aboriginal cultural fishing; including a definition of "Aboriginal cultural fishing"; establishing an advisory group to consider Aboriginal fishing issues; and providing a blanket exemption from having to pay the recreational fishing fees for all Aboriginal people.

A special provision, section 21AA, which we have heard about tonight, created an authority to make regulations for Aboriginal cultural fishing, including the setting of cultural fishing take and possession limits. Section 21AA is the head of power to create cultural fishing regulations. Once section 21AA commences, it removes take and possession limits of fish prescribed under the Fisheries Management Act from applying to Aboriginal people, unless limits are specifically prescribed in a cultural fishing regulation. It is important that section 21AA and specific prescribed take and possession limits applicable to Aboriginal cultural fishing would commence in concert with each other. This is because regulated catch arrangements across all stakeholder groups provide the mechanism to manage the pressures on fisheries resources for the future of stocks and ongoing sharing of the resources. Statewide Aboriginal community consultation was previously undertaken, seeking input on developing the cultural fishing regulation. Following this consultation, a draft regulation was prepared and further consultation undertaken with relevant Aboriginal communities and peak groups.

However, I am advised that, after the regulation was drafted and further consultation completed, the NSW Aboriginal Land Council, NTSCORP and the Aboriginal Fishing Advisory Council, opposed the introduction of the statewide regulation—that is, 21AA. Instead, it was the preference of these groups that local management plans be developed to better recognise the differences between Aboriginal communities' cultural activities. Based on this advice, the New South Wales Government is currently developing regional-based local management plans. I am pleased to advise the House that the first pilot of a local plan is due to commence in Hastings and Tweed early next year. The Government will also be looking to trial the local management plan approach with other communities that wish to explore this approach. The New South Wales Government is committed to strengthening opportunities for Aboriginal communities when it comes to cultural fishing. This includes progressing local management plans to allow for the commencement of section 21AA, with associated regulations, as soon as practicable.

Mr JUSTIN FIELD (21:25): I thank all the honourable members who have contributed to the debate, and I thank the Hon. Mick Veitch for bringing this issue to the attention of the House. I absolutely support the intention of the motion and the specifics in the motion. This was one of the first things that I became engaged in as a member of Parliament when I came into this place in 2016. I cannot exactly recall the reason why it came up in the House, but the learning I went through to come to understand how, at that stage, it was seven-odd years since the law had passed in 2009 and we had still not addressed the issue—talking with Kathryn Ridge and others, and being based on the South Coast and realising the extent of this problem—was extraordinary to me. Ian Cohen, a Greens MLC at the time, said:

The rights of Aboriginal people, those traditional owners of our State, to customarily fish their waters as they have from time immemorial is not a right to be circumscribed by permit or licence—it is a birthright ...

I remember attending a forum on the South Coast a few years ago and a Yuin man explaining to me what this meant in practise. He gave an example—and it goes to the point raised by the Hon. Mick Veitch that this is not always about take, this is about custodianship and learning. He shared a story of how it was customary for a young man to consume, to eat, whatever fish he caught during his first fishing experience and that it was a very important lesson. I will not presume to judge what the lesson was, but I can imagine it had to do with respect for that experience of taking that life for consumption and for survival. It was really important that that first kill be consumed and, of course, that is something that the law would not necessarily allow if it was an undersized fish.

So it has a very specific implication when we try to create a set of rules that govern these sorts of practices for all of us, when, I think, we have to recognise that the application of those laws to First Nations people should be reasonably different. The implication of section 21AA not being commenced is that we have got these bag limit increases that have acted as a placeholder, but that clearly has not addressed the issue here at all around customary use of the waters. It certainly has not dealt with the issue that there is a real sense that there is no distinction drawn in many instances between cultural fishing for personal consumption and also the right to share a resource amongst a community. There is a tension—and we should acknowledge it—about the commercial access to licences and permits, which is something this Act would not necessarily address. But I will put on the record here that I think we should have made a decision long ago to buy back quota to make it available to the Aboriginal community, particularly on the South Coast, to access some of these resources for commercial purposes. I commend the motion.

The Hon. MICK VEITCH (21:28): In reply: I thank all the speakers in the debate. It has been quite informative. I particularly thank the Hon. Shayne Mallard for the contribution on behalf of the Government, which puts in place the Government's position. There are a number of other people I would like to thank. I had a briefing with Tony McAvoy and a number of people last week about this matter. They were very forceful that something has to happen now. We cannot wait any longer. The Government Whip, in his contribution on behalf of the Government, indicated that there is a trial coming for the Tweed. But, seriously, it has been 12 years. That is just too long, and something must happen sooner rather than later.

I extend appreciation to the NSW Aboriginal Land Council, particularly Stephen Hynd, who has spoken to me at length about this issue over the past couple of days. I also thank the individuals who took the time to ring me for and against this motion. As is always the case in such matters, we should hear from both sides of the discussion. Having said that, the position of the House is now pretty clear: Something must happen. I hope the Minister is listening. On that basis, I commend the motion to the House.

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

Motion agreed to.

Documents

FIREARMS REGISTRY TRAINING

Production of Documents: Order

The Hon. ROBERT BORSAK: I move:

That private members' business item No. 1333 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. ROBERT BORSAK (21:31): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Minister for Police and Emergency Services, Attorney General, NSW Police Force, or Department of Communities and Justice, relating to NSW Firearms Registry training:

- (a) all documents, including resources, notes, materials, audio-visual presentations and ancillary materials used in providing training to staff at the NSW Firearms Registry, by in-house staff, lawyers from the NSW Police Force, the Office of the General Counsel, the Crown Solicitor's Office, or external legal firms used by NSW Police Force to support court matters, on the following topics:
 - (i) Licensing and legislation overview;
 - (ii) firearm Identification;
 - (iii) Delegations, Legislation, Policy, Case Law & National Firearms Agreement [NFA];
 - (iv) Criminal vs Administrative (NCAT);
 - (v) Firearms and Weapons Act Application – Introduction;
 - (vi) Concept of Decision Making (Introduction);
 - (vii) Decision Making - Refusal of a Firearms Licence;
 - (viii) Decision Making - Suspension of a Firearms Licence;
 - (ix) Decision Making - Revocation of a Firearms Licence;
 - (x) Decision Making – Conditions;
 - (xi) Internal Review;
 - (xii) Interpretation of Criminal History (CNI/NNI) Results;

- (xiii) Writing Skills - Preparation of Notices (i.e.: Revocation, Refusal etc);
 - (xiv) Firearm and Weapon Prohibition Orders (FPOs & WPOs);
 - (xv) Decision Making - Mental Health;
 - (xvi) Decision Making - Domestic Violence Matters; and
 - (xvii) Access to Information.
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

For many years now, the Shooters, Fishers and Farmers Party has held serious concerns about the ability of employees at the Firearms Registry to do their job competently. Time and time again we have seen decisions from the registry that make us shake our heads in disbelief at the lack of knowledge and understanding of what the job requires. The Firearms Registry would make a great case study for anyone interested in understanding what can go wrong when a government agency is tucked away in the far deep north of the State, where the locals do not like having fluoride put in their drinking water and many are opposed to receiving vaccinations. I am certainly not against decentralising government agencies out of Sydney, but the decision to locate the Firearms Registry in Murwillumbah over 20 years ago was a poor one and a recipe for disaster from the outset.

In 2017, well before the systemic failures of the Firearms Registry culminated in the tragic deaths of Jack and Jennifer Edwards on 5 July 2018, the Shooters, Fishers and Farmers Party was asking detailed questions about the training of employees at the Firearms Registry. In 2019, after the Edwards shootings, we were moved once again to ask about the training of staff at the Firearms Registry. This time, to his credit, the Minister provided a comprehensive list of topics covered by a range of internal and external trainers. It seemed that the penny had finally dropped and the importance of training and staff competence was appreciated by senior police. Regrettably, however, our hopes for competent and informed decisions at the Firearms Registry have been dashed.

For example, recently we have seen the registry mail letters to an incorrect address despite being previously notified of a change of address, reported by Mr E.F.; incorrectly assert that a firearm licence holder had been involved in a domestic incident with his wife in 2002, when the licence holder would have been 13 years old at that time, reported by Mr J.S.; and issue a firearms registration certificate in August 2021 for a firearm that had been reported to police as stolen in 2014, reported by Mr T.K. It is because of ongoing errors like those that we need to see the details of exactly what Firearms Registry employees are being taught, so that deficiencies can be corrected. We need to do that as soon as possible so that preventable tragedies like the Edwards shootings can be averted in the future. I commend the motion to the House.

The Hon. SHAYNE MALLARD (21:33): The Government does not oppose the motion.

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

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. COURTNEY HOUSSOS: I move:

That private members' business item No. 1585 outside the order of precedence be postponed until the next sitting day.

Motion agreed to.

Documents

GRANT AND FUNDING PROGRAMS CORRESPONDENCE

Production of Documents: Order

The Hon. COURTNEY HOUSSOS: I move:

That private members' business item No. 1587 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. COURTNEY HOUSSOS (21:35): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2015 in the possession, custody or control of the Premier or the Department of Premier and Cabinet relating to grant or funding program correspondence:

- (a) all correspondence, including emails and email attachments, held, sent or received by Mr Nigel Blunden relating to any New South Wales Government grant or funding program; and

- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I note the hour and the fact that we have been sitting for several weeks, so I will keep my remarks brief. There are a few things that I think are important to place on the record. I do not move this motion for a call for papers lightly. In my inaugural speech I spoke in defence of loyal party staffers. Some people call them hacks, but I have seen firsthand how committed they are, the sacrifices they make and how hard they work. I acknowledged at the time and I acknowledge tonight that this side of the Chamber does not have a monopoly on those true believers; they are on all sides of the Chamber and within all political parties. I understand that we have an incredibly fortunate position to stand here as elected officials, but we rely on those who work with us and advise us. I pay respect to them at the outset.

I do not move this motion lightly. I do it because as a member of the inquiry into Government grants that the Public Accountability Committee has been conducting, I have consistently seen elected officials fail to be accountable. In that forum we have been forced to call upon staff to get to the bottom of what we are seeking to understand, and that is also the purpose of this call for papers. The reason that the Opposition is asking specifically for emails from this particular staff member is because Mr Blunden was providing such a frank and honest assessment of how the Government was operating grants projects.

We know that Government grants projects are public money, that they are taxpayers' funds and that there should be scrutiny. I do not want to foreshadow debate on another motion, but I note that tomorrow we will debate the bill that is being introduced by the Deputy Leader of the Opposition, who has done a lot of work around what an alternative approach to Government grants should be. But we still need to get to the bottom of how the Government has administered them. For the benefit of Hansard, I will not provide the particulars of the emails that were so well publicised from ICAC—

Mr David Shoebridge: WTF.

The Hon. COURTNEY HOUSSOS: I acknowledge the interjection. I do think that it was very frank and honest advice. It is going to form an important part of us understanding how the Government has administered grants over many years. I commend the motion to the House.

The Hon. SCOTT FARLOW (21:38): I did not realise the Hon. Courtney Houssos was such a fan of *Risky Business* but, when it comes to Standing Order 52, sometimes you have to say "WTF", and that is what you have to say when it comes to this motion before the House. It is not a call for papers to look at a whole range of documents, it is to look at the documents of one staffer, who is known to have had some colourful turns of phrase when it came to emails, and to look at that one Government staff member's emails relating to grants applications. The Hon. Courtney Houssos talked about her maiden speech and her respect for the staff in this building. He is a staff member whom I first encountered when he was a Channel 9 journalist in this place. I am sure the Hon. Walt Secord probably would have crossed him in that role as well, completely outside of partisan politics. He is a staff member who certainly has some turns of phrase. The Government will be opposing the motion.

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

Motion agreed to.

Motions

YFOUNDATIONS

Mr DAVID SHOEBRIDGE: I move:

That private members' business item No. 1583 outside the order of precedence be considered in a short form format.

Motion agreed to.

Mr DAVID SHOEBRIDGE (21:40): I move:

- (1) That this House notes that:
 - (a) the Yfoundations is the peak body supporting young people at risk of and experiencing homelessness; and
 - (b) their report entitled *Young, in trouble and with nowhere to go: Homeless adolescents' pathways into and out of detention in NSW*, was published on 5 October this year.
- (2) That this House notes that there are six key recommendations in this report, which are:
 - (a) the need for collection and publication of data on housing status of young people including homeless youth held on remand;
 - (b) amendments to the Bail Act 2013 to remove the offence of breaching bail for young people;

- (c) requiring collaboration between the government sector, NGOs and peak bodies to create an overarching policy for supporting homeless children in prison and on remand;
 - (d) increase bail support including by making the Bail Assistance Line 24 hours, increasing services in rural and regional New South Wales, and funding Aboriginal-specific bail accommodation;
 - (e) increase access to intensive, evidence-based family interventions to help homeless young people reunite with their families where possible; and
 - (f) ensure greater availability of places for young people with complex needs including therapeutic placements, and drug and alcohol rehabilitation.
- (3) That this House:
- (a) affirms that young people should not go to prison or be kept in prison simply because they are homeless; and
 - (b) supports the recommendations of the Yfoundations' report and commits to working together to implement them.

Yfoundations is the peak body supporting young people at risk of and experiencing homelessness across New South Wales. At the outset I thank Yfoundations for its work and advocacy for young people, particularly those young people who are so vulnerable and experiencing homelessness. On 5 October of this year Yfoundations delivered a report entitled *Young, in trouble and with nowhere to go: Homeless adolescents' pathways into and out of detention in NSW*. In that report Yfoundations made six key recommendations. The first recommendation was that data on the housing status of young people, including homeless youth held on remand, be collected and published. The second recommendation was to make amendments to the Bail Act 2013 to remove the offence of breaching bail for young people.

The third recommendation requires collaboration between the government sector, NGOs and peak bodies to create an overarching policy for supporting homeless children in prison and on remand. The fourth recommendation was to increase bail support, including by making the Bail Assistance Line 24 hours and increasing services, especially in rural and regional New South Wales, and funding for Aboriginal-specific bail accommodation. Yfoundations also recommended increased access to intensive, evidence-based family interventions to help homeless young people reunite with their families where possible. It also called for greater availability of places for young people with complex needs, including therapeutic placements and drug and alcohol rehabilitation.

In releasing its report, Yfoundations noted that unsentenced adolescents in New South Wales are being held in detention simply because they have not got homes. Under section 28 of the Bail Act, 10- to 17-year-olds can be refused bail until suitable accommodation is found. In 2019-20 alone, 236 highly vulnerable adolescents aged 10 to 17 were locked up simply because they had nowhere else to go. They were spending time in jail because they had no home. Alarming numbers of adolescents are also exiting detention into homelessness every year. Yfoundations' assessment is that every year around 8 per cent of young people who are leaving detention enter into accommodation that Youth Justice NSW caseworkers deem unsafe and insecure. They leave detention either into unsafe housing or directly into homelessness.

What is it that is driving the homelessness of young people in New South Wales? We know that the most commonly cited reason for adolescents leaving home is family conflict. But it is not just ordinary family conflict. This report finds that the conflict that leads to young people becoming homeless is typically not normal family feuds. Rather, national and international research suggests that the conflict arises from serious intergenerational issues such as child abuse, poor parental mental health and family drug abuse. Trauma caused by these experiences affects adolescents' development, in turn leading to higher rates of drug and alcohol use, mental health issues and behavioural disorders. Young people in detention are being punished for being poor and for the intergenerational trauma that too often has been the background. Yfoundations' research showed that the direct relationship between adolescent homelessness and incarceration is complex and bidirectional. Homelessness increases the risk of incarceration, and incarceration increases the risk of homelessness. The report states that one New South Wales Children's Court magistrate said:

I can think of several cases where there isn't even a remote possibility of a control order being imposed. But I'm asked to keep them in detention because there's no alternative accommodation, which is not the proper use of a detention facility.

It also states that a Youth Justice officer on the Central Coast said:

Homeless ones – the ones that have got welfare issues – they just can't meet the conditions, because their basic needs aren't being met. So coming to Youth Justice is one of the last things on their mind. Whereas someone who is having their basic needs met – they've got food, shelter – they're able to turn up for supervision. But other young people, they're focused on surviving, you know? Eating, staying warm.

These young people who are focused on survival—eating and staying warm—are not checking in on their bail conditions. Because they are not checking in on their bail conditions, they are being bail refused and put in jail. What is their crime? Their crime is being poor. Their crime is not having family support. Their crime is surviving

intergenerational trauma. That is why so many kids are in jail tonight. That is why I commend the Yfoundations' report and its recommendations to the House and seek the support of the House for this motion.

The Hon. PETER POULOS (21:45): The Government supports this motion. Yfoundations is the peak organisation in New South Wales supporting young people at risk of or experiencing homelessness. The report referred to in the motion is based on 146 interviews held in 2018 and 2019 with professionals working with adolescents. I am advised that the report touches on a lot of the work currently being done by the Department of Communities and Justice [DCJ]. I will make some brief remarks pertinent to some of the paragraphs in the motion. In relation to paragraph (2) (a) of the motion, DCJ is implementing the No Exits from Government Services into Homelessness action plan for 2021-2022, to increase collaboration and to better respond to homelessness for young people exiting custody. DCJ currently delivers Youth Justice diversion, early intervention and bail supports.

Regarding paragraph (2) (b) of the motion, the department has received stakeholder submissions suggesting that the Bail Act may not distinguish between adults and children sufficiently. These are being considered carefully. On paragraph (2) (c) of the motion, DCJ is enhancing collaboration related to services for young people experiencing homelessness and in contact with Youth Justice. In relation to paragraph (2) (d) of the motion, the Government strongly supports the Bail Assistance Line, an after-hours service used by the New South Wales police to source safe accommodation for young people where needed. The program supplies a consistent approach to short-term crisis accommodation and Bail Assistance Line emergency accommodation, and centralised data and practice resources to assist Youth Justice caseworkers.

In relation to paragraph (2) (e) of the motion, this Government is committed to supporting evidence-based interventions to assist young people. This is one of the key actions of the No Exits from Government Services into Homelessness action plan for 2021-2022. In response to paragraph (2) (f) of this motion, which relates to ensuring more places for young people with complex needs, including for drug and alcohol rehabilitation, the Government is committed to providing a range of placement services including intensive therapeutic care, which provides therapeutic support to children and young people recovering from trauma. The system helps children over 12 with complex needs. Regarding paragraph (3) of the motion, given the foregoing, the Government is already working towards implementing many elements of the Yfoundations' report. It is the intention of the Government to advocate and continue to do so.

The Hon. JOHN GRAHAM (21:48): I will speak briefly on this motion. On behalf of the Opposition I recognise the role Yfoundations plays. It does an amazing job representing young people at risk of homelessness. I also recognise its CEO, Pam Barker, and the role she plays as an advocate for young people. As other members have said, the recent report confirms what we already know, which is that there is a real link between experiences in the Youth Justice system and homelessness. Particularly alarming is the fact that hundreds of people who are detained on remand for petty crimes end up there because they have nowhere else to go, as other members have observed.

I am advised that New South Wales currently only has 17 bail beds where adolescents are placed with youth housing providers. The reality is that there are many more young people staying in youth detention simply because there are no other options available. The Opposition's view is that the Government should ensure that these vulnerable young people receive the care and support they need to get their lives back on track and to break this relationship between their experiences in the Youth Justice system, youth detention and homelessness, which are all interrelated. I thank the member for bringing this motion forward. I think it is a really good use of the House's time tonight. We have dealt with a lot of other business but this is certainly one of the more important matters.

Mr DAVID SHOEBRIDGE (21:50): In reply: I thank both speakers—the Hon. Peter Poulos for his contribution on behalf of the Government and the Hon. John Graham for his contribution on behalf the Opposition. It is one of those moments where you hope that maybe a corner has been turned and we can work together across the aisle to get even more young people out of jail and out of detention. Reflecting upon the Government's contribution, it was not just lip-service to the recommendations. There is a sense of genuine commitment. Clearly, we need to go further. There needs to be legislative reform. But I hope that the genuine commitment we heard from the Government is a commitment to bring that legislative reform forward as soon as possible. There are many ways we could do that. One obvious way would be to raise the age but, even without undertaking that reform, there are substantial additional pathways that need to be put in place to stop young people being put in jail simply because of homelessness.

I finish by reflecting on the evidence over the past two years, which shows that not only is it achievable but it is fundamentally beneficial to stop children being put in detention. Again, I am grateful for the work of Yfoundations and its report. What Yfoundations found is that of course bail is essential for young people to avoid the trauma of unnecessary detention on remand. But, having looked at and reviewed the evidence over the past two years and the response to the COVID-19 pandemic, Yfoundations says that response suggests that the remand

rate that we currently have—the number of young people in jail because they have not currently got a home and they cannot get bail—is deeply unnecessary. The report stated:

To reduce the spread of coronavirus throughout institutions, an analysis by BOCSAR found that the NSW Police and Children's Court increased the number of adolescents being discharged on bail and decreased the bail revocations following breaches of bail (Chan, 2021). Between 15 March and 28 June 2020, the NSW youth custody population decreased by a quarter, from 273 to 203. A drop in the remand population accounted for 60% of this decrease.

So 60 per cent of that was kids actually getting bail. The report continued:

This change did not correspond with an increase in NSW Police cautions or court actions.

Yfoundations found:

There is no evidence to suggest that monitoring, arresting and detaining young people when they breach their bail conditions reduces reoffending ...

Not only is this good for kids but all the evidence says that it is good for society. It comes at no cost to society in terms of reoffending. Again, I am grateful for the Government's engagement with this motion and the report, and I am grateful for the support of the Opposition. There is a hope here that we can break that law and order deadlock and do the right thing by kids.

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

Motion agreed to.

Bills

WORK HEALTH AND SAFETY AMENDMENT (INDUSTRIAL MANSLAUGHTER) BILL 2021

Second Reading Debate

Debate resumed from 18 November 2021.

Mr DAVID SHOEBRIDGE (21:54): On behalf of The Greens, I indicate our support and endorsement of the Work Health and Safety Amendment (Industrial Manslaughter) Bill 2021. The object of the bill is to amend the Work Health and Safety Act 2011 to insert a new part 2A into the Act to create two new offences under the title of "Industrial manslaughter". The first offence, proposed section 34D, provides that a person conducting a business or undertaking commits an offence if a worker or other person dies at a workplace, or is injured at a workplace and later dies from those injuries, and the death is caused by the conduct of the person conducting the business or undertaking and that person is negligent or reckless about causing the death.

The second offence, proposed section 34E, provides that a senior officer or officer conducting a business or undertaking also commits an offence if a worker or other person dies at a workplace, or is injured at a workplace and later dies, and the death is caused by the conduct of the senior officer and the senior officer is negligent or reckless about causing the death. These reforms follow recommendations we have seen federally for uniform industrial manslaughter provisions across the country. We know that other jurisdictions such as Queensland have already moved ahead of New South Wales and introduced industrial manslaughter provisions. The Greens firmly believe that there should not be a distinction between killing somebody at work and killing somebody in a non-work-related place, and that is what underpins our support for industrial manslaughter laws.

I know there will be some discussion in Committee on the bill. We look forward to that discussion. We know that there is some concern about the test being set at negligence or recklessness and indeed The Greens will be considering the amendments that are moved in Committee that really test that element of the offence. We are keen to see this come onto a vote tonight. We are keen to see if we can get majority support for industrial manslaughter legislation tonight, so I will not speak long in the second reading debate. But I will indicate one area where The Greens will be seeking to amend in Committee and that is where the defendant is a natural person. We will be seeking the House's support for amendments to make that an indictable offence so it is determined by a jury not in a judge alone trial, unless the usual provisions in the Criminal Procedure Act are met, including the consent of the defendant for a judge alone trial.

This is core work for The Greens and I acknowledge at the conclusion of my contribution the continuing work and advocacy particularly of the Construction & General division of the Construction, Forestry, Maritime, Mining and Energy Union. Too many of their members—young members and young scaffolders—have been lost and killed at work because of negligence, often gross negligence, of employers. I have spoken with the families. I am sure many members here have—and I know particularly the Hon. Adam Searle who moved this motion has—spoken with grieving family members about the death of a loved one at work. They have asked, "Why is there a different test for the death of my boy at work? Why is there a different test for the death of my daughter, husband,

wife or partner at work? Why is there a get out of jail free card in the workplace?" Let's hopefully end that tonight with support of the Work Health and Safety Amendment (Industrial Manslaughter) Bill.

The Hon. ADAM SEARLE (21:57): In reply: I close the debate on the important Work Health and Safety Amendment (Industrial Manslaughter) Bill 2021. I thank honourable members for their contributions: the Hon. Scott Farlow, who put the case for the Government; the Opposition Whip, the Hon. Mark Buttigieg, who spoke of his experiences in a dangerous occupation as an apprentice electrician and the dangers to which he was exposed; the Hon. Anthony D'Adam for his thoughtful contribution; the Hon. Peter Primrose; the Hon. Rod Roberts; and Mr David Shoebridge. Many good points have been made in the debate. I also acknowledge the role of Unions NSW and its affiliates, who have campaigned for these measures for a long time and, in particular, the Construction, Forestry, Maritime, Mining and Energy Union, because the construction industry is one of the most dangerous sets of occupations and trades and that union has taken a particularly high profile in the discussions on this topic over many years.

I will touch on some of the matters that have been raised in the debate. The Government has said that one of the reasons it will not support the bill is it creates an outcomes-based offence, which is not consistent with the preventative focus of the work health and safety legislation. I acknowledge the contribution made by the Hon. Anthony D'Adam, who said that the two are not inconsistent. A preventative-based framework that does all that it can to promote and increase safety is not inconsistent with having an outcomes-based provision as well. It adds to the toolbox of measures to combat the scourge of deaths occurring at work. I endorse that. It is in fact the very reason why NSW Labor committed to a specific workplace death law at the last election. What had been done up to that date was not sufficient.

The DEPUTY PRESIDENT (Ms Abigail Boyd): According to sessional orders, proceedings are interrupted to permit the Minister to move the adjournment motion if desired.

The House continued to sit.

The Hon. ADAM SEARLE: It is not inconsistent to have a measure dealing with outcomes as well as safety. I move to the next reason raised by the Government. Although we are using the Boland review recommendation for a uniform national industrial manslaughter law, the Hon. Scott Farlow mentioned that at the 20 May meeting of labour Ministers this year the required majority did not support the introduction of an industrial manslaughter offence into the model work health and safety legislation. Of course, the crucial words are "required majority". It did not reach the threshold to get it into the model law. Nevertheless, my understanding is that a majority of jurisdictions did support embracing an industrial manslaughter law as part of the model law. I think there is an inexorable movement towards a measure of this kind. It is in operation in Queensland and Victoria and in a different form in the Australian Capital Territory. Other jurisdictions are reaching for it as well. That is an important point to acknowledge in the debate.

The Government also outlined the enhancements in the work health and safety legislation brought forward last year: increases in penalties, the category 1 offence and all those things, which of course the Labor Opposition and other parties in this place supported. Again, I suggest to the House that the measure that it is now considering is not inconsistent with those other measures taken to improve safety at work. Should we not take every opportunity and use every measure to raise the standard and promote safety? If it takes the shock of the words "industrial manslaughter" to put safety front of mind from the very top of the captains of industries to the shop floors right across the State, maybe that is the kind of jolt that is needed. Because every year on 28 April at the service put on by the Government and Unions NSW for the International Day of Mourning at Reflection Park in Darling Harbour, there is always a guest speaker who tells about how a family member was lost to an accident at work. It is heart-rending because of the tragedy and loss but equally because it is not complex and usually not expensive to prevent. It usually just requires more care and attention. Clearly, something is not working in industries and we need to do more.

The other reason advanced by the Government is that we cannot be sure that a reduction in workplace deaths will follow from the introduction of an industrial manslaughter offence. That is true, but let us try. Although there have been improvements in workplace safety and we have been steadily increasing penalties and the like, it is fair to say that over the past 10 years the enforcement of work health and safety by the regulator in this State has been variable. There have been fewer prosecutions, less penalties recovered and a lot more attention on education, promotion of safety and provision of information, all of which are very important. But ultimately, in my view, that should go hand in glove with very rigorous enforcement.

Today the newly announced Commissioner of the NSW Police Force was talking about her approach to crime and criminality. She said "zero tolerance" and effectively gave the impression that under her leadership the police would be rigorously and unrelentingly enforcing criminal law against criminality in the State. That is as you would expect from the police commissioner, but I submit that we should expect no less from our work health

and safety regulator. That has not been happening. I think we need to give them another tool in the toolbox to really underline the fact that more can be done, should be done and must be done. I acknowledge that the Government outlined a number of concerns in its analysis of the provisions of the bill, one of which I think was the lack of a jury trial when an individual is on trial. I also acknowledge the contribution of Mr David Shoebridge to that effect. I draw the House's attention to the fact that jury trials are not specifically provided for in either the Queensland or the Victorian versions, although I think in Queensland the criminal procedure legislation may apply and it is possible in some circumstances to have jury trials.

Obviously, we will deal with proposed amendments as they come. I would not have proposed this, but I am realistic enough to know that, when enterprising upon a very significant reform, sometimes one has to give a little and build a broader coalition than the one with which one started out in order to ensure not only the passage of a piece of legislation but also that it rests on a firmer foundation and that any reform, if achieved, may be lasting as well as effective in securing its ends. Crucial to that is a greater acceptance not only that the measures are necessary but also that the ones adopted are properly drawn to meet the evil to which they are directed and ultimately operate in a way that, within their policy parameters, is fair to people.

I acknowledge the contribution of the Hon. Rod Roberts, who outlined his concern about the standard of negligence provided for in the legislation. I acknowledge that in other jurisdictions it is gross negligence. In the bill it is simply negligence and recklessness. I note that Mr David Shoebridge has also associated himself with some of those concerns. Again, we will deal with the amendments that come. It may be that I am not wild about them but I will of course listen to the debate respectfully and make my contribution. Again, I think the important thing is that tonight we pass a bill that sets out the essential parameters and objects that we have tried to achieve over these past few months in this House, and send it to the other place.

I acknowledge, as I did in my second reading speech, the Cassaniti family, who lost their son Christopher in tragic circumstances at Macquarie Park in April 2019. Although they are not the only family to have lost loved ones, obviously that event, tragic as it was, did very sadly act as a catalyst to recommence the dialogue around the kinds of measures that are contained in the bill. I stand in awe of the Cassaniti family because, as I indicated, they have taken that loss and turned it into a campaign for higher and better standards of safety in the construction industry. By promoting the suite of measures they refer to as "Christopher's Law", they are seeking to achieve better outcomes for all industries, not just the construction industry. As I say, they are not the only family to have lost loved ones through workplace accidents.

Since I embarked upon this journey, Ms Kay Catanzariti from Griffith has reached out to me and told me the heart-rending story of the loss of her son. I have received emails from people like Debra Pascall, a member of the SafeWork NSW Family and Injured Workers Support Group, whose nine members have all lost loved ones. The group includes Jacci Quinlivan, Noeline Bridge and many others, all of whom have their own individual tragic cases. They are all looking to parliaments and regulators to do better and to have a law that calls offences for what they are or should be named as. The difficulty—and I am not being critical—is that the category 1 offence, which sits at the apex of offences in the work health and safety legislation, is an important provision but no-one knows what it means. In fact, unless I stand corrected, there has not been a category 1 prosecution in this State in 10 years. Maybe that is because of the way in which it is drafted. Maybe it is because defendants on the receiving end bargain with the regulator: "You got me, guv, but don't bang me up for that. I will plead to a lesser charge." That is what happened in the Cassaniti case.

The Hon. Trevor Khan: You are starting to move beyond a reply.

The Hon. ADAM SEARLE: I acknowledge that.

The Hon. Catherine Cusack: It has been more than 10 years, Adam.

The Hon. ADAM SEARLE: It has been more than 10 years. I acknowledge that. The point is we need to change the focus and have an offence that is called for what it is. The term "industrial manslaughter" is reasonable and appropriate. Yes, it will shock people. When I have spoken to businesses, they have said to me—

The Hon. Trevor Khan: You are moving beyond a reply.

The Hon. ADAM SEARLE: I am replying to matters that have been raised during debate. The issue here is not just the risk of perhaps someone going to jail but the reputational risk to a company or individual being associated with a charge involving manslaughter. Let us change the debate, raise the standard and embrace the reforms, although they may be amended during the Committee stage. I may have amendments that I have developed in response to representations that have been made to me by members of this House and the other place, and people in the wider industry. I thank honourable members for their attention, and I hope that there is a majority will in the Chamber to enact the bill.

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

The House divided.

Ayes16
 Noes11
 Majority.....5

AYES

Boyd
 Buttigieg (teller)
 Donnelly
 Faehrmann
 Field
 Graham

Houssos
 Hurst
 Moriarty
 Nile
 Pearson

Roberts
 Searle
 Secord
 Shoebridge
 Veitch (teller)

NOES

Banasiak
 Cusack
 Fang
 Farlow (teller)

Franklin
 Khan
 Mallard (teller)
 Poulos

Taylor
 Tudehope
 Ward

PAIRS

D'Adam
 Jackson
 Mookhey
 Moselmane
 Primrose
 Sharpe

Amato
 Faraway
 Harwin
 Maclaren-Jones
 Martin
 Mitchell

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 four sets of amendments: Opposition amendments on sheet c2021-212A, The Greens amendment on sheet c2021-249B, One Nation amendments on sheet c2021-219B and One Nation amendments on sheet c2021-213A. We will proceed with the amendments in the order that I called them, so we will start with Opposition amendments on sheet c2021-212A.

The Hon. ADAM SEARLE (22:24): By leave: I move Opposition amendments Nos 1 to 4 on sheet c2021-212A in globo:

No. 1 Industrial manslaughter—person conducting business or undertaking

Page 3, proposed section 34D (a) (i), lines 31 and 32. Omit ", whether or not in the course of carrying out work for the business or undertaking".

No. 2 Industrial manslaughter—person conducting business or undertaking

Page 3, proposed section 34D (a) (ii), lines 34 and 35. Omit ", whether or not in the course of carrying out work for the business or undertaking".

No. 3 Industrial manslaughter—senior officer

Page 4, proposed section 34E (a) (i), lines 9 and 10. Omit ", whether or not in the course of carrying out work for the business or undertaking,".

No. 4 Industrial manslaughter—senior officer

Page 4, proposed section 34E (a) (ii), lines 12 and 13. Omit ", whether or not in the course of carrying out work for the business or undertaking,".

The effect of the amendments is to remove from both the offence against a person conducting a business or undertaking and the offence against individuals the words "whether or not in the course of carrying out work for the business or undertaking". The words are perhaps superfluous to the central purpose of the provisions. The

provisions without those words are similar to, if not exactly the same as, the industrial manslaughter offences in the Queensland legislation.

The removal of those words achieves two effects. One is to make this more consistent with the Queensland legislation, which will assist with interpretation should the need arise. Secondly, since the legislation has been introduced I have had representations from members of the legal profession, employers, farmers, members of this House and members of the other place that the words currently included take the offence beyond a strict industrial or workplace focus to include those who may already receive the protection of other work health and safety legislation. To that extent the extra words are unnecessary. If the removal of those words would give greater comfort to members both here and in the other place and to people in the wider community then I am all for giving people more comfort that the legislation, if passed, would be fair and balanced and would not reach too far. I ask the Committee to support the amendments.

The Hon. SCOTT FARLOW (22:27): While the Government opposed the bill at the second reading, it will not be opposing the amendments.

Mr DAVID SHOEBRIDGE (22:27): The Greens support the amendments for the reasons articulated by the Opposition.

The CHAIR (The Hon. Trevor Khan): The Hon. Adam Searle has moved Opposition amendments Nos 1 to 4 on sheet c2021-212A. The question is that the amendments be agreed to.

Amendments agreed to.

Mr DAVID SHOEBRIDGE (22:28): I move The Greens amendment No. 1 on sheet c2021-249B:

No. 1 Trial by jury

Page 4, Schedule 1. Insert after line 18—

34F Proceedings for offences by individuals to be taken on indictment

Proceedings for an offence under this Part committed by an individual are to be taken on indictment.

The amendment is very simple. It provides that proceedings for an offence of industrial manslaughter committed by an individual are to be taken on indictment. The Greens fully support extremely tough industrial manslaughter laws. We think there is a compelling case for judge alone trials where the defendant is a non-natural person, essentially a corporation. Of course, a corporation cannot be imprisoned and can only be subject to a fine. However, the penalties that can be faced by an individual under these offences include up to 25 years in jail. If we are considering offences where somebody could spend such a substantial period in jail—it is the equivalent to manslaughter in New South Wales—the Greens believe that should be a matter determined by a jury, unless, under the Criminal Procedure Act 1986, the defendant elects or supports a judge alone trial. Ultimately, an individual facing such potentially severe criminal consequences should have a right to a trial by jury, and the proceedings should be taken on indictment.

It is not compulsory in other jurisdictions for there to be an indictable offence, but I note that, in Queensland, in the one case where a company director has received a sentence of imprisonment—which was overturned on appeal and is now subject to a retrial—Gary Lavin was sentenced to 12 months in jail in 2019 as a result of a fatal incident at his workplace that involved the tragic death of a 62-year-old roofer, Mr Te Amo. That company, Multi-Run Roofing Pty Ltd, was directed by Mr Lavin. It was performing building work, and there was a finding of gross negligence against Mr Lavin. That was done in a jury trial in Queensland. There has been another case, in Western Australia, where a senior officer was convicted in the past 12 months. That was in the Magistrates Court, and a sentence of imprisonment was imposed. We acknowledge that there are other jurisdictions that do not have jury trials, but The Greens believe that, if a person is facing a conviction that may lead to up to 25 years in jail they have a right to be heard by a jury of their peers. This flows from our genuine view about how serious these offences are and how serious a person's right to a fair trial in front of a jury is.

The CHAIR (The Hon. Trevor Khan): Again, I look towards the Parliamentary Secretary because of the dynamics that it creates in the other contributions.

The Hon. SCOTT FARLOW (22:31): The amendment on sheet c2021-249B proposes that the offences of industrial manslaughter be indictable offences and therefore that defendants be entitled to a trial by jury. This addresses one of the many significant deficiencies the Government believes the bill has. It is extremely concerning that the bill does not afford defendants natural justice and the right to a fair trial and fair hearing in the first instance. Juries play an important part in ensuring community views are represented. A trial by jury is also a trial by the community. While the Government supports the intent of this amendment in giving a defendant the right to a jury trial, that person will still be held to a lower level of culpability under this offence and the offence of

criminal manslaughter. Given both offences will carry a similar maximum term, the Government says the fault element should be the same, which is to the reckless standard that applies in the case of criminal manslaughter.

This amendment does not address the serious issue of a defendant having limited defences available to them. A number of defences are available for a charge of manslaughter under section 18 of the Crimes Act 1900, including self-defence, mental illness, involuntary intoxication and automatism. Given the seriousness of the penalty that would apply in the new industrial manslaughter offence, the Government believes that similar explicit defences ought to be available to the defendant and follow well-established criminal law principles. The Government will not be opposing the amendment.

The Hon. ROD ROBERTS (22:33): I just want to check with the Parliamentary Secretary because this will affect how long I talk for. Did he say that he will not be opposing the amendment? I want it on the record that One Nation also expresses concerns about the lack of a jury trial. One Nation is fully supportive of the amendment.

The CHAIR (The Hon. Trevor Khan): That is why I am getting the Parliamentary Secretary to speak second.

The Hon. ADAM SEARLE (22:33): The Opposition did not propose this in the legislation. It is probably fair to say that, left to our own devices, we would not ourselves be proposing this, but I acknowledge the genuine concerns that have been brought to the floor and expressed by the Government, One Nation and The Greens. I do not claim to be the fount of all wisdom. Although we would not ourselves have proposed this, we will not be opposing it and will not be dividing. Labor submits to the will of the Committee on this matter.

Mr DAVID SHOEBRIDGE (22:34): I make one point of clarification. There have been discussions with the Hon. Adam Searle as to whether or not this would be subject to section 132 of the Criminal Procedure Act 1986. To be clear, it is the intent in moving it that it is subject to section 132 of that Act, which provides a series of decisions to be made by the court about whether the prosecution and/or defence seek to have a judge alone trial. This is not mandating a jury trial; it is mandating a trial by indictment and is subject to section 132 of the Criminal Procedure Act.

The CHAIR (The Hon. Trevor Khan): Mr David Shoebridge has moved The Greens amendment No. 1 on sheet c2021-249B. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. ROD ROBERTS (22:36): By leave: I move One Nation amendments Nos 1 to 4 on sheet c2021-219B in globo:

No. 1 Reasonable conduct excepted

Page 3, Schedule 1, proposed section 34D. Insert after line 37—

(b1) the first person engages in the conduct without reasonable excuse, and

No. 2 Reasonable conduct excepted

Page 4, Schedule 1, proposed section 34D. Insert after line 3—

(2) The prosecution bears the burden of proving that the conduct was engaged in without reasonable excuse.

No. 3 Reasonable conduct excepted

Page 4, Schedule 1, proposed section 34E. Insert after line 15—

(b1) the senior officer engages in the conduct without reasonable excuse, and

No. 4 Reasonable conduct excepted

Page 4, Schedule 1, proposed section 34E. Insert after line 18—

(2) The prosecution bears the burden of proving that the conduct was engaged in without reasonable excuse.

I note from the second reading contribution of the Parliamentary Secretary that there were concerns with the original format of the bill. That was echoed to me by stakeholders, and we also raised some concerns. These amendments insert into proposed sections 34D and 34E that the person engages in the conduct without reasonable excuse. I am aware that if you are negligent you cannot really have a reasonable excuse, and if you have a reasonable excuse you cannot really be negligent.

These amendments may look a bit over the top, for want of a better term. It is necessary that we insert them to make clear the level of culpability for a senior officer or an executive of the company that is concerned that, if they had a reasonable excuse, they would not be subject to these provisions. The other amendment is that the burden of proof remains with the prosecution to prove that the conduct was without a reasonable excuse. We know

that the burden of proof always rests with the prosecution, but we are getting it into the statute to be completely clear and perhaps clear up some of the concerns that stakeholders had.

The Hon. SCOTT FARLOW (22:38): I make some broad remarks in addressing the Hon. Rod Roberts' amendments. The Government does not support the bill. It does not believe that the amendments as a whole will fix the bill's significant shortcomings. I put it before the Committee that, regardless of the outcome of the deliberations on these amendments, and we have of course already accepted the amendments from the Opposition and from The Greens, the Government intends to refer the bill to an appropriate committee in the Legislative Assembly for further consideration and proper consultation. The proposed amendments insert "without reasonable excuse" into proposed sections 34D and 34E and place the burden on the prosecution to prove that the conduct engaged in is without reasonable excuse. That addresses one of the many flaws of the bill that the Government has identified. To move amendments that are consistent with provisions, the Government has enacted an existing category 1 offence under the Workplace Health and Safety Act 2011. For that reason, the Government will not be opposing the amendments.

The Hon. ADAM SEARLE (22:39): The Opposition does not support the amendments, but we understand the reasons for them given by the Hon. Rod Roberts. I understand where he is coming from. The amendments import into the proposed new provisions elements that are currently in category 1. To take the point raised by the Government about the lack of defences in the bill, if the bill passes it will become part of the work health and safety legislation and defendants will have access to any of the defences that exist in the bill. These amendments provide additional opportunities for defendants to rely upon the reasonable excuse opportunity so, in a sense, I am speaking against myself. I acknowledge the work done by the Hon. Rod Roberts in bringing the amendments to the table. The Opposition will not divide on the amendments. We understand the will of the House on the matter. Our concern is that the amendments could create additional burdens to a case being brought. However, we are but one voice in the discussion and we will listen to what the House has to say on the matter.

Mr DAVID SHOEBRIDGE (22:41): The Greens' position is not dissimilar to that of the Opposition. We have concerns about the difficulty for a prosecution to effectively prove in absence, that is, to prove there was no reasonable excuse. Proving a negative is an extremely difficult thing for a prosecution to do. To prove a negative beyond reasonable doubt is a substantial challenge for a prosecution. That may result in some prosecutions either not commencing where The Greens and many reasonable observers would think a prosecution would have merit, or failing because, as I said, it is extremely difficult to prove a negative beyond reasonable doubt. Nevertheless, The Greens are committed to the passage of the bill. We acknowledge that the amendments have been brought not to defeat the bill but because the member genuinely believes they will improve it. The Greens note that the amendments mirror some of the offences inserted by the Government. Whilst we are concerned about it, like the Opposition we will not be opposing or dividing on the motion.

The CHAIR (The Hon. Trevor Khan): The Hon. Rod Roberts has moved One Nation amendments Nos 1 to 4 on sheet c2021-219B. The question is that the amendments be agreed to.

Amendments agreed to.

The Hon. ROD ROBERTS (22:42): By leave: I move One Nation amendments Nos 1 and 2 on sheet c2021-213A in globo:

No. 1 Negligence—person conducting business or undertaking

Page 3, Schedule 1, proposed section 34D(c), line 38. Insert "grossly" before "negligent".

No. 2 Negligence—senior officer

Page 4, Schedule 1, proposed section 34E(c), line 16. Insert "grossly" before "negligent".

My contribution to debate on the amendments will not be short because they are quite significant and the reasons for them need to be spelled out onto the record. The amendments are simple but significant. I think all members in the Chamber believe them to be significant. They insert one new word only into proposed sections 34D (c) and 34E (c). That new word is "grossly". Section 34D creates the offence of industrial manslaughter if a person conducting or undertaking a business causes a death by either an act or omission and that person is negligent or reckless in their conduct. In section 34E, the same provisions apply to a senior officer of a person conducting a business or undertaking. One Nation takes exception to the existing provision in the bill because the level of culpability in the provision is only negligence. My amendments, if accepted, would change that level of culpability to gross negligence.

First, that change would align the level of culpability with the level of negligence in section 31 of the Work Health and Safety Act 2011. Section 31 or category 1 offences, as they are known, indicates that the conduct of the person must be grossly negligent. Therefore, the amendments would maintain consistency in the Act. More importantly, the bill provides for a severe penalty for an individual of up to 25 years' imprisonment. Bearing that

in mind, the serious nature of the penalty should be reflected in the serious level of misconduct of the individual concerned. Mere negligence is not sufficient to warrant such a severe penalty. If accepted, my amendment would place the burden on the prosecution to show that the act or omission of the individual was grossly negligent. In other words, it must be at the extreme end of the culpability scale—the most serious form of negligent behaviour. In his second reading speech, the Hon. Scott Farlow expressed concern on behalf of the Government in relation to the fault element of the bill—in particular, the standard of negligence that I have outlined. That standard would be a lower bar than the standard of gross negligence in section 31 category 1 offences. He also highlighted that work health and safety Ministers agreed to reform in the area of workplace deaths by enhancing the category 1 offence to include the alternative fault element of gross negligence in addition to the current fault element of recklessness.

The amendment should go a long way to appeasing the Government's concerns because it addresses that specific area of gross negligence. In his second reading contribution, the Hon. Scott Farlow quoted James Glissan, QC, as saying, amongst other things, that the bill in its present form "presents the very real prospect of injustice". The Hon. Scott Farlow failed to elaborate on what that possible injustice could be. I suspect it was the low bar of negligence for an offence carrying a penalty of 25 years' imprisonment. If that is the concern, I agree wholeheartedly. That is why I am moving the amendment to lift the bar of negligence to a higher degree. I acknowledge the concern about the bill held by some stakeholder groups. They have informed me of their concern that the bill proposes the culpability level of mere negligence. That low level of culpability would expose business operators to prosecution and imprisonment for up to 25 years for what one could describe as minor infractions—minor, low levels of negligence. For the record, I clarify that no level of negligence should be acceptable or tolerated in the workplace. However, if one was to be charged with this offence and exposed to its possible penalty, it should be incumbent upon the prosecution to show that the level of negligence was so extreme as to warrant the penalty.

The difference between negligence and gross negligence, known as criminal negligence, is one of degree only. Both negligence and gross negligence require negligent behaviour, but it is the degree of seriousness of that behaviour that determines where the action lies. It would be on the extreme end of the scale. It must be more than a mere mistake; it must be a deliberate action or omission that is gross or shocking in its departure from standards of reasonable behaviour—a great falling short of the standards of care that involves foreseeability and the potential for fatal or dangerous outcomes. Gross negligence encompasses more than mere negligence, but it would at least include a deliberate decision to undertake or not to undertake a certain act.

It is my assertion that gross negligence is something obvious and unacceptable and it is an act or omission undertaken with an actual appreciation of the risks involved but also a serious disregard or indifference to the obvious risk. The High Court's decision in *The Queen v Lavender* [2005] 222 CLR 67 affirmed that, for an accused to be convicted of manslaughter on the basis of criminal negligence, the prosecution must prove that the intentional act of the accused causing death merited criminal punishment because it fell so short of the standard of care that a reasonable person would have exercised in circumstances where the reasonable person would have appreciated a high risk that death or grievous bodily harm would result. In closing, I have moved these amendments to indicate that this proposed offence must be a grave, serious or significant departure from the standard of care which a reasonable person would have undertaken. It must be so grave in error and carry with it such a high risk that it deserves to be punished as such a serious offence.

The Hon. SCOTT FARLOW (22:50): The proposed amendment in c2021-213A is to qualify the word "negligent" with the word "grossly"—that is, to enhance the fault element of the proposed offences of industrial manslaughter from "negligence" to "gross negligence". While this amendment intends to address a significant deficiency in the issue of culpability within the bill—and I note the comments of the Hon. Rod Roberts that the mover has taken on the consideration of stakeholder groups—it is, of course, an attempt to align and even to overlap with the existing category 1 offence under the Work Health and Safety [WHS] Act. Importantly, however, the proposed amendment still means that there will be a lower standard of culpability in the WHS Act—that is, gross negligence rather than the standard that applies for the existing offence of manslaughter under the Crimes Act. The Government has serious reservations about the application of this lower fault element to an offence that carries a maximum term of imprisonment of 25 years. However, like others in this debate tonight, it will submit itself to the will of the Committee.

The Hon. ADAM SEARLE (22:51): The Opposition will not be opposing this amendment. I thank the Hon. Rod Roberts for directly raising his concerns with me about the standard of negligence provided for in the bill. One Nation's proposed amendment would not only make this offence consistent with the category 1 offence already in the Work Health and Safety Act, it would align it with the work health and safety manslaughter provisions in both Queensland and Victoria. In that sense, the New South Wales law—should the bill become a law—would therefore be aligned and there would be a consistent eastern seaboard approach to these matters. In recognition of that, the Opposition will not be opposing this proposed amendment.

Mr DAVID SHOEBRIDGE (22:52): I indicate that The Greens will not be opposing this amendment. In fact, the strongest argument in favour of the amendment is that it is consistent with Marie Boland's recommendations. On page 122 of the *Review of the model Work Health and Safety laws: Final report* she concluded:

I consider there is merit to introducing an additional 'gross negligence' offence in the model WHS Act, specifically where the outcome of that gross negligence is the death of a person covered by the WHS laws. I consider that this response is required to address increasing community concerns that there should be a separate industrial manslaughter offence where there is a gross deviation from a reasonable standard of care that leads to a workplace death. I also consider it is required to address the limitations of the criminal law when dealing with breaches of WHS duties.

In just that paragraph Marie Boland summarises why this amendment should be seriously considered by the Committee. We are talking about a gross deviation. But it also explains in a neat paragraph why we need this law, because the current criminal law fails when it comes to death in a workplace situation. With that contribution, I indicate The Greens will not be opposing the amendment.

The Hon. MARK BUTTIGIEG (22:53): I feel compelled to contribute to the debate on this particular amendment. Obviously, I will defer to a higher authority and Labor will be supporting the amendment, as my colleague has pointed out. But I do think it is an unnecessarily high threshold. In the example that I described in the debate earlier this week where I was put in the situation where I could have been dead, that particular supervisor could hardly have been seen to be grossly negligent because he put me out with someone who was not aware of what was going on, who was not trained properly. I can see how someone could easily escape a prosecution by arguing that it was not gross negligence, but it was certainly negligence. I think this could result in quite a few prosecutions escaping the net and, as a result, families being left out of the equation. But I understand the pragmatic nature and the will of the Committee and that it is more important to get this bill through. Labor supports the amendment, but I did want to place on record that I think it is somewhat defective.

The CHAIR (The Hon. Trevor Khan): Far be it from me to say so from the chair, but if somebody failed in that regard they would still be liable for a category 1 or a category 2 offence.

Ms Abigail Boyd: You said it anyway.

The CHAIR (The Hon. Trevor Khan): I have said it anyway. The Hon. Rod Roberts has moved One Nation amendments Nos 1 and 2 on sheet c2021-213A. 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. ADAM SEARLE: 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. ADAM SEARLE: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. ADAM SEARLE (22:56): I move:

That this bill be now read a third time.

I want to acknowledge the good faith, good humour and thoughtfulness with which honourable members have approached this debate and which all parties have given ground to achieve at least a broader consensus around the provisions of the bill. I think that is a good thing and hopefully the bill that leaves this House will rest on firmer foundations than the one that was introduced. It goes to the other place and the Government has indicated it will refer this bill to a committee of the other place. I ask the Government to at least reflect upon the possibility of a joint committee of both Houses, given the interest in this matter and the fact that the bill originated in this House. But, ultimately, it is a matter for the Government as to how it proceeds in this matter. I urge all honourable members to support the legislation as amended.

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

Motion agreed to.

CHILDREN (CRIMINAL PROCEEDINGS) AMENDMENT (AGE OF CRIMINAL RESPONSIBILITY) BILL 2021

Second Reading Debate

Debated resumed from 11 November 2021.

The Hon. BEN FRANKLIN (22:58): The New South Wales Government does not support the Children (Criminal Proceedings) Amendment (Age of Criminal Responsibility) Bill 2021. The New South Wales Government is deeply committed to ensuring that the justice system delivers community safety to all people. Critically, community safety does not simply mean locking people up. We are obligated to consider a wide range of ways to respond to offending behaviour to ensure that we can support offenders, protect victims and minimise any future risk of reoffending. This is especially true of young people. Evidence shows the younger a child is when they first engage with the criminal justice system, the more likely they are to reoffend as adults. The New South Wales Government supports the agreement on 12 November 2021 of all State Attorneys-General to develop:

... a proposal to raise the minimum age of criminal responsibility from 10 to 12, including with regard to any carve outs, timing and discussion of implementation requirements.

At the moment, no decision has been made to adopt any such proposal. This is not a simple reform that can be rushed through. Any reform in this area would need to be in the best interests of the community, with the safety of the community a key consideration. It requires consideration not just of legislative reform but also of reform to our support and early intervention system to ensure that we have suitable programs and services to address antisocial behaviour to make sure that we get the balance right and properly support both the safety of the community and of these young people.

There are significant efforts underway at the national level to develop a proposal to raise the age of criminal responsibility and the New South Wales Government supports that process. The agreement between all State Attorneys-General on 12 November this year reflects the understanding of all States that careful consideration is required to ensure the criminal justice system treats young children appropriately, to support them to turn their lives around and keep the community safe. Approaching the development of the proposal from a national perspective provides a valuable opportunity to enhance national consistency. Where possible, it is important that young children are treated comparably, no matter where they live in Australia. As such, it is important to let this national work run its course rather than have New South Wales go it alone and potentially be out of step with other jurisdictions.

The commitment of the Meeting of Attorneys-General speaks not only to the importance of national consistency, but also to the complexity of this reform. We have a responsibility to ensure community safety, which is the paramount consideration of the criminal justice system. Approaching this issue collaboratively with all States is an opportunity to consider how a proposal may operate effectively and what carve-outs, if any, may be needed to ensure that we get the balance right. I note that NSW Bureau of Crime Statistics and Research data shows that the majority of children who come into contact with the criminal justice system, particularly those who are 10 and 11 years old, normally do so in relation to lower level property offences—mostly theft, transport regulatory offences and malicious damage to property. Nevertheless, we need to give careful consideration to potential outlier cases of the most serious kind of offending, such as homicide. Such cases are very rare but not unheard of.

For example, in 2002 the Supreme Court imposed a 20-year prison sentence for murder on a defendant who, at the age of 13 years, took a three-year-old child from her home and killed her. The need to consider potential carve-outs is particularly pronounced when considering the Children (Criminal Proceedings) Amendment (Age of Criminal Responsibility) Bill 2021. The bill proposes to introduce a minimum age of criminal responsibility of 14 years and a minimum age of imprisonment of 16 years, with no exceptions for very serious offences like homicide. Statistics generated by the Australian Institute of Criminology at the request of the NSW Sentencing Council found that between 1990 and 2006 there were 17 homicides committed in New South Wales by children between the ages of 10 and 14. The Australian Institute of Criminology's most recent report into homicide reported that across Australia there were nine homicide offences committed by children and young people between the ages of 10 and 17 in the reporting period 1 July 2018 to 30 June 2019, with the youngest offender aged 15 years.

I raise those examples not to draw conclusions about the outcome of any process of reform to the age of criminal responsibility but to highlight the importance of careful consideration of how we can best manage the extraordinary circumstances in which criminal sanction might be justified for community safety. It is exactly those

kinds of issues that the Government will expect to see canvassed in the national proposal, and that body of work is the appropriate vehicle to ensure a considered national approach. In addition to ensuring a nationally consistent approach, the agreement of State Attorneys-General recognises that timing and implementation supports are critical considerations for any potential reform. Reform in this area should not leave us with a system where there are no consequences for children who engage in antisocial behaviour.

Any potential reform would also need to have appropriate supports in place to address the factors that have led these children to engage in antisocial behaviour. In developing a proposal to raise the age of criminal responsibility, we would need to ensure that targeted early interventions are in place so that those same young people do not engage with police and the courts and are instead supported to have healthy, productive and safe futures. Indeed, as Mr David Shoebridge noted in his second reading speech:

... significant work will be required to provide the alternatives needed to help young people get their lives on track.

That is a central element of what has been agreed nationally by State Attorneys-General. It is important to note that this kind of system reform cannot happen overnight. We need to review the current service system, identify any gaps and develop reform options to provide these critical supports. It is not an exercise that we can rush if we want any proposal to raise the minimum age of criminal responsibility to succeed. Further time is required for this work to be undertaken through the national process.

Moreover, development of a proposal to raise the age of criminal responsibility should not and cannot occur in a vacuum. A significant proportion of children in the New South Wales criminal justice system have complex needs, including mental health and cognitive impairment, low levels of education, a history of trauma and substance abuse, and volatile family or living environments. As the mover of the motion has pointed out on numerous occasions, Aboriginal children are disproportionately represented in this cohort. We need to make sure that we engage and consult closely with the community to ensure that the supports we have in place are suitable and tailored to respond to these complex needs. I also recognise that New South Wales will be approaching this work from a strong position. Our existing, evidence-based early intervention efforts are designed to reduce reoffending behaviour by young people.

Youth Justice NSW diverts young people away from even short-term stays in custody and into appropriate community-based interventions that ensure children understand the consequences of their actions, to rehabilitate and reintegrate them. There has been significant progress in reducing the number of young people in custody. The average daily number of young people in Youth Justice NSW custody in the 2019-20 financial year was the lowest it has been since 2002, with a reduction of 40 per cent since 2009. The number of Aboriginal young people in detention fell by more than 44 per cent over the two years to June 2021. The numbers of both young Aboriginal males and young Aboriginal females have fallen—down almost 42 per cent and more than 64 per cent respectively. The Stronger Communities cluster has a range of current programs that deliver cross-agency case management, intensive individual and family behaviour interventions, family conferencing, crisis accommodation and supports for families at risk.

The programs include Youth on Track, the New South Wales Government's flagship early intervention scheme, which provides case management and behaviour and family interventions to young people who are at risk of long-term involvement in the criminal justice system; the Bail Assistance Line, an after-hours service that the NSW Police Force uses to source safe, alternative accommodation for young people who are unable to return to their previous residence; and Youth Justice conferences, which allow young people to confront their offending and address factors related to their offence. A Place to Go involves cross-coordination between Youth Justice, Community Services, Education, NSW Health, NSW Police Force and the Children's Court to provide support to young people at risk of not meeting their bail by providing case coordination and dedicated short-term, transitional accommodation for those young people.

A Place to Go is currently being piloted in the Nepean police area command and the Parramatta Children's Court. If we rush to reform the age of criminal responsibility we will miss the opportunity to address this vital issue from a holistic perspective, shaping how we make our system as a whole work to better support vulnerable and at-risk children. The national process is the appropriate forum for ensuring that both legislative and systems reforms are considered together, given how intertwined those issues are. We owe it to those children to make sure we consider all opportunities and work with them to get it right. The New South Wales Government is looking forward to working with all States to develop a national proposal. This bill should not proceed ahead of that process being conducted and a national proposal being developed.

The Hon. TARA MORIARTY (23:09): I lead for the Opposition in debate on the Children (Criminal Proceedings) Amendment (Age of Criminal Responsibility) Bill 2021. I acknowledge my colleague in the other place the shadow Attorney General, Michael Daley, for his work on this matter. The Opposition will be opposing the bill. We do not want to see children in prisons. No-one does. We want to see children learning, growing,

playing and developing, with the proper support networks to allow for that. We know that children do best when they are supported, nurtured and loved. The last place we want a child to be is in prison. The figures may have moved since I checked them 10 days ago, but according to the most recent figures I have there are currently around 172 young people detained in Youth Justice centres in New South Wales. Of those held in Youth Justice centres, approximately 109 of them are on remand. That is too many and not a number to be proud of.

Though I acknowledge that there has been a reduction in recent years, New South Wales still has the largest number of young people detained compared with other States and Territories. Of particular concern is that, of those held in custody, 45 per cent of them are our First Nations young people. We know that already disadvantaged kids are the most likely to be in these situations. We know that kids who have experienced trauma and instability are most at risk. Everything that can be done should be done to support our young people to keep their lives on track and to live out their full potential. This bill does not do that. The Opposition would prefer that we had before us today a genuine bill that addresses the many present shortcomings in the juvenile justice system, including the age of criminal responsibility in New South Wales, accompanied by a comprehensive model for reform and a commitment to the proper and adequate funding of such. But we do not. This bill is not such a bill. We all know the truth about the incarceration of very young people. It is a tragedy. I will put it in the words of the Police Association of NSW, which wrote recently to the shadow Attorney General about this issue. It said:

Our members view the incarceration of any child as a culmination of a series of failures across a range of responsibilities, including parenting, social services, education, criminal justice and, of course, personal responsibility. It is utterly undesirable and should continue to be a last resort, where the wide gambit of alternatives is exhausted.

The challenge we have here and going forward—and have had before now—is to find a better way. This debate is a live one in the community. The Raise the Age NSW campaigners, who are doing great work in this area, put the matter very simply. It said:

Our challenge is to build a new system that works to protect our community and our children. The alternative is to stick with a system that is failing and causing harm. We have the answers. We only need the will.

Indeed. In February 2019 the Council of Attorneys-General established a working group to consider whether to raise the age of criminal responsibility from 10 years. It prepared a report. The report has still not been made public, and a decision from that group has now been pushed out to 2022. There is a lack of will indeed. In April 2021 the Select Committee into the High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody, whose report we debated in this House this week and last, made the following recommendation, recommendation 12, regarding this issue:

That the NSW Government establish an inter-agency and inter-department taskforce to develop a cohesive, whole of government approach to therapeutic pathways that integrate health, education and housing approaches to youth behaviour for children between the ages of 10 and 14.

Let's do that. Let's do the work. I urge the Government to do the work required to deal with this. Simply legislating to raise the age of criminal responsibility is, to put it in an oversimplified way, the easy part. Putting in place the comprehensive all-of-government and community response that is required to deal with young offenders is another thing entirely. This bill is devoid of any consideration about that. That is one fatal flaw in this bill. The other is proposed section 5A, which provides:

- (1) A court must not sentence a child under the age of 16 years to imprisonment as a penalty for a criminal offence.
- (2) A child under the age of 16 years who is charged with a criminal offence must not be detained on remand awaiting proceedings for the alleged offence.

I am not a lawyer. But the Police Association says, "Under this proposal, the murderer of Curtis Cheng would be released on bail and could not be imprisoned." That is, from the Opposition's point of view, the second fatal flaw in the bill. We need to do the work to make sure that there is more support to stop kids from going down this path. We need to make sure that community safety is absolutely paramount. I urge the Government to do the work that the Council of Attorneys-General is doing. We do not support the bill.

Ms ABIGAIL BOYD (23:14): I will speak briefly in support of the work of my colleague Mr David Shoebridge and long-overdue Children (Criminal Proceedings) Amendment (Age of Criminal Responsibility) Bill 2021. Sometimes standing here, when we are talking about issues like this, the responses we get from Government and Opposition members make it sound as though we are making an unusual or rare suggestion. The idea of raising the age of criminal responsibility from 10 years is in accordance with the global consensus. This is what the United Nations and so many other countries have agreed to do. It is being done in the Australian Capital Territory. It is not some wild, out-there idea. This is eminently doable. We have had many years to consider it. Anyone who is saying that this is somehow rushed or flawed has not been paying attention to the debate.

It got me thinking. I have a nine-year-old at home. I also have a 12-year-old. Neither of them take responsibility. They are kids. Punishing them or telling them that they have done the wrong thing is not how I get

good outcomes from my kids. I get good outcomes by talking to them about where we want to get to, what is holding them back and what made them do the thing. To get them to the point where I want them to be, where they are taking responsibility for their actions, takes investment and time and really nurturing my children. It is not achieved by punishing them.

I think about why we have this criminal responsibility at age 10. Is it a product of history? Is it because we did not understand kids and we thought that this kind of really hard punishment approach was where it was at? Perhaps we were just behind. Now we know. We have decades of psychological research, of people understanding children better, of fantastic teachers and educators, who can tell us very clearly how to get the best out of our kids. Maybe we just have not taken that into account yet and that is why we have not got to the point of raising the age way above 10.

But we have had children for a long time. Before we had all of that research, we all knew children. We all know children. We all know that a child who is 10 is of course not taking responsibility for property offences and things like that. The idea of assigning criminal responsibility to a child who is 10 or 12 or even 14 years old—especially knowing that kids develop at different rates over time—to me is quite absurd, as is that we are still in this situation and that, when we are talking about lifting the age, we are getting so much resistance. So I think we have to look deeper at why that is.

I do not think one has to look much further than the characteristics of the children we are talking about here. These are not my kids. On the whole, these are children who have faced incredible disadvantage in their lives. These are the forgotten children in our society. These are the kids who have come from families with domestic violence and kids who have been assaulted. I think about 65 per cent of the children who are currently in our jails and under the age of 16 are First Nations children. I apologise for not getting the percentage exactly right. But when you look at what they like to call the social determinants of imprisonment at a young age or of being arrested and hauled before the courts, we are talking about forgotten children with untreated physical and mental health issues. They are children who have not been given the nurturing that my children have been given. For whatever reason, they have slipped through the gaps. They have not been looked after by society. Society has, as the Hon. Tara Moriarty said, failed them.

Our response should not be to continue to fail them by holding them to an adult standard and by putting them in places where we know—we have the evidence—that disadvantage continues. We take disadvantaged children, we haul them before the courts, we punish them and then we know that those children will go on to continue in a life of disadvantage. The bill would break the cycle of disadvantage and put the onus back on government to put in place the supports those children need so that we do not need to haul them before the courts in order to get better behaviour out of them.

This is not hard; everyone else is doing it. The rest of the world is moving that way. Here in New South Wales we are stuck for no apparent reason. Both sides of the Chamber have told us how we are all failing children, and this is terrible and we need these system reforms. Of course we do. Everyone knows what we need to do. But part of that picture is not locking kids up and holding them responsible for things they are doing when they are kids. So I wholeheartedly support the bill. It is one of those things where I know we will get there. We will raise the age. It is very disappointing to hear both sides of the Chamber not get there yet, but we will get there eventually.

The Hon. TREVOR KHAN (23:21): My contribution will be relatively brief. I will start by saying that I was a member of the inquiry into the high level of First Nations people in custody and oversight and review of deaths in custody, and I wholeheartedly voted for the recommendation to increase the age to 14. So let's not in any way dance around the subject—that is my view. The question is how you get there. I congratulate Mr David Shoebridge on bringing the bill before the House, not because I would vote for it or because I think it is a great bill but because it maintains the conversation. The reality is that, as in a number of other areas of law reform, law reform will occur when all parts of the Chamber accept that there has to be a change in the way that we do things. Some timidity has been demonstrated here tonight with regard to the particular issue of raising the age of criminal responsibility.

I will answer one issue that was raised by Ms Abigail Boyd and that is the historical circumstance. This is actually the importation, at least in part, of the age of criminal responsibility that came from Britain. It predates Federation. Of course, what has occurred in Britain is different. We maintain the concept of an age of criminal responsibility of 10 with a rebuttable presumption of *doli incapax* from 14 years down. Britain simplified the system at some stage—I cannot now precisely remember when—by abolishing the concept of *doli incapax*. They kept the age of 10. Ours is actually slightly more complex than that because of the addition of the legal requirement of the prosecution having to prove that the child knew the difference between right and wrong for children under the age of 14 years. So it is not simply a question of 10 years, as may have been demonstrated here.

Be that as it may, this conversation needs to go on. I do not think you can look at the age of criminal responsibility and simply say that this is about locking up children. That is actually not what it is about because nowadays very few children at the age of 10, 11 or 12 are in custody. Indeed, there is evidence available: If you speak to those in charge of institutions where very young children are being held, the one thing they will say is, "We do not want these kids. This is not where they should be." They say that because the children are too young to be exposed to the older children in those institutions—that is the primary thing—and they are too young to be cared for by the people who are essentially put in charge of them. They are not equipped to deal with those children.

It is quite right that those children have extraordinarily complex needs. Let's face it: Many of those children who find themselves in those institutions are there because they come before the Children's Court magistrates and the magistrates cannot work out another way of these children being cared for. Indeed, when we dealt with the First Nations inquiry, Commissioner Lea Drake from the Law Enforcement Conduct Commission came before us to deal with some of these issues. She talked about a town—I think it was probably Moree although I do not think she referred to it—where the problem that police have and the reason the police fall into error in dealing with those children is that they are essentially acting as social workers.

There are such poor resources around those children that a lot of the time the cops are picking these kids up and they are either getting them to school or getting them home, because they are on the streets. They are doing all sorts of things with them. Then, of course, the kids do something else wrong and instead of the coppers performing their role as social workers suddenly they are police again. The roles become so mixed that nobody really knows. The kids do not know what they are dealing with. Actually, the cops do not even know what they are dealing with. They are trying to do the right thing and they end up breaching rules in some way.

It is an extraordinarily complex problem and there is no simple answer. So I agree with the Hon. Tara Moriarty in some regards. I agree with Mr David Shoebridge. There is not a simple answer to this. I think there needs to be a maintenance of the will. You cannot be locking up 10-year-olds, but equally you cannot have 10-year-olds and 11-year-olds having an interaction with the criminal justice system. It is as damaging for the children to have that interaction as to be locked in a cell. So we do not fix this problem simply by not locking them up. You have to have the wraparound services and the alternatives to the cops acting as the taxi service or what used to be the truant officers. Those are conversations that we all have to have. Mr David Shoebridge has been very active in this space and I absolutely congratulate him in that regard but, again, it is more complex. Of course we know that Queensland has essentially—at this stage, as I understand—just rejected any increase in the age of criminal responsibility from 10, I think it is.

Mr David Shoebridge: The ACT did the opposite.

The Hon. TREVOR KHAN: I know. But this is a conversation where we have a responsibility not only to children in New South Wales; we also have a national responsibility. I understand what Mr David Shoebridge is doing but we have to say that children in Western Australia, Queensland and New South Wales all have to be treated with a degree of respect. We all have to come along on the journey. We all have to be a bit brave on both sides. Rather like COVID and some of the other areas, we have to get beyond our fear of the public and the shock jocks. We have to get away from our fear of the general public and have the conversation about what we need to do for these kids.

Let me conclude by saying that I am a bit surprised by the second part, which is proposed section 5A, because I do not recollect in the inquiry that we got any evidence that dealt with the question of completely abandoning the concept of imprisonment for kids under 16. There might be good grounds for it but I would love to see the statistics in terms of how many kids there are and what offences they have been found to have committed before you would go as far as Mr David Shoebridge has proposed. In terms of the bill, that is the truly bold step. Making these decisions for an 11-year-old or a 12-year-old is quite different to talking about a 15-year-old.

I am not entirely convinced and I am struggling to think of any evidence that the committee got on this point or any area of thought it applied in terms of that issue. I am interested but troubled by Mr David Shoebridge's proposal in that regard. As I say, it is a difficult area. I would love to see the Attorneys-General move this forward as quickly as possible. I do not think they are going to land on 14 but let us hope that they can at least collectively come to a decision on raising the age of criminal responsibility to 12.

The Hon. WALT SECORD (23:30): As the shadow Minister for Police, I speak in debate on the Children (Criminal Proceedings) Amendment (Age of Criminal Responsibility) Bill 2021, introduced by The Greens' Mr David Shoebridge. As my colleague the Hon. Tara Moriarty has indicated, Labor will oppose the bill. This decision was made in conjunction with the shadow Attorney General, Michael Daley, in the other place. I have grappled with this issue for a long time. I have talked about my personal history many times in this Chamber. My father was a First Nations Mohawk-Ojibway person. In fact, he served time as a juvenile offender. I cannot

remember the age, but it was 15 or 16. His contact with most systems was as a First Nations person. He was illiterate and came from a family of 10 children who lived in a two-bedroom house.

The only photograph we have of him from his childhood was when he was in juvenile detention, where he has a pot belly. I asked him why that was and he said, "That was the first time in my life that I had three meals a day." I have grappled with this issue for a long time. I understand that we do not support increasing the age of criminal responsibility to 14. We also oppose increasing the age of imprisonment to 16. In terms of putting young people in prison, I know from my childhood growing up on an Indian reserve that a touch with the correctional system is the first touch for the spiral into continuum. My father's only contact with the system was his last. That is rare. But I remember they used to joke when I was a child. They said, "You are going to the University of Crime." That was the prison.

I understand the sentiments that Mr David Shoebridge is grappling with. But it is a big thing to increase the age of imprisonment to 16. The Police Association of NSW has presented to me correspondence that it has given to Michael Daley that the killer of Curtis Chang would not be in prison under this bill. I think we should not rush this. There has to be consensus in the Chamber. We oppose Mr David Shoebridge's bill. The Council of Attorneys-General, which used to be called the Standing Committee of Attorneys-General or SCAG, is working on this. I am not optimistic that it will reach a landing, but at this stage I think the safest position is to oppose and to continue to support the programs and rehabilitation. I remember that cuts to literacy programs in prisons was one of the first things to occur when the O'Farrell Government was elected. I found that to be extraordinary. I will leave my contribution at that.

The Hon. ROD ROBERTS (23:33): I make a short contribution to debate on the Children (Criminal Proceedings) Amendment (Age of Criminal Responsibility) Bill 2021. One Nation will not be supporting the bill. I too served on the First Nations committee and I concurred with a vast number of the recommendations that were made. I dissented then, and continue to do so, on raising the age of criminal responsibility. My experience with the criminal justice system and from listening very carefully during the committee inquiry on First Nations people is that the vast majority of children who find themselves in the criminal justice system come from disadvantaged families. That is probably not disputable. Simply raising the age of criminal responsibility, though, will not change the status quo in society. To change that, we need to change the wraparound services that address the issues in the first place, such as lack of education, lack of housing, lack of health and those drivers that perhaps allow children to slip into a life of crime. Simply raising the age of criminal responsibility and saying those under 16 are not going to jail will change bugger-all.

The approach taken needs to be supplemented and augmented by a complete change to the social welfare system in this State. Let us ground our feet in reality for a moment. When a juvenile person comes into the criminal justice system, ending up in detention is the absolute last resort. First of all, being arrested and involved with the police will lead to the caution system, which a juvenile is entitled to. They first receive a number of cautions from the police before they get anywhere near a court system. Then they go before a court and an independent magistrate, who has available to them a number of alternative pathways, such as good behaviour bonds, the equivalent of section 10, or being released into the custody of parents or a guardian. All magistrates explore other alternatives first because, like the rest of us in this Chamber, they do not want to see juveniles in jail. When the alternatives have expired, they are left with no option. That option is detention.

We are not talking about the times of Oliver Twist, when children were sent to jail for stealing a loaf of bread. We are talking about extremely serious crimes. I point out a bit of reality. Ms Abigail Boyd has said that disadvantage leads some to a life of crime. She is correct. I can tell you now that there are some children of 15 or 16 years of age who choose a life of crime. They have come from very respectable homes and live in good circumstances. They have been enticed and mystified by gangster shows on TV and decide, "That is me. I want to be a gangster. I want to emulate those people." It is not because they are disadvantaged but simply because of choice. That must always be remembered. I agree that that is not all of them. The vast majority come from disadvantage, but some make it a lifestyle choice. What we do with them? Let them go? They cannot go to jail because they are not 16. I could go on for ages but I will not because I note the time. I have summed up what is going to happen in the House tonight. But, like others said, let us wait and see what the Council of Attorneys-General comes back with. I close my contribution by saying once again that we will not support the bill.

Debate adjourned.

*Documents***GREYHOUND RACING INJURIES****Production of Documents: Order**

The Hon. MARK PEARSON: I move:

That private members' business item No. 1582 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK PEARSON (23:39): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 August 2021 in the possession, custody or control of the Greyhound Welfare & Integrity Commission, Greyhound Racing New South Wales or the Minister for Better Regulation and Innovation, relating to greyhound racing injuries:

- (a) all correspondence between veterinarians, stewards and senior officers relating to:
 - (i) catastrophic injuries that may or have occurred to greyhounds during racing; and
 - (ii) track conditions that may cause or have caused injuries to greyhounds during racing.
- (b) all correspondence relating to the resignation of any veterinarian from the Greyhound Welfare & Integrity Commission or Greyhound Racing New South Wales; and
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This Standing Order 52 motion is an extremely limited request for information about catastrophic injuries and correspondence relating to the resignation of veterinarians since 1 August this year. It relates to the inquiry that is on foot at the moment into the Greyhound Welfare & Integrity Commission. I have learned that the information will be helpful for the committee's deliberations on the issues before it. I ask the House to accept this limited request for documents under Standing Order 52.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (23:40): The Government does not support this call for papers, not for any reason that is massively ideological, except to say this—

Mr David Shoebridge: The regular cover-up?

The Hon. DAMIEN TUDEHOPE: Quite the contrary. In seeking those papers under Standing Order 52, the member has—if I can use expression—put the cart before the horse.

Mr David Shoebridge: Before the greyhound.

The Hon. DAMIEN TUDEHOPE: Well, okay. This morning the Minister for Better Regulation and Innovation tabled the annual reports of Greyhound Racing NSW and the Greyhound Welfare & Integrity Commission. I encourage the member to review those documents before pursuing other documents under Standing Order 52 because I think he will find that most of the information he is seeking is contained in those documents.

The Hon. COURTNEY HOUSSOS (23:41): I indicate that the Opposition will support the call for papers. We do not take a view on the subject matter, but we support an independent regulator and we also appreciate the need for openness and transparency in that process.

Mr DAVID SHOEBRIDGE (23:41): The Greens support the motion under Standing Order 52. We do take a view on the subject matter. If all the information is in the annual reports, which I absolutely doubt, that would make the motion easier to respond to. For those reasons, we support this Standing Order 52 motion.

The Hon. MARK PEARSON (23:42): In reply: I thank members for their support. I say to the Government that I very much doubt that the documents are contained in the annual reports. Therefore, the motion is required.

Motion agreed to.*Business of the House***POSTPONEMENT OF BUSINESS**

The Hon. SHAYNE MALLARD: On behalf of Mr Justin Field: I move:

That private members' business item No. 1580 be postponed until a later hour.

Motion agreed to.

The Hon. SHAYNE MALLARD: On behalf of the Hon. Rose Jackson: I move:

That private members' business items Nos 1531 and 1578 be postponed until a later hour.

Motion agreed to.

The Hon. SHAYNE MALLARD: On behalf of the Hon. John Graham: I move:

That private members' business item No. 1487 be postponed until a later hour.

Motion agreed to.*Documents***FIREARMS REGISTRY CONSULTATIVE COUNCIL APPOINTMENT****Production of Documents: Order**

The Hon. MARK BANASIAK: I move:

That private members' business item No. 1550 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK BANASIAK (23:44): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2020 in the possession, custody or control of the Minister for Police and Emergency Services, or the NSW Police Force (NSW Firearms Registry or the Police Prosecutions Licensing and Enforcement Command) relating to the appointment of Professor Joel Negin to the Firearms Registry Consultative Council:

- (a) all records relating to the appointment of Professor Joel Negin to the Firearms Registry Consultative Council, including:
 - (i) all correspondence, notes, and phone records between the NSW Firearms Registry and Professor Negin;
 - (ii) all correspondence, notes, and phone records between the Police Prosecutions and Licensing Enforcement Command and Professor Negin;
 - (iii) all records of all interview panel members concerning their assessment of all applicants to the fill the position on the Firearms Registry Consultative Council, as communicated by email to members of the Council on 15 October 2021; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

All members will be acutely aware that appointments to government boards and committees are bound by established procedures set out by the Department of Premier and Cabinet, which are required to be robust and transparent. The public rightly has a legitimate expectation that the appointment of members to government committees will be 100 per cent transparent, and that the selection process will be impartial and beyond reproach. Regrettably, that is not always the case. Earlier this year the Firearms Registry Consultative Council was established to advise police on firearms issues. The inaugural committee included representatives of the firearms peak associations mentioned in the Firearms Regulation, including the Antique Arms Collectors Society of Australia. For those members who are not aware, antique firearms have unique regulatory requirements, so it is essential that someone with relevant expertise be on the council.

Regrettably, the member of the Antique Arms Collectors Society of Australia has had to stand down from that committee. In a surprising move, they were replaced by Professor Joel Negin from the University of Sydney School of Public Health. Professor Negin has no expertise in firearms matters. His academic expertise is in infectious diseases and community health issues in developing countries. Professor Negin's appointment is at odds with the stated basis for selection of council members. Not only that, Professor Negin asserted in an opinion piece in *The Sydney Morning Herald* on 28 April this year that the National Firearms Agreement had contributed to the reduction in firearms violence, which was in fact evident well before the National Firearms Agreement came into place. Even anti-gun advocates like Simon Chapman and Philip Alpers acknowledged in their 2016 paper in the *Journal of the American Medical Association* that "it is not possible to determine whether the change in firearm deaths can be attributed to the gun reforms."

Given Professor Negin's propensity to deliberately draw false conclusions, I suggest that he is not a fit and proper person to sit on that council. I also question the motive of the decision-makers, whom I will not name, although I could. The process and reasons for his appointment to the Firearms Registry Consultative Council must be thoroughly examined and made transparent. We need to understand how and why other applicants, including those with extensive expertise in firearms law and regulation, were passed over in favour of a candidate without

relevant expertise, and who is prepared to make factually incorrect comments about the impact of the 1996 gun law reforms. I commend the motion to the House.

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (23:46): The Government will not oppose the motion.

The Hon. WALT SECORD (23:47): The Opposition supports the motion.

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

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. SHAYNE MALLARD: On behalf of the Hon. Daniel Mookhey: I move:

That private members' business item No. 1506 be postponed until a later hour.

Motion agreed to.

Ms ABIGAIL BOYD: I move:

That private members' business item No. 1569 be postponed until a later hour.

Motion agreed to.

Documents

NEW INTERCITY FLEET

Production of Documents: Further Order

The Hon. JOHN GRAHAM: I move:

That private members' business item No. 1525 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. JOHN GRAHAM (23:48): I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents, in electronic format if possible, created since 1 January 2014, excluding any documents previously returned under an order of the House in the possession, custody or control of the Minister for Transport and Roads, Transport for NSW, NSW Trainlink, Sydney Trains, State Transit, Railcorp, or the Department of Premier and Cabinet relating to the New Intercity Fleet [NIF]:

- (a) all documents, including all reports, all recommendations, and all correspondence regarding safety and safety management systems;
- (b) the operation instruction manuals and all documents and correspondence regarding the operation instruction manuals;
- (c) all documents, all correspondence, all communication, all reports and all recommendations relating to the inclusion or exclusion of train guards on the New Intercity Fleet;
- (d) all documents, all correspondence, all communication, all reports and all recommendations regarding customer service guards on the New Intercity Fleet;
- (e) all contracts, all deeds, all proposed and issued contract variations and all related documents, all correspondence, all communication, all minutes, all reports regarding the New Intercity Fleet and Rail Connect NSW, Hyundai Rotum, UGL, Mitsubishi;
- (f) all documents, all correspondence, all communication, regarding the preparation of the tender of the New Intercity Fleet and the final tender for the New Intercity Fleet;
- (g) all documents, all correspondence, all communication, all business cases, all reports and evaluation rationales regarding the appointment of Rail Connect NSW, Hyundai Rotum, UGL, Mitsubishi as the successful tenderer for the New Intercity Fleet project;
- (h) all documents, all correspondence, all communication and all reports relating to contract designs, operating models, design and output specifications of the New Intercity Fleet;
- (i) all documents, all correspondence, all communication and all reports regarding the inclusion or exclusion of traction interlocking of the crew cab door and the passenger emergency button on the New Intercity Fleet;
- (j) all documents, all correspondence, all communication, all reports, all minutes, relating to any consultation with disability groups and agencies, workgroups, community groups;
- (k) a copy of each non-disclosure agreement which relates to the New Intercity Fleet;
- (l) all documents, all communication and all correspondence regarding design deficiencies of the New Intercity Fleet;

- (m) all documents, all correspondence, all communication relating to the New Intercity Fleet and the lack of compliance or implementation with the Rail Safety National Law (NSW) No 82a, Rail Safety (Adoption of National Law) Act 2012 No 82, Rail Safety National Law National Regulations 2012, or Rail Safety (Adoption of National Law) Regulation 2018;
- (n) all documents, all correspondence, all communication with the National Rail Safety Regulator [ONRSR] regarding New Intercity Fleet;
- (o) all documents, all communication, all correspondence, all reports, all meeting minutes relating to consultation or feedback with or from any union or employee representative groups regarding the New Intercity Fleet; and
- (p) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House. This motion calls for papers under Standing Order 52 relating to the New Intercity Fleet. The House has dealt with a similar issue, and I refer members to those contributions from the Opposition. I indicate that shortly my colleague the Hon. Mark Buttigieg will be moving an amendment to the date to make it clear that the call for papers sits neatly alongside the papers that have been produced for the House already. It carries on from that date forward so as to join up with those other papers, which I understand have been litigated somewhat upstairs. I will not go into more detail, but the Opposition sees it as very much in the spirit of the earlier call for papers.

The Hon. MARK BUTTIGIEG (23:49): I move:

That the motion be amended by omitting "created since 1 January 2014, excluding any documents previously returned under an order of the House" and inserting instead "created since 10 November 2020".

The Hon. DAMIEN TUDEHOPE (Minister for Finance and Small Business) (23:50): I thank the Hon. Mark Buttigieg for the amendment that has been moved. This matter has been traversed on a number of occasions, and my major concern was that this is just another one. To the extent that it has been narrowed to papers that have not been produced and the dates have been concertinaed to a more specific range, the order has more clarity about it and does not fit within the notion of previous orders. It completes a continual fishing expedition that something might turn up sooner or later. On the basis of the amendment that has been moved, the Government will not oppose the motion.

The PRESIDENT: The Hon. John Graham has moved a motion to which the Hon. Mark Buttigieg has moved an amendment. The question is that the amendment be agreed to.

Amendment agreed to.

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

Motion as amended agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. SHAYNE MALLARD: On behalf of the Hon. Emma Hurst: I move:

That private members' business item No. 1558 outside the order of precedence be postponed until a later hour.

Motion agreed to.

Documents

STATE CONCERT MUSICIAN FEES

Production of Documents: Order

The Hon. JOHN GRAHAM: I move:

That private members' business item No. 1548 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. JOHN GRAHAM (23:53): I move:

- (1) That this House notes that:
 - (a) musicians are some of our State's lowest paid workers;
 - (b) as New South Wales reopens from lockdown, musicians will be one of the last groups to return to work;
 - (c) the New South Wales Government is providing funding to help the live music sector back on its feet; and
 - (d) when public money is spent on live music performance, as a matter of principle, musicians should receive at least a minimum wage.
- (2) That this House calls on the New South Wales Government to implement a \$250 minimum fee requirement for each musician, where public money is being spent on an event.

- (3) That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of Treasury, the Department of Premier and Cabinet (Create NSW), Destination NSW, the Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, or the Minister for Jobs, Investment, Tourism and Western Sydney relating to musicians fees for State-sponsored concerts:
- (a) all documents, including briefs, briefing notes, reports, updates, presentations, plans, and guidelines, relating to musicians' fees for Summer in the Domain, Winter in the Domain, Sunset Piazza, Great Southern Nights 2020, or Great Southern Nights 2022;
 - (b) all funding agreements or guidelines in relation to Summer in the Domain, Winter in the Domain, Sunset Piazza, Great Southern Nights 2020, or Great Southern Nights 2022; and
 - (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I cannot think of a better time than right on midnight to debate this motion about the fate of musicians, what they do for the city and what should be done for them in return. I think that is fantastic.

The Hon. Damien Tudehope: Couldn't be planned better.

The Hon. JOHN GRAHAM: I perhaps would not have complained about a more media-friendly time for this recent Opposition campaign. But here we are now, so I intend to prosecute the case strongly. This is a simple call for papers. We join a campaign in other States. This matter has been agreed to in South Australia, in Western Australia and in Queensland and is under consideration in Victoria. To its credit, the Government is applying public funding to the music sector. The Opposition has campaigned for that, but the Government is delivering money. Where public money goes in, musicians should get a minimum wage. That is the position we are taking.

The campaign is calling for \$250 for each musician each time they play. That is just the public expectation. People assume if that money is flowing in from taxpayers to support big events that the workers—some of the lowest paid workers in the State—are getting their fair share of that, which is what we seek to ensure here. There have been discussions with Ministers and the Government; the Government has certainly not dismissed that campaign. We are hopeful that in New South Wales, too, we will see this principle adopted. Where there is public money and where musicians are playing at publicly supported events, they should get the basic payment. It is as simple as that, and in light of the time I leave my contribution there.

The Hon. BEN FRANKLIN (23:55): I do not doubt the commitment of the Hon. John Graham to the live music industry. But equally—in fact, even more—I do not doubt the commitment of the Government to that industry. The Government recognises that live music is one of the sectors most heavily impacted by the pandemic. Delivering live music events supports an intricate network of professionals, from musicians, managers and agents to promoters, crew, technicians, music teachers and more. The Government understands that supporting live music is critical to the recovery of the broader economy. A thriving live music scene is a key part of the New South Wales Government's commitment to growing a vibrant, safe and diverse 24-hour economy and enhancing the State's position as a global destination.

Members will be delighted to hear that Great Southern Nights involves multiple stakeholders across Government and the private sector. The major events sector is a highly competitive environment that drives significant economic benefit to host destinations. The New South Wales Government's investment in events is commercial in confidence, but let me talk about Great Southern Nights for a moment. As with many aspects of the COVID-19 recovery, New South Wales has led the country in kickstarting the live music industry with a range of targeted stimulus programs and activities. It began in mid-2020 with the announcement of the Australian-first Great Southern Nights event, an initiative wholly designed to get venues, artists, hospitality and support crews back on their feet.

The Hon. Mick Veitch: Sing us a song.

The Hon. BEN FRANKLIN: I might shortly. The program comprised more than 2,500 artists performing 1,100 gigs in 313 venues across Sydney and New South Wales throughout the month of November, with headline shows by Australia's most loved artists including Jimmy Barnes, Tones and I and Jessica Mauboy as well as emerging local talent. Led by Destination NSW in partnership with the Australian Recording Industry Association, or ARIA, Great Southern Nights was a resounding success in getting venues reopened, performers back on stage and audiences enjoying live music once again.

More than 75,000 tickets were sold to our Great Southern Nights gigs, and one venue reported its strongest November trade in more than six years. The New South Wales Government amplified its support for the return of live music, backing two major concerts at Qudos Bank Arena as part of Great Southern Nights on 28 November and 5 December 2020. Each Great Southern Nights concert welcomed 5,000 music lovers in a fully seated,

COVID-safe setting. The APRA AMCOS CEO Dean Ormston, for whom the Hon. John Graham and I both have immense respect, called Great Southern Nights the "the ideal post-COVID celebration":

This investment for a month-long, statewide festival of live music will be a vital first step in reviving live music and helping foster safe and vibrant night-time economies. Great Southern Nights has the potential to be a catalyst for venues, towns and centres to utilise the huge cultural, economic and social benefits of staging live music.

The Government has so many other initiatives that I do not have time to name them all. The New South Wales Government will deliver another Great Southern Nights event in 2022. It will take place from 18 March to 10 April, and I encourage every member of this Chamber to get out and hear some good live music.

The Hon. MARK BUTTIGIEG (23:58): Being the father of a budding musician, I go on the record in thanking my colleague the Hon. John Graham for moving the motion. This is a very serious and important issue. We essentially have people doing the work of entertaining the people of New South Wales while events are getting taxpayers' money that is not flowing through to the people who deserve it. It is high time that we recognise their value and the contribution that they make. Like any worker, they should be paid for a good day's work after entertaining people. I commend the motion to the House and again congratulate my colleague the Hon. John Graham on bringing the issue to the attention of the House. The associated call for papers under Standing Order 52 calls for transparency in funding for the various grants that have been given. It is an important motion and a campaign that we will continue until we get justice for workers, like we always do. I am sure that the Government will make good on its word and reward workers for what they deserve, in particular, musicians.

The Hon. JOHN GRAHAM (23:59): In reply: I thank all members who spoke in debate on the motion.

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

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.

WASTE INCINERATORS

REGIONAL SCHOOLS

The Hon. TARA MORIARTY (00:00): Regional communities right across southern New South Wales are being let down by the New South Wales Government. Their concerns are being overlooked by the Liberal-Nationals Government, which is more interested in headlines and photo opportunities than fixing the real issues at hand. In the electorate of Goulburn and the community of Tarago, residents have been left furious over a recent decision by the State Government that would see an incinerator built at the local waste precinct. The \$600 million plant would burn up to 380,000 tonnes of waste in the backyards of farmers raising livestock and growing crops. Burning waste poses both environmental and health concerns to surrounding communities. It was these reasons that led the Government to reconsider its decision to construct an incinerator in western Sydney in 2018. Yet the Government does not seem to be budging on its proposal in the Goulburn region.

There is no reason regional communities should be treated differently and left to deal with the waste problems of Sydney and other parts of New South Wales. There is a large amount of community opposition in the region, including from the local council, which is very concerned about the potential damage to the area as well as potential health concerns. The community's concerns should be heard; they deserve better than to be a dumping ground. It is not good enough; rural New South Wales deserves better. This is just one example of the Government's disregard for the voices of regional New South Wales.

In the electorate of Monaro, not too far from the Goulburn region, parents and families have been left scratching their heads about the Government's decisions on local schools—something we have discussed at length in this place this week. It is well known that places like Jerrabomberra and Googong are growing, with families moving to the regions to set up their lives. It is great to see so many people choosing this region to call home, but under current school plans families will not be able to educate kids in their neighbourhood for some years to come. On Monday the Government re-announced the planning stages for Jerrabomberra High School that will be too small before it even opens its doors. Currently the Jerrabomberra Public School has 942 students enrolled. Yet under this Government these same students will get a high school that only caters for 500 students.

On Saturday, along with the Leader of the Opposition, Chris Minns, I sat down with the presidents of the Googong Residents' Association and the Jerrabomberra Residents' Association. They expressed frustration about plans for new schools in the local area. The schools are welcome, supported and needed but they need to be fit for purpose. These parents and local community groups know what is needed to meet their growing community and the Government needs to listen to them. In the electorate of Bega residents tell a similar story. They feel forgotten by this Government. At the end of 2019 communities along the South Coast were hit hard by the Black Summer bushfires, as all members know. Nationally the summer bushfires burnt 10 million hectares, claimed 33 lives and destroyed 3,000 homes. Some lost everything they had.

Two years on communities are still struggling to recover from the 2019-20 blazes. Of those who lost their homes only one in 10 families on the South Coast have been able to rebuild. Many are still living in temporary accommodation, forced to live in tents or caravans. Residents have told stories about their difficulties to find labour to rebuild, living without adequate access to housing and water. Others have spoken of the mental health toll that has come with the stresses of rebuilding after the fires. Advocates have called out the lack of ongoing support from the Government, saying that they feel abandoned by the Liberal-Nationals Coalition. Whether it be schools, energy proposals or support services, the Government keeps missing the mark in southern New South Wales. This is not good enough and these communities deserve better. I take this opportunity to thank those community groups and residents that are standing up to make sure that their voices are heard. It is time that the Government listened to the voices of people in southern New South Wales.

AUSTRALIA AND REPUBLIC OF KOREA DIPLOMATIC RELATIONS

The Hon. SCOTT FARLOW (00:04): I mark the sixtieth anniversary of diplomatic relations between Australia and the Republic of Korea. The Republic of Korea is one of our closest partners and has been since the commencement of our diplomatic relations in 1961. Our relationship is based on the soundest of foundations. We share values of freedom, democracy, universal human rights and the rule of law, as well as mutual respect, trust, close people-to-people ties and a commitment to an open, inclusive, and prosperous Indo-Pacific region. Those shared values were reaffirmed recently in September when foreign affairs Minister Marise Payne and defence Minister Peter Dutton met with the Minister of Foreign Affairs of the Republic of Korea, Chung Eui-yong, and the Minister of National Defense of the Republic of Korea, Suh Wook. A visit to Australia by Korea's President Moon in December is currently being speculated.

Australia and Korea's ties go back much further than 1961. The first interactions between Australia and Korea occurred at Pusan on 2 October 1889 with the first Australian missionaries to Korea, Presbyterian Rev. Joseph H. Davies and his sister Mary. After that, 126 Australian missions went to Korea. Australia and Korea's friendship has been longstanding and was literally forged on the battlefield. When the Korean War broke out, Australia, under Prime Minister Robert Menzies, went to the aid of South Korea and sent 17,000 troops. Australian casualties in that war numbered 1,586, and 340 Australians paid the ultimate sacrifice on Korean soil in the defence of freedom. I had the great fortune to visit Gapyeong where 32 Australians lost their lives. The Battle of Gapyeong also marks its seventieth anniversary this year. The war memorial at Gapyeong attests to Australia's fight for freedom. At the War Memorial of Korea an inscription reiterates that freedom is not free.

Australia's friendship with Korea continues to go from strength to strength. Korea is Australia's fourth largest trading partner and fourth largest export market. The relationship is strengthened by New South Wales Sister State Agreement with the Seoul Metropolitan Government. In fact, this year marks the thirtieth anniversary of that agreement. That is incredibly important considering that Korea is one of New South Wales largest trading partners, with around \$6.2 billion of bilateral merchandise trade occurring in 2015-16. Prior to the COVID pandemic, Australia, particularly New South Wales, was a destination of choice for tourism with 211,800 Koreans visiting New South Wales, contributing some \$588 million to our economy.

From December 2021 Korean citizens who are vaccinated will be able to travel freely to Australia, hopefully bringing in a large amount of international students and tourists. New South Wales is well served by the Korea-Australia Free Trade Agreement, which particularly supports coal, copper, meat and aluminium exporters in New South Wales. Korea is also a source of a large number of international students to Australia. We are hopeful that those markets can continue to diversify under the agreement, particularly in the areas of advanced manufacturing, pharmaceuticals, fintech and green hydrogen. Today many Koreans call Australia home. Australia has the sixth largest Korean community outside of Korea, with over 150,800 Koreans living mostly in Sydney or Melbourne. In the area I grew up in Strathfield, and where I was also mayor, I saw firsthand the great work of the Korean community in action and the richness that was brought to the community. I enjoyed the great array of Korean food and culture without even getting on a plane.

Our relationship with Korea is served well by the Korean community in New South Wales and the Republic of Korea's Consul-General, Mr Sangwoo Hong. The Consul-General is a great friend to Australia and is always on hand to support the Korean expat community. He regularly sends out communications to the Australian

community, and I was particularly impressed with his communications to the community throughout the COVID-19 pandemic. The Consul-General regularly issued updates on the COVID-19 situation and spent a significant amount of time assisting the New South Wales Government in disseminating information throughout the Korean community in New South Wales and through the Korean Society of Sydney. That assistance was very much appreciated, and I thank him and the Korean community for their friendship and support during a trying time for our State and nation.

I look forward to joining with the Consul-General again in the near future to celebrate the sixtieth anniversary of our diplomatic relations. On the anniversary of our diplomatic relations with the Republic of Korea, I am proud to say that our relationship is as strong as it has ever been. I look forward to our relationship continuing to grow in new and exciting ways as both nations emerge from the COVID-19 pandemic with even greater bonds. Chughahabnida. Congratulations on the sixtieth anniversary.

AMAZON WORKERS

The Hon. ADAM SEARLE (00:09): This week the Shop, Distributive and Allied Employees Association [SDA], the Transport Workers' Union and unions across the world are calling for an end to poor working conditions and low wages for Amazon workers. As Black Friday sales begin this Friday, not just in America but also in Australia and in many other countries, Amazon workers around the world will face ever greater pressure and stress to fulfil orders. The race to the bottom on wages and secure jobs is a global problem, and Amazon is a prime example of this. Drivers for Amazon Flex who use their own vehicles to deliver packages for Amazon are not even getting minimum wage, have no rights and are being pressured to drive dangerously overloaded cars to avoid being sacked on a whim. This week is an opportunity to remember that Amazon workers, who kept filling and delivering orders throughout the pandemic, deserve respect and have a right to a safe workplace, as all workers do.

While profits soar for Amazon, doubling in the first half of 2021 compared to the same period in 2020, workers are left with little or no pay rises and work unimaginable hours without breaks. One only has to see the award-winning movie *Nomadland*, which was essentially a documentary, to see the conditions in which many Amazon workers are forced to earn a living. Internationally Amazon employs about 1.468 million workers. In Australia it is about 3,500. I think Amazon Flex says that it employs over 2,000 people in Australia. To put that in perspective, Amazon's revenue for the quarter ending 30 September 2021 was US\$111 billion, which was a 15.26 per cent year-on-year increase. Revenue for the 12 months to that same date was nearly US\$458 billion, which was a 31.62 per cent year-on-year increase. The company's annual revenue for 2020 was US\$386 billion, which was a 37.62 per cent increase on 2019. To give it some perspective, Amazon's revenue stream outstrips that of the State Government of New South Wales, and it might even be as large, if not larger, than the revenue stream of the Commonwealth Government. The company has also seen a staggering rise of nearly 23 per cent in gross profits. And the figures roll on; the scale of the profitability of that enterprise is staggering.

In too many of their sites across the globe, Amazon workers, who produce those astounding financial outcomes for the company, are forced to work in unsafe environments and are often too afraid to speak out or to join their union in fear of retaliation. The lengths to which Amazon management has gone to stop unionisation of its workforce has become the stuff of legend, but in a negative sense. The SDA, as the union for Amazon online retail workers in Australia, has worked tirelessly to stop the Americanisation of wages and working conditions here. The Transport Workers' Union is also working hard to protect safe standards for transport workers who deliver Amazon's goods to consumers.

From the day Amazon opened its first site in this country, the SDA has worked to enforce and lift safety standards at those sites. The union has even taken legal action to stand up for workers who have faced discrimination at work and has upheld relentlessly safety standards at Amazon's Australian sites. That is why in December 2018 the SDA and the Transport Workers' Union formed the Online Retail and Delivery Workers Alliance to further efforts to ensure that workers are protected in every step of the supply chain. I recognise the hard work of those two unions, their committed and hardworking officials, and their members, whose daily work our community can so often take for granted by not connecting in our minds the consequences of our online clicking and the resulting delivery of the goods that we purchase with the daily grind performed by Amazon employees and contractors.

A secure job with a fair wage does not have to be a thing of the past for Australian workers. But with harsh economic forces at play, which are rapidly reshaping the entire world of work, and the industrial regulatory architecture currently in place, which is inadequate to meet the challenges posed by such rapid changes, that is not a given and will only be brought about by the resolute and ongoing efforts of the kind that we see from the SDA and the Transport Workers' Union. It is great to see that two of our most significant unions are not standing by and allowing Australian working conditions to be undermined. I congratulate them on their work and urge them onwards.

CHRISTMAS

Reverend the Hon. FRED NILE (00:14): Tonight I want to speak about Christmas celebrations. What a year it has been. We are very pleased that COVID-19 is fading away and the associated lockdowns are concluding. Parliament is back to business and Christmas is upon us. Members may have noticed that a beautiful nativity scene has been laid out in the fountain court of Parliament House. This display is arranged by the Evangelical Sisterhood of Mary and they have been doing this for many years now, at my request, as part of the parliamentary tradition. My staff have circulated to the offices of members a thank-you letter to the good sisters. I ask members to please sign it as a measure of appreciation of the sisters' godly work. I encourage members to take photos in front of the nativity scene, which has been erected tonight, to share with their families and communities over the Christmas season.

Christmas is more than the season of material gift-giving and family. Christmas celebrates the birth of our Lord and Saviour Jesus Christ. Jesus taught and demonstrated unconditional love. This unique concept lies at the very heart of the teachings of Jesus and the Christian message. The followers of Jesus have continued to share his love, compassion and care with people everywhere. This is reflected in the many Christian hospitals, schools and humanitarian programs around the world. To care for our fellow humans is a very Christian belief based on the life and teaching of Jesus Christ himself. When we consider the impact of the life of Jesus in our world, we can see why he is considered the most influential person in history and understand why his birth is so important to us all.

But the most important reason for the birth of Jesus is that he came to save us from our sins. We have all been separated from God by our sins and mistakes. That is why the birth of Jesus is so important: He came to restore us to God our Heavenly Father that we may have eternal life forever with him. He did this by dying on the cross to pay the penalty for our sins and overcoming the power of death through his resurrection. That is the greatest gift a person will ever receive—the gift of eternal life through Jesus Christ. I say to members: Why not welcome him into your life today? *The Bible* states at John 1:12:

...to those who believed in his name, he gave the right to become the children of God.

That is the good news of who Jesus is and why his birth is important to everyone. The good news fills us with hope, and promises life and peace. As the year draws to a close, I urge members to spend time with those who are important to them—their friends, their family and their community. May the Lord bless you all as we celebrate Christmas and the birth of our Saviour Jesus Christ. God bless you.

TRIBUTE TO NEVILLE BONNER

The Hon. PETER POULOS (00:17): Last night during my inaugural speech I made reference to the late Neville Bonner, AO. I feel that I have an obligation to expand on my remarks because Neville Bonner was so deserving and it is incumbent on all of us, especially those members on this side of the Chamber, to appropriately recognise and celebrate the contributions of our political heroes. Neville Bonner was a trailblazer. This is not a term I apply lightly. He was courageous, forthright and dignified. He had real poise. I respectfully acknowledge his contributions to our nation and celebrate his life.

I will dedicate my tribute specifically to the inaugural speech made by Neville Bonner on 8 September 1971. This was a historic and seminal moment in the political history of Australia and I consider myself so privileged to be able to reflect on it. Honourable members are no doubt aware that this year marks the fiftieth anniversary of Neville Bonner formally making his address as the first self-identified Indigenous Australian to enter the Commonwealth Parliament. He revealed so much of himself and the struggle of our Indigenous First Australians.

Neville Bonner was a Jagera man born in 1922 on Ukerebagh Island, Tweed Heads. That might not be widely known, since he was elected as a Liberal senator for Queensland. I truly marvel at his courage. Importantly, one really must appreciate the unique context of the times. Try to think of those times and place yourself in his position. It was 1971. Some members may have been born, but I was not. Neville Bonner projected a proud and defiant message to the nation, and invited everyone to try to connect with the plight of Aboriginal people. He delivered a truly incredible oration. I encourage honourable members to familiarise themselves with his speeches, to absorb his spirit and his message. Neville Bonner spoke on behalf of his Elders, past, present and emerging. With the indulgence of the House, I will share some of the more moving observations made by Neville Bonner, who applied a gentle prose while delivering a painful account of history. Humbly, he revealed much about himself when he stated:

I have graduated through the university of hard knocks. My teacher was experience.

Some of his comments also displayed a sense of optimism based on forgiveness. Indeed he was an extraordinary individual. I will focus on some of the more telling references from his inaugural speech in particular. He said:

For a very short time all within me that is Aboriginal yearns to be heard as the voice of the indigenous people of Australia. For far too long we have been crying out and far too few have heard us. I stand humbly in the presence of honourable senators to bring to their attention what I believe to be the lot of those of my race in 1971. It would be an understatement to say that the lot of fellow Aboriginals is not a particularly happy one. We bear emotional scars - the young no less than the older. By and large we are unskilled with, here and there, a breakthrough. In early days we were a very simple people. My people had simple needs. We saw no need for agriculture or industry because nature provided our needs for over 20,000 years. 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. But that is history and we take care now of the present while, I should hope, we look to the future.

Nothing more needs to be said; his message is timeless. In later years Neville Bonner drifted away from the Liberal Party over a number of important issues relevant to that time, including his advocacy for Indigenous rights and for opposing the drilling of the Great Barrier Reef. He was isolated by many colleagues within the Coalition at both a State and Federal level. But Neville Bonner was right; the Liberal Party was wrong. Even though he resigned from the party in 1983, he was later awarded life membership of the Liberal Party in 1998 by the then Prime Minister, John Howard.

Clearly it would have been a much better and richer experience for the Liberal Party if it had not let him go. Fortunately he reconciled with the party in later years. In 1979 Neville Bonner was named Australian of the Year in recognition of his advocacy for Indigenous rights. In 1984 he was appointed an Officer of the Order of Australia. He died in Ipswich in 1999 and was given a State funeral. To this day a Federal electorate is appropriately named in his honour. Neville Bonner may no longer be with us but, through his well-considered public sentiments, he is still speaking to us. Some 50 years later we must listen and act. I remain hopeful that we will.

OUTDOOR EDUCATION PROVIDERS

The Hon. MARK BUTTIGIEG (00:22): Earlier this week I met with a major provider of school camps, which pointed out that the sector is suffering terribly because it has been left out of the COVID recovery. That could have a devastating impact on the wellbeing of our schoolkids. I put on record some facts: The outdoor education industry of New South Wales supports some 77,000 full-time-equivalent positions and generates \$7.6 billion annually for the New South Wales economy. Mental health and wellbeing outcomes for young people are falling off a cliff, and school camps are a proven antidote to that looming youth crisis. Overnight school outdoor education camping is the only New South Wales industry that is still under COVID lockdown restrictions and there is no COVID restart date and no government funding. On 2 September 2021 the Premier told the people of New South Wales:

We will continue to stand by businesses and individuals and provide the support needed. We will also be there on the other side as we emerge from lockdown and head towards recovery.

One school camp provider in regional New South Wales to the north of Sydney would normally employ 260 people this week. He is down to a skeleton staff of just 20. That is 240 people out of work due to the COVID lockdown. Another provider had a single 40-year-old employee with two university degrees and 15 years industry experience approach the camp owner in tears and ask, "What do I tell my landlord? I used all my savings during the last lockdown and I've used up all my leave in this lockdown, and my landlord's COVID support is ending. What do I tell my landlord when I can't pay the rent? I'm on reduced working hours because we're still in lockdown."

Outdoor educators require two to five years training to safely take school students into the great outdoors, invest in their resilience and character formation, and bring them safely back. They are leaving the industry in droves because the industry is locked down, and the Government has withdrawn support. They are looking elsewhere to support their families. You can hardly blame them in such dire circumstances. The Premier promised that he would be there "on the other side as we emerge from lockdown and head towards recovery". Without assistance to this sector, as many as 500 New South Wales Government schools will not have a school camp next year, because outdoor education providers will have collapsed under the weight of nil operating revenue since 26 June 2021.

Is the Premier a man of his word? Is the Government a government of integrity? Where is the Premier on this issue? Where is his Government whilst a key New South Wales industry that provides a key plank in every child's school year is crushed before his eyes? The Premier should recognise that this sector has fallen through the funding gap and has been totally ignored to date. I call on the Premier to make good on his word and be there for these providers and for our schoolchildren. He should immediately reinstate JobSaver support at 40 per cent payroll costs for all New South Wales outdoor education providers, backdated to 11 October and ending on the last day of the 2021 school year.

The PRESIDENT: The House now stands adjourned.

The House adjourned at 00:26 until Thursday 25 November 2021 at 10:00.