New South Wales

Legislative Council

PARLIAMENTARY DEBATES
(HANSARD)

Fifty-Seventh Parliament
First Session

Wednesday 23 February 2022

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday 23 February 2022

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.

Committees

PROCEDURE COMMITTEE

Extension of Reporting Date

The Hon. DAMIEN TUDEHOPE: I move:

That the reporting date of the review of the standing and sessional orders by the Procedure Committee be extended to 31 March 2022.

Motion agreed to.

Budget

BUDGET ESTIMATES 2021-2022 TIMETABLE

The Hon. DAMIEN TUDEHOPE: I move:

(1) That further to the resolution of the House of 16 November 2021 adopting the 2022 sitting calendar, the 2021-2022 additional budget estimates hearings be scheduled as follows:

Day One:	**Monday 28 February 2022**
PC 5	Emergency Services and Resilience
PC 1	Treasurer, Energy
Day Two:	**Tuesday 1 March 2022**
PC 6	Metropolitan Roads, Women's Safety and the Prevention of Domestic and Sexual Violence
PC 7	Environment and Heritage
Day Three:	**Wednesday 2 March 2022**
PC 5	Families and Communities, Disability Services
PC 3	Education and Early Learning
PC 1	The Legislature
Day Four:	**Thursday 3 March 2022**
PC 3	Skills and Training, Science, Innovation and Technology
PC 2	Women, Regional Health, Mental Health
Day Five:	**Friday 4 March 2022**
PC 6	Transport, Veterans
PC 1	Finance, Employee Relations
Day Six:	**Monday 7 March 2022**
PC 4	Customer Service and Digital Government
PC 5	Corrections
Day Seven:	**Tuesday 8 March 2022**
PC 7	Local Government
PC 1	Enterprise, Investment and Trade, Tourism and Sport, Western Sydney
Day Eight:	**Wednesday 9 March 2022**
PC 4	Lands and Water, Hospitality and Racing
PC 5	Deputy Premier, Regional New South Wales, Police
Day Nine:	**Thursday 10 March 2022**
PC 2	Health
PC 1	Premier
Day Ten:	**Friday 11 March 2022**
PC 7	Planning, Homes
PC 4	Small Business and Fair Trading
Day Eleven:	**Monday 14 March 2022**
PC 6	Infrastructure, Cities and Active Transport
PC 5	Multiculturalism and Seniors
Day Twelve:	**Tuesday 15 March 2022**
PC 4	Agriculture and Western New South Wales

PC 1 Aboriginal Affairs, Arts and Regional Youth

Day Thirteen: Wednesday 16 March 2022
PC 5 Attorney General
PC 6 Regional Transport and Roads.

(2) That for the purposes of the 2021 – 2022 budget estimates additional hearings:

(a) (i) each portfolio, except The Legislature, be examined concurrently by Opposition and Crossbench members only, from 9.30 a.m. to 11.00 a.m., and from 11.15 a.m. to 12.45 p.m., then from 2.00 p.m. to 3.30 p.m., and from 3.45 p.m. to 5.15 p.m., with 15 minutes reserved for Government questions at the end of the morning and afternoon session, if required; and

(ii) the portfolio of The Legislature be examined concurrently by Opposition, Crossbench and Government members from 9.30 a.m. until 12.30 p.m.

(b) Ministers be invited to appear for the morning session unless requested by the committee to appear also for the afternoon session;

(c) members may lodge supplementary questions with the committee clerk by 5.00 p.m. within two business days of receipt of the hearing transcript; and

(d) all hearings held at Parliament House must comply with the revised protocol entitled *COVID-safe model for the conduct of additional Estimates February/March 2022*.

Motion agreed to.

Committees

PORTFOLIO COMMITTEES

Establishment

The Hon. DAMIEN TUDEHOPE: I move:

(1) That the resolution appointing the seven portfolio committees reflecting Government Ministers' portfolio responsibilities adopted by this House on 8 May 2019, and as amended on 9 June 2021, 12 October 2021 and 13 October 2021, be further amended to reflect changes to Government Ministers' portfolio responsibilities as follows:

(a) **Portfolio Committee No. 1 – Premier and Finance**

Aboriginal Affairs, Arts and Regional Youth
Enterprise, Investment and Trade, Tourism and Sport, Western Sydney
Finance, Employee Relations
Premier
The Legislature
Treasurer, Energy

(b) **Portfolio Committee No. 2 – Health**

Health
Women, Regional Health, Mental Health

(c) **Portfolio Committee No. 3 – Education**

Education and Early Learning
Skills and Training, Science, Innovation and Technology

(d) **Portfolio Committee No. 4 – Customer Service and Natural Resources**

Agriculture and Western New South Wales
Customer Service and Digital Government
Lands and Water, Hospitality and Racing
Small Business and Fair Trading

(e) **Portfolio Committee No. 5 – Regional NSW and Stronger Communities**

Attorney General
Corrections
Deputy Premier, Regional New South Wales, Police
Emergency Services and Resilience
Families and Communities, Disability Services
Multiculturalism and Seniors

(f) **Portfolio Committee No. 6 – Transport**

Infrastructure, Cities and Active Transport
Metropolitan roads, Women's Safety and Prevention of Domestic and Sexual Violence
Regional Transport and Roads
Transport, Veterans

(g) **Portfolio Committee No. 7 – Planning and Environment**

Local Government

Planning, Homes

(2) That notwithstanding these amendments in the allocation of Government Ministers' portfolio responsibilities to the portfolio committees, the committees be authorised to conclude existing inquiries either self-referred or referred to them by the House.

Motion agreed to.

Motions

NATIONAL MUSIC INDUSTRY REVIEW

The Hon. JOHN GRAHAM (10:04): I move:

That this House:

(a) notes the recent commencement of the independent review into sexual harm, sexual harassment and systemic discrimination in the music industry (the National Music Industry Review);

(b) welcomes the review, noting it is a proactive step being taken and funded by the music industry;

(c) notes the contributions of the temporary working group; and

(d) encourages the participation of music industry professionals, including song writers and composers, artists and performers, crew, agents, members of the live touring companies and record labels, promoters, employees of record companies, managers, publishers, venue managers and staff and company executives.

Motion agreed to.

Documents

SYDNEY SCIENCE PARK

Tabling of Report of Independent Legal Arbiter

The Hon. MARK LATHAM (10:04): I move:

(1) That the report of the Independent Legal Arbiter, Mr Keith Mason, AC, QC, dated 4 October 2021, on the disputed claim of privilege on documents relating to an order for papers regarding the Sydney Science Park proposal, be laid on the table by the Clerk.

(2) That, on tabling, the report be published.

Motion agreed to.

Committees

PROCEDURE COMMITTEE

Reference

Ms ABIGAIL BOYD (10:05): I move:

That the Procedure Committee inquire into and report on:

(a) the merits of varying the standing orders to introduce live Auslan interpretation in the broadcasting of all or part of the Legislative Council's proceedings;

(b alternative mechanisms for ensuring the Legislative Council acts in accordance with the United Nations Convention on the Rights of Persons with Disabilities requiring equal access to information and communications (including through live sign language interpretation) signed by Australia in 2007; and

(c) any other related matter.

Motion agreed to.

Motions

TRIBUTE TO MR DENNIS ANDERSON

Ms ABIGAIL BOYD (10:05): I move:

(1) That this House notes with sadness the passing, on 1 December 2021, of greyhound welfare advocate and national President of the Coalition for the Protection of Greyhounds, Mr Dennis Anderson.

(2) That this House notes that:

(a) Mr Anderson joined the Coalition for the Protection of Greyhounds as Vice President in 2018 and as President in 2019, a role which he held until his passing;

(b) Mr Anderson became involved in greyhound welfare advocacy after investigating the story of his rescue greyhound Comet; and

(c) in an article Mr Anderson authored in the July-September 2019 issue of the *Greyhound Life Matters* magazine, he stated "I will certainly do my best as long as I can to save these wonderful dogs".

(3) That this House notes with thanks that:

(a) Mr Anderson represented the Coalition for the Protection of Greyhounds through parliamentary inquiry processes, including by authoring numerous submissions to various inquiries and appearing as a witness during hearings for the Select Committee on Animal Cruelty Laws in New South Wales; and

(b) Mr Anderson was scheduled to represent the Coalition for the Protection of Greyhounds at the 6 December 2021 hearing for the Select Committee on the Greyhound Welfare and Integrity Commission.

(4) That this House notes that prior to his retirement, Mr Anderson served in the Royal Australian Air Force for three decades, achieving the rank of Wing Commander.

(5) That this House acknowledges the efforts of Mr Dennis Anderson in greyhound advocacy and passes on its deepest condolences to Mr Anderson's family and the many community members who advocated alongside him.

Motion agreed to.

COUNCILLOR MATT STELLINO

The Hon. EMMA HURST (10:06): I move:

(1) That this House notes that:

(a) in December 2021, Matt Stellino from the Animal Justice Party was elected to Campbelltown City Council;

(b) Cr Stellino is the third member of the Animal Justice Party elected into local government, joining the three State members elected to Parliament;

(c) Cr Stellino's election highlights the continual growth of the animal movement and the deep concern the community feels about the state of animal protection in New South Wales; and

(d) Cr Stellino's top priority will be to protect the Campbelltown koalas, which is one of the last healthy koala populations in the state, but who are under threat from development – a task which is even more important now that New South Wales koala's population has been classified as endangered.

(2) That this House congratulates Cr Stellino on his election to Campbelltown City Council and wishes him success in his critical work to protect animals.

Motion agreed to.

Documents

FIREARMS LICENCES AND INSPECTIONS

Tabling of Report of Independent Legal Arbiter

The Hon. MARK BANASIAK: I move:

(1) That the report of the Independent Legal Arbiter, Mr Keith Mason, AC, QC, dated 8 December 2021, on the disputed claim of privilege on documents relating to an order for papers regarding firearms inspections and licensing, be laid on the table by the Clerk.

(2) That, on tabling, the report be published.

Motion agreed to.

MONARO FARMING SYSTEMS

Tabling of Report of Independent Legal Arbiter

Mr DAVID SHOEBRIDGE: I move:

(1) That the report of the Independent Legal Arbiter, Mr Keith Mason, AC, QC, dated 14 February 2022, on the disputed claim of privilege on documents relating to a further order for papers regarding Monaro Farming Systems, be laid on the table by the Clerk.

(2) That, on tabling, the report be published.

Motion agreed to.

Motions

TRIBUTE TO MR JOSEPH HILLARD

The Hon. COURTNEY HOUSSOS (10:08): I move:

(1) That this House notes with sadness the sudden passing of Mr Joseph Hillard on 11 October 2021 at the age of 68.

(2) That this House further notes that:

(a) Joe Hillard grew up in the towns of Armidale and Inverell, where he was an accomplished rugby league and rugby union player in his youth, representing New South Wales on the international stage;

(b) Joe went on to commit his life to social justice and his local community by undertaking countless volunteering roles, including for multiple Catholic parish councils across the New England, the Young Christian Workers, the St Vincent De Paul Society and as a member of the Gunnedah Show Society, where he ran the wool pavilion for many years;

(c) Joe's dedication to service was exemplified in his 34-year career as a Probation and Parole Officer, where he treated his often vulnerable clients with the utmost respect and decency. On the day of his funeral, the flags at Tamworth Gaol and the Corrective Services Academy in Sydney flew at half-mast in recognition of his service;

(d) Joe Hillard was a Life Member of the Australian Labor Party, and a proud member of the Australian Workers Union, having dedicated over 40 years of service to the labour movement, including many years as a branch and electorate council official, and running as the Labor candidate for Tamworth in 2015; and

(e) in 2015, Joe finally got to pursue his long-time dream of becoming a wool classer, which he was able to enjoy until his sudden passing.

(3) That this Houses sends its sincere condolences to Mr Joseph Hillard's family, friends and community.

Motion agreed to.

HIS GRACE BISHOP BARTHOLOMEW OF CHARIOUPOLIS

The Hon. COURTNEY HOUSSOS (10:09): I move:

(1) That this House notes that on 21 November 2021:

(a) the Archiepiscopal Vicar of Canberra, Bishop-elect Prochoros of Charioupolis was ordained His Grace Bishop Bartholomew of Charioupolis at St Nicholas Greek Orthodox Church in Marrickville, Sydney; and

(b) hundreds of people attended the ordination, which was presided over by His Eminence, Archbishop Makarios of Australia.

(2) That this House expresses its heartfelt congratulations to His Grace Bishop Bartholomew of Charioupolis and wishes His Grace the very best for his new appointment.

Motion agreed to.

Documents

BIOBANKS

Tabling of Report of Independent Legal Arbiter

Ms CATE FAEHRMANN: I move:

(1) That the report of the Independent Legal Arbiter, Mr Keith Mason, AC, QC, dated 17 December 2021, on the disputed claim of privilege on documents relating to an order for papers regarding biobanks, be laid on the table by the Clerk.

(2) That, on tabling, the report be published.

Motion agreed to.

DAM INFRASTRUCTURE

Tabling of Report of Independent Legal Arbiter

Ms CATE FAEHRMANN: I move:

(1) That the report of the Independent Legal Arbiter, Mr Keith Mason, AC, QC, dated 21 February 2021, on the disputed claim of privilege on documents relating to a further order for papers regarding dam infrastructure projects, be laid on the table by the Clerk.

(2) That, on tabling, the report and submissions be published.

Motion agreed to.

UNPROCLAIMED LEGISLATION

The Hon. DAMIEN TUDEHOPE: According to standing order, I table a list detailing all legislation unproclaimed 90 calendar days after assent as at 23 February 2022.

SYDNEY SCIENCE PARK

Report of Independent Legal Arbiter

The CLERK: According to the resolution of the House this day, I table the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 4 October 2021, on the disputed claim of privilege on the

Sydney Science Park, together with submissions received by Mr Mason during his evaluation of the documents in relation to the claim of privilege.

FIREARMS LICENCES AND INSPECTIONS

Report of Independent Legal Arbiter

The CLERK: According to the resolution of the House this day, I table the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 8 December 2021, on the disputed claim of privilege on firearms licences and inspections, together with submissions received by Mr Mason during his evaluation of the documents in relation to the claim of privilege.

BIOBANKS

Report of Independent Legal Arbiter

The CLERK: According to the resolutions of the House this day, I table the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 17 December 2021, on the disputed claim of privilege on biobanks, together with submissions received by Mr Mason during his evaluation of the documents in relation to the claim of privilege.

MONARO FARMING SYSTEMS

Report of Independent Legal Arbiter

The CLERK: According to the resolutions of the House this day, I table the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 14 February 2022, on the disputed claim of privilege on Monaro Farming Systems, further order, together with submissions received by Mr Mason during his evaluation of the documents in relation to the claim of privilege.

DAM INFRASTRUCTURE

Report of Independent Legal Arbiter

The CLERK: According to the resolutions of the House this day, I table the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 21 February 2021, on the disputed claim of privilege on dam infrastructure projects, further order, together with submissions received by Mr Mason during his evaluation of the documents in relation to the claim of privilege.

Irregular Petitions

VOLUNTARY ASSISTED DYING LAWS

Ms CATE FAEHRMANN: I move:

That standing and sessional orders be suspended to allow the presentation of an irregular petition (which is irregular as it is not addressed to the President and Members of the Legislative Council) from 100,000 citizens of New South Wales stating concerns over terminally ill people in New South Wales experiencing unbearable suffering which cannot be relieved, and requesting that the House call on the Government to pass voluntary assisted dying laws in 2021.

Petition received.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. SCOTT FARLOW: On behalf of Mr Justin Field: I move:

That business of the House notice of motion No. 1 be postponed until the next sitting day.

Motion agreed to.

Mr DAVID SHOEBRIDGE: I move:

That business of the House notice of motion No. 2 be postponed until Tuesday 22 March 2022.

Motion agreed to.

Ms CATE FAEHRMANN: I move:

That business of the House notice of motion No. 3 be postponed until the next sitting day.

Motion agreed to.

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. SCOTT FARLOW: 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. SCOTT FARLOW (10:27): I move:

That the order of private members' business for today be as follows:

(1) Private members' business item No. 1606 standing in the name of the Hon. Adam Searle relating to the Voluntary Assisted Dying Bill 2021.

(2) Private members' business item No. 1605 standing in the name of the Hon. Emma Hurst relating to the Companion Animals Amendment (Rehoming Animals) Bill 2021 – consideration of the Legislative Assembly's message of 17 February 2022 in committee of the whole.

(3) 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 2021.

(4) Private members' business item No. 1025 standing in the name of Reverend the Hon. Fred Nile relating to the Public Health Amendment (Vaccination Compensation) Bill 2021.

(5) Private members' business item No. 1618 standing in the name of the Hon. Walt Secord relating to an order for papers regarding health funding and health infrastructure commitments.

(6) Private members' business item No. 1631 standing in the name of the Hon. Anthony D'Adam relating to an order for papers regarding the redevelopment of Western Sydney University Milperra campus.

(7) Private members' business item No. 435 standing in the name of the Hon. Mark Latham relating to the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020.

(8) Private members' business item No. 1649 standing in the name of Ms Cate Faehrmann relating to an order for papers regarding Dungowan Dam, Wyangala Dam and Mole River Dam.

(9) Private members' business item No. 1630 standing in the name of the Hon. Mark Banasiak relating to a further order for papers regarding the appointment of Professor Joel Negin to the Firearms Registry Consultative Council.

(10) Private members' business item No. 1632 standing in the name of the Hon. Catherine Cusack relating to the Ballina Shire Annual Australia Day Ceremony.

(11) Private members' business item No. 1627 standing in the name of the Hon. Mark Buttigieg relating to an order for papers regarding the disruption to rail services and industrial action.

(12) Private members' business item No. 1638 standing in the name of the Hon. Daniel Mookhey relating to a further order for papers regarding the disruption to rail services and industrial action.

(13) Private members' business item No. 1623 standing in the name of Ms Abigail Boyd relating to a further order for papers regarding Resources for Regions program.

(14) Private members' business item No. 1610 standing in the name of the Hon. John Graham relating to an order for papers regarding advice on COVID-19 restrictions.

(15) Private members' business item No. 1634 standing in the name of Mr Justin Field relating to the Natural Resources Commission report recommendations.

(16) Private members' business item No. 1331 standing in the name of the Hon. Robert Borsak relating to an order for papers regarding the New South Wales Animal Welfare Reform – Issues Paper.

(17) Private members' business item No. 1626 standing in the name of the Hon. Emma Hurst relating to a further order for papers regarding animal research.

(18) Private members' business item No. 1609 standing in the name of the Hon. John Graham relating to an order for papers regarding approvals and conflicts of interest declarations for various grants.

(19) Private members' business item No. 1643 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding rapid antigen tests.

(20) Private members' business item No. 1362 standing in the name of the Hon. Taylor Martin relating to the 2021 Surf Life Saving NSW Awards of Excellence.

(21) Private members' business item No. 1637 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding transport assets and workforce.

(22) Private members' business item No. 1648 standing in the name of Ms Cate Faehrmann relating to an order for papers regarding Tweed Hospital.

(23) Private members' business item No. 1614 standing in the name of the Hon. Mark Latham relating to financial support for events boycotting Israel.

(24) Private members' business item No. 1644 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding PremierState.

(25) Private members' business item No. 1636 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding the Transport Asset Holding Entity of NSW.

(26) Private members' business item No. 1635 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding state-owned corporations.

(27) Private members' business item No. 1563 standing in the name of the Hon. Shayne Mallard relating to the Sydney (Nancy-Bird Walton) International Airport.

(28) Private members' business item No. 1616 standing in the name of the Hon. Mark Latham relating to an order for papers regarding Renewable Energy Zones [REZ] in New South Wales.

(29) Private members' business item No. 1641 standing in the name of Mr David Shoebridge relating to an order for papers regarding outside school hours care.

(30) Private members' business item No. 1617 standing in the name of the Hon. Mark Latham relating to an order for papers regarding Eraring Power Station.

(31) Private members' business item No. 127 standing in the name of the Hon. Scott Farlow relating to Harmony Day.

(32) Private members' business item No. 1504 standing in the name of Reverend the Hon. Fred Nile relating to the Abortion Law Reform (Sex Selection Prohibition) Amendment Bill 2021.

(33) Private members' business item No. 1322 standing in the name of the Hon. Walt Secord relating to the Crimes Amendment (Display of Nazi Symbols) Bill 2021.

(34) Private members' business item No. 1615 standing in the name of the Hon. Mark Latham relating to an order for papers regarding corrections to the rate of sexual assault in New South Wales.

I indicate to the House that with respect to the items listed at paragraphs (5), (6), (8) to (31) and (34) the members with carriage of those motions have given an undertaking that they will move that their motion be considered in the short form format.

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

Motion agreed to.

Bills

VOLUNTARY ASSISTED DYING BILL 2021

Second Reading Speech

The Hon. ADAM SEARLE (10:34): As one of the many co-sponsors of the Voluntary Assisted Dying Bill 2021 and the member with carriage of the bill in this place, I move:

That this bill be now read a second time.

The Voluntary Assisted Dying Bill 2021 establishes, in the safest and most protective way provided by any like regime of which I am aware, the right for certain terminally ill persons to request and receive assistance to end their lives voluntarily, with medical help, by the administration of a lethal substance. The New South Wales bill provides patients with a choice between self-administration and practitioner administration; no-one else can administer. Medical practitioners, health facilities or healthcare providers have the right under this bill to conscientiously object to providing assistance.

As the author of the bill and mover in the other place, member for Sydney Mr Alex Greenwich, put it, this is no ordinary bill. It has majority support across the State and among people of different ages, cultures and religions. It has 28 co-sponsors across the Parliament—the highest number of co-sponsors any bill has had within an Australian Parliament—in both Houses, across all parties and across the full spectrum of political opinion. Many persons have donated their time to have input to the construction of this bill, both in the Parliament and in the wider community, and of course I acknowledge all the contributions of members of the other place in the debate and deliberation that took place there on this bill.

I acknowledge also the work of the former New South Wales parliamentary working group on assisted dying that was ably led by the Hon. Trevor Khan, MLC, as his Honour then was. Of course, it is a matter of record that Mr Khan was the mover of the 2017 bill in this place. Although I am moving the bill today, it is quite clearly not my legislation. It is very much a collective endeavour. Why is that? That is because voluntary assisted dying laws are well and truly overdue in New South Wales. Our family, friends and neighbours across the State have been calling for voluntary assisted dying laws for some time. Today we have seen presented the irregular petition of 100,000 residents of New South Wales calling on this Parliament to enact such laws.

A survey conducted by *The Sydney Morning Herald* and reported in November 2021 revealed that almost two-thirds of voters in New South Wales supported voluntary assisted dying, with only 11 per cent being opposed. The outcome of the votes in the other place reflects this sentiment. The Australia Institute survey in July 2021 found that 70 per cent of New South Wales voters think that voluntary assisted dying should be legal. When respondents were asked whether New South Wales should pass laws to legalise voluntary assisted dying—laws similar to those passed in Victoria, Tasmania, Western Australia and South Australia—the results demonstrated that 74 per cent of New South Wales voters support our State passing laws to legalise and regulate voluntary assisted dying, with only 14 per cent being opposed.

This bill is being put forward not because it has public support but because it is the right thing to do. This is the third time in almost nine years that these issues and similar bills have been debated in this Chamber, but the context in which this debate occurs today is different for two reasons. Whereas on earlier occasions New South Wales would have been a national leader, today every other State has already enacted voluntary assisted dying laws. In Western Australia and Victoria those laws are safely in operation today. New South Wales is a laggard in providing this compassionate choice for its residents and citizens. The second difference is that the Legislative Assembly, over eight days and more than 30 hours, has exhaustively considered the detail of the legislation and the public policy it embodies and, in so doing, has made a substantial body of changes to the original bill.

Honourable members will be aware that I circulated a summary of those amendments made to the bill, which has been prepared by Ms Nardone in Mr Alex Greenwich's office, and it should be with all members for their information. The legislation under discussion today, which is more conservative than its predecessors, now contains a range of additional safeguards. We should be listening not only to the majority of our community on this issue but also to the expert health professionals who are witnessing those suffering with cruel, terminal illnesses. The bill follows the same eligibility process and safeguards as bills passed in other States and provides, in substance, consistency across jurisdictions. The bill is similar to voluntary assisted dying laws that have been operating in Victoria since 19 June 2019, where there have been no cases of pressure or duress, no access by ineligible people and no misuse of the lethal substances.

The bill sets out in detail the principles underpinning the legislation, including the eligibility criteria to access voluntary assisted dying; the steps that a person must take before they can get access; the protections for healthcare workers, including to ensure that they can conscientiously object; the rights and responsibilities of institutions and facilities that refuse to provide voluntary assisted dying services; the eligibility criteria of other persons involved in the process, such as doctors, nurse practitioners and witnesses; the make-up of a voluntary assisted dying board; the option to request a review through the Supreme Court of New South Wales; criminal offences; and requirements to review the legislation.

To be eligible to receive voluntary assisted dying, a patient must be at least 18 years of age and an Australian citizen, be a permanent resident or must have been living in Australia for at least three continuous years and ordinarily reside in New South Wales. A patient must be diagnosed with at least one disease, illness or medical condition that is advanced, progressive and that, on the balance of probabilities, will cause death within six months or, in the case of a neurodegenerative disease, within 12 months. The disease, illness or medical condition must cause suffering to the patient in a way that cannot be tolerably relieved. Importantly, the patient must have the decision-making capacity to make a voluntary assisted dying decision. In seeking assistance, the patient must be acting voluntarily and without any pressure or duress. Pressure or duress includes coercion, intimidation, threats and undue influence.

The bill also requires a patient's request for voluntary assisted dying to be enduring. Amendments to strengthen that were passed in the Legislative Assembly. It sets out in detail each step that a patient must take before they can access voluntary assisted dying, from the first request to disposing of any unused substance. The bill also creates a comprehensive set of offences to protect against any misuse of voluntary assisted dying. These will act in addition to the safeguards that are built into the very robust statutory processes. For further detailed analysis of the technical aspects of the bill, I refer members to the speeches of Mr Alex Greenwich and other members in the other place when the bill was debated.

This legislation touches on a most difficult social, legal and personal issue because it goes to what remains in our society a great taboo: a frank discussion about death, about the end of life, in circumstances often involving great pain and great suffering for individuals and their families. Australia was the first place in the world to pass a law giving terminally ill people the legal right to be assisted to die, in 1996 in the Northern Territory, but only four people were able to access that the law before the Federal Parliament rendered the regime inoperative on the proposal of the Howard Government. That was more than a quarter of a century ago. Since then, there have been nearly 30 unsuccessful attempts to change the law in the different States. Over that time public support for assisted dying grew until, one by one, each State in our Commonwealth enacted assisted dying laws, except New South Wales—the largest and most populous State, which is often the leader on social reform but not on this occasion.

Like the majority of Australians and those in New South Wales, I believe that terminally ill persons should have the right to choose a dignified end to their life. The alternative, which we now have, is that many are condemned to suffer extreme and often prolonged physical and psychological pain for which there is often no relief. Death is complicated and difficult. As a society, we are not good at talking about the end of life. We do not want to have to face it and we shy away from dealing with it. Many in our community do not have the luxury of that choice, but they are not suicidal. We are not discussing "assisted suicide" because, in my view at least, suicide is when a person wants to die. The people we are discussing today do not want to die but they are dying—that is a certainty—and they are suffering. The prospect of further suffering—that journey of pain and loss of autonomy, dignity and quality of life—can fill those involved, including carers, with terror and misery. Surely those facing this prospect deserve to be able to exercise control over how much they suffer as they near the end of their life.

Death is unavoidable, but we can decide to treat those who are dying with more compassion and allow them more choice. I believe we can no longer ignore giving those patients whose death is close the right to ask for help if their suffering becomes unbearable and untreatable, to have a choice about what happens to them at the end of their lives, and to choose to go a little earlier, peacefully, and on their own terms. Regardless of one's views, this debate is about respect and compassion. It requires empathy and it requires courage. It can be very painful to watch someone we love endure those last weeks and days—I know. For those who have experienced it, it is not something that can ever be forgotten or recovered from, and we have heard many stories of those who have watched their loved ones die in debilitating agony and fear.

Members in this place will bring their own social, philosophical and religious sensitivities to the debate, and I respect that. It is important when we discuss matters of conscience that, whatever our views, we are respectful to one another and to those outside this place in relation to those differences of opinion. My views have been shaped not only from what I have read and learnt and from talking to medical professionals and people in the community, but also from my own lived experience. My father died of cancer over a six-month period. The treatment of his pain was not always successful, was not always lawful and came at the cost of quality of life. My uncle died of motor neurone disease over a two-year period. Had he not lost the use of his arms, he would have taken his own life. In his last days he begged his family to help him die. They, of course, did not because that was not lawful. I will not regale members with the end of his life, but it was not pretty. He suffered and was in pain—existential, psychic pain—that could not be treated. His end was terrible. That was avoidable, if only a regime like this had been in place.

Many people have similar stories about the passing of their loved ones, their family and their friends. I have lost a number of friends to ovarian cancer and to motor neurone disease, and I will not be the only person in this Chamber with those experiences. The organisations Go Gentle and Dying With Dignity have provided powerful testimonies—which are available to members should they wish to view them—for the need for this law. Without better options available to them, without the peace of mind of a painless death, people are often left to resort to suicide to avoid further suffering. Peter Joseph, chair of the Black Dog Institute, stated:

> It's simple: a good life includes a good death. Just as we should live free from needless suffering, so we should die. In my opinion the number of suicides in NSW could drop significantly if assisted dying was seen as part of assisted living.

A review of National Coronial Information System data from 2019 confirms that of the nearly 500 deaths in people over the age of 40 where an individual had died as a result of an act of intentional self-harm, over 20 per cent involved people where "the deceased had a terminal or debilitating physical condition, or had experienced a significant decline in physical health prior to their death". Our frontline workers—doctors, nurses, paramedics and others in the health system—know the devastating impact of the lack of voluntary assisting dying laws on sufferers and their families.

That is why the bill is strongly supported by the Health Services Union, the Police Association of New South Wales, the NSW Nurses and Midwives' Association, and other unions and civil society groups. They know that reform is needed to ensure that sufferers are able to die with comfort and dignity. Frontline workers witness firsthand the agonising suffering that individuals with a terminal illness endure. Workers in these professions are there to respond to the emergency callouts after sufferers have taken their own lives or to care for terminally ill people who have attempted suicide. The Standing Committee on Law and Justice conducted an inquiry on the provisions of the bill, and its report was tabled yesterday. In its submission to that inquiry, the NSW Nurses and Midwives' Association confirms the horrific impact of terminally ill sufferers committing suicide. Its submission said:

> The impact of suicide by people with a terminal illness must not be understated. It is a catastrophic trauma that reverberates from the person through to their family, friends, first responders and health care workers.

I could quote from many submissions to that inquiry but time is against me. Sufferers should not have to either face a cruel and excruciating death or suicide, which can often be a horrific and lonely death. These suicides and attempts have a devastating impact on carers and loved ones. As representatives of the people of this State, we

need to consider the ongoing traumatic impact on our frontline workers and the families of sufferers without this issue being addressed.

Frankly, assisted dying is already happening in Australia but without proper regulation, oversight or accountability. That is both dangerous and unsatisfactory, and dangerous and unfair to the medical professionals involved. The last time this issue was debated in this place, the Hon. Trevor Khan quoted from two studies in *The Medical Journal of Australia* from 1997 and 2001, and a 2007 study in *The Journal of Medical Ethics*. People who want to look at the details can look up the *Hansard* from 16 November 2017. Those studies demonstrated that approximately a third of doctors in Australia have administered drugs to a patient with the intention of hastening death. There is no requirement for the patient to be assessed by two doctors, no oversight by a review board and no opportunity for close relatives to head off to the Supreme Court. That is the state of our current law. It is also the state of our law when it comes to people refusing medical treatment, which often leads to a very slow, unfair and painful death.

The bill provides a legal framework in circumstances where the studies demonstrate clearly that voluntary assisted dying is being practised in an unregulated way. In the 2017 debate, the Hon. Peter Primrose referred to a survey of 3,000 doctors by Kuhse, Singer, Baume, Clark and Rickard. It found that while 30 per cent of all Australian deaths were preceded by an act or omission intended explicitly to end a patient's life, in only 4 per cent of cases was the decision taken in response to an explicit request by the patient. Doctors and nurses are doing it now for the benefit of their patients. It is unregulated, unsupervised and unchecked. We should regulate the process to make it available for all who need it in a proper, safe and medically supervised way. In undertaking this task we are fortunate to have the benefit of drawing on knowledge and experience from Oregon in the United States and from countries such as Canada, Belgium, Switzerland and the Netherlands. We know the strengths and weaknesses of other regimes, so we can borrow all the best parts of those approaches to create the best law and practices available.

I commend the work of Mr Alex Greenwich, MP, who introduced the legislation in the other place. I also commend those in the wider community and in the other place who worked diligently and conscientiously on the construction of the bill and in parliamentary deliberation to ensure that we have the most safeguarded eligibility criteria and processes for requesting this assistance of any proposal of its kind. It is careful, measured, reasonable and extremely well supported by evidence. It means that the risks of assisted dying that have been raised—of exploitation and pressure being brought to bear on the aged, the disabled and those living with mental ill health, or on persons who are otherwise vulnerable—are not present in the bill.

To use the processes offered in the bill, affected persons must really want to avail themselves of it. I understand that there are those who are fundamentally opposed to the legalisation of assisted dying, and I respect that. No amount of legislative fine-tuning or clauses carefully crafted will be able to meet their concerns. But we must not simply raise endless hypothetical scenarios about things that could happen as in some way supporting the argument that it cannot ever be safe. Canadian Justice Lynn Smith confronted this in her landmark 2012 decision in *Carter v Canada (Attorney General)*, which ruled that the criminal code provisions banning assisted dying were unconstitutional. The decision paved the way in that country for assisted dying laws. She wrote:

> (l) It is unethical to refuse to relieve the suffering of a patient who requests and requires such relief, simply in order to protect other hypothetical patients from hypothetical harm.

I agree wholeheartedly. In the time remaining I will try to address some of the arguments that have been raised against voluntary assisted dying. The first is that voluntary assisted dying is a slippery slope that threatens the disabled, the elderly and the vulnerable, and exposes the most vulnerable in society—people with a disability, dementia patients and the very frail—to an increased risk of assisted suicide through coercion in the belief that they are not valued by society or their families, or have become a burden. There is no evidence from any jurisdiction that has legalised assisted dying to give anyone any concerns that this is one of the consequences. There is simply no evidence. Furthermore, amendments to the original bill made on the motion of the member for Pittwater, Minister Rob Stokes, in the other place created additional safeguards around preventing and identifying the presence of duress and requiring mandatory training on elder abuse and the protection of other vulnerable persons.

Opponents have also argued that such legalisation would foster a cultural shift towards devaluing human life, and would implicitly condone life-ending acts that could lead doctors or family members feeling justified in ending life without explicit consent. Again, there is no credible evidence of any increase in the incidence of life-ending acts outside the law in those jurisdictions. The fundamental safeguards in the bill—the strict eligibility criteria and the required sign-off by two medical practitioners, and other protections, including oversight by the NSW Supreme Court—should satisfy reasonably held fears.

There is also a myth that we have to make a choice between palliative care or voluntary assisted dying. That is a false choice. It is a matter of record that I am firmly in favour of significant improvements in the quality of and access to palliative care. That should be done regardless of the outcome of this debate. Frankly, it should have been done beforehand. I note that choice was one of the chief arguments against the 2017 bill, and many members in this place and the other place raised the need to increase palliative care investment and improve services. Many of those members were in a position to make sure that happened but it is still being raised in this debate as a reason to not enact this law, even though there have been some—but not enough—improvements in palliative care.

Passing voluntary assisted dying laws and adequately funding palliative care are not mutually exclusive; they must happen together. But, unfortunately, palliative care does not prevent cruel suffering for all terminally ill patients. A 2016 survey by the Australian Medical Association found that a majority of doctors reported treating patients with palliative care did not help them. That is consistent with evidence to the Law and Justice Committee inquiry, which found that while there have been significant advancements in palliative care protocols, the fact is that many patients do not wish to have a prolonged death or period of suffering, and palliative cannot always prevent this. The submission from the NSW Nurses and Midwives' Association outlined clearly that nurses believe that there are patients for whom treatment cannot alleviate excruciating suffering. I will not go into the harrowing details of that.

Cancer Voices NSW, an organisation that provides an independent voice for those suffering from cancer, supports the proposed bill. It has called on us to ensure that individuals with terminal health diagnoses have the same rights as people in other States. The introduction of voluntary assisted dying in New South Wales would not prevent people accessing palliative care. In fact, the bill requires that individuals who choose to start the assessment process are provided with information regarding available palliative care treatments. I note the amendments to the bill proposed by Dr Joe McGirr, the member for Wagga Wagga, and passed in the other place, which provide that access to palliative care in regional New South Wales is a principle that underpins the bill. The NSW Council for Civil Liberties highlighted:

> … to be eligible to access voluntary assisted dying [VAD] under the Bill, a patient's illness must be terminal and must cause them suffering that cannot be relieved in a way they consider tolerable. The Bill proceeds on the footing that a patient is receiving treatment and care, but that their condition is still unbearable.

Palliative care is about enhancing quality of life through health care and support of people with a life-limiting illness. It is provided and informed by professionals who specialise in the field. It is an essential component of a modern healthcare system, and an increasingly important part of the wider health and social care systems. But we also know that funding for these much-needed services is not adequate. That much was acknowledged even by the current Premier in his contribution to the second reading debate in the other place. New South Wales does not have an adequate number of palliative care specialist doctors and nurses, particularly in rural and regional areas. I note that palliative care services in Belgium, the Netherlands and Oregon improved markedly when laws similar to the one we are debating today were introduced. I hope the same will occur here.

I refer briefly to an article authored by Mr John Watkins, the former Labor Deputy Premier of this State and current Chair of Catholic Health Australia, published in *The Sydney Morning Herald* on 12 October last year. Mr Watkins correctly makes the point that there have been significant improvements in palliative care and other medical care, which have extended life and, importantly, quality of life for those able to access them. I agree with Mr Watkins that government should ensure that all who need it are properly able to access the highest level of palliative and other medical care when facing end of life.

Voluntary assisted dying is intended to create additional options for the avoidance of suffering. This Parliament should not shy away from enacting this proposed law because successive governments have failed to properly resource that crucial part of our health system. It should also be remembered that palliative care does not work for everyone. With terminal illness, there can be suffering for which there is no available relief. Even the best palliative care cannot alleviate all the pain, nausea and extreme discomfort that some people experience at the end of their lives. The palliative care sector acknowledges that, including Palliative Care Australia.

We must also bear in mind that not all those with a terminal illness are in physical pain—they are suffering emotional and psychological pain because of what is befalling them and the impact it is having on their loved ones. They may lose their autonomy, their control over their lives and their access to and enjoyment of all the things that make life worthwhile for them. When they lose that, when death is imminent and certain, and when the end will be miserable and usually painful or involve great suffering, why should we deny them the choice of avoiding it? Why are we forcing people who are already so vulnerable to have an uncertain and undignified end to their life? Where is the humanity and the decency in that? The bill is about providing additional options to alleviate that outcome. The bill is about incorporating the option of voluntary assisted dying into our overall care framework for a more comprehensive service for all patients.

Voluntary assisted dying will not diminish palliative care in this State; it will complement and improve it, as it has done in many jurisdictions where voluntary assisted dying has been legalised. As the man and "father" of palliative care in Australia, Senior Australian of the Year 2013 Professor Ian Maddocks, acknowledges:

> If compassionate and loving care towards patients and families is what palliative care is all about, then assisted dying is part of that. It is time the profession dealt with it.

The bill is about granting terminally ill people the right to make a choice about how they live in the final stages of their lives, and how and when they wish to die when death is already certain. Some members in this place and the other place said, "Look, I just can't bring myself to vote for State sanctioned killing or death," but this is not about that. The people whose lives we are discussing are facing a certain death. Nothing is going to miraculously happen at the eleventh hour to lift their suffering. The end is certain and it is tragic, painful and undignified. In the modern era, why would we want our friends, families and neighbours to suffer in that way when it is avoidable?

If terminally ill people are done fighting an unwinnable war, they should be given the opportunity, if they wish, to say they have had enough and alleviate their physical and mental anguish and distress in the face of further unnecessary suffering and deterioration. Globally, other jurisdictions such as Canada, the Netherlands and Luxemburg, along with 10 states in the USA, have implemented laws. We can see that the impact of the laws in those places and in Victoria has not led to terrible misapplications or exploitations of the law. In Victoria between June 2019 and June 2021, a total of 331 people died from the administering of the voluntary assisted dying medication. It has not impacted a large part of the population. But even though the number is not large, it has prevented terminally ill patients from suffering a cruel death. The presence of those regimes has given succour to those who are suffering, knowing that if they choose there is another way forward.

The former New South Wales Director of Public Prosecutions, Nicholas Cowdery, AO, QC, says that the bill incorporates the appropriate safeguards and checks and balances to prevent the laws from being abused for inappropriate intentions. The outcome of this debate should be based on sound evidence and well-reasoned arguments and be informed by the wishes of the community, with the knowledge that the bill has some of the most rigorous safeguards and protections, and enforces strong monitoring procedures and levels of compliance to counter the misconceptions I outlined earlier. If some people do not want to use the law they do not have to. But they should have the humanity not to deny others the chance to pass away peacefully and with dignity in a medically supervised manner.

The bill is simply about making available another option for those with unbearable terminal suffering. It is about giving them the option and putting end-of-life decisions back in the hands of already dying patients. It is a choice for each eligible individual, about that individual, by the individual and their loved ones. That is why I was a sponsor of the bill; that is why I brought it forward today; and that is why I will vote for it. I hope the majority in this place will do so as well. Frankly, it should be the choice of those who are suffering, not ours. It is not for us to impose our morality or our own choices on others who may, if it is available to them, choose a different time and manner in which their life will end. We do not want to take that choice off people and we do not want to force them into the currently unsafe and unregulated regime that already exists in this country.

Debate adjourned.

COMPANION ANIMALS AMENDMENT (REHOMING ANIMALS) BILL 2021

In Committee

Consideration of the Legislative Assembly amendments.

Schedule of amendments referred to in message of 17 February 2022

No. 1 **Advertising**

Page 3, Schedule 1, proposed section 64B(1)(b), line 10. Omit all words on that line. Insert instead—

(b) take reasonable steps to advertise on a webpage or through a social media platform that the animal is available for rehoming.

No. 2 **Cost of transferring animal**

Page 3, Schedule 1, proposed section 64B(3)(b), lines 18 and 19. Omit all words on those lines. Insert instead—

(b) make arrangements for the collection of the animal.

No. 3 **Records**

Page 3, Schedule 1, proposed section 64B(5), line 25. Omit "and make available for inspection".

No. 4 **Records**

Page 3, Schedule 1, proposed section 64B(5)(b)(ii), line 32. Omit "and".

No. 5 **Records**

Page 3, Schedule 1, proposed section 64B(5)(b)(iii), lines 33 and 34. Omit all words on those lines.

No. 6 **Reporting guidelines**

Page 3, Schedule 1, proposed section 64B. Insert after line 34—

(5A) The Departmental Chief Executive may issue guidelines about the giving of information regarding animals rehomed under this section or destroyed under section 64 or 64A to the Departmental Chief Executive or the public, or both.

(5B) A council must comply with the Departmental Chief Executive's guidelines.

The Hon. EMMA HURST (11:07): I move:

That the Committee agree to the Legislative Assembly's amendments.

In November last year this House passed the Companion Animals Amendment (Rehoming Animals) Bill 2021. To remind honourable members, the bill proposes to amend the Companion Animals Act to stop convenience killing—the practice of killing rehomable animals in pounds because it is easier, cheaper or faster than rehoming them. It came about after the horrific incident at Bourke Shire Council pound where 15 dogs, including a mother and her puppies, were shot dead, despite the fact that at least two rescue groups were willing to take them and find them loving homes. The bill will ensure a Bourke shire pound situation can never occur again, by imposing two mandatory steps that a council must take if it is considering taking the very serious action of killing an animal.

First, councils will be required to take reasonable steps to advertise the animal for rehoming. Second, councils must contact at least two rescue organisations to see whether they can rehome the animal. In that way, the bill creates a right to rescue for the first time. It will enable rescue groups to intervene when a council is considering convenience killing, and will give animals on death row a second chance. I am pleased to report that last week the bill passed the other place with some minor amendments. I thank Alex Greenwich, the member for Sydney, and his team for their work to pass the bill in the other place. I also thank the New South Wales Government for taking the rare step of supporting a private member's bill. The Government has stated that it is open to passing sensible private members' bills, and I am glad that the first private member's bill that it has passed is one from the Animal Justice Party.

The New South Wales Government moved some amendments in the other place that are straightforward and do not undermine the intent of the bill. Amendment No. 1 clarifies the advertising requirements in the bill to make it clear that councils can and should advertise animals for adoption online and on their social media pages. Amendment No. 2 clarifies that the cost and obligation to transport an animal saved from death row does not fall solely on either the council or the rehoming organisation. The two are able to work together to determine the best arrangement in each circumstance to transfer the animal to the rescue organisation. Finally, amendments Nos 3 to 6 clarify the record-keeping requirements in the bill, including giving power to the departmental chief executive to issue mandatory guidelines about the publication of information regarding animals that are rehomed.

I note that currently the Office of Local Government is undertaking a comprehensive review into rehoming practices in New South Wales. A review is absolutely critical because, as I have said throughout this debate, the bill will not fix all the problems that currently exist within the broken New South Wales pound system. Major reform is needed from the Government to build better pound facilities, improve standards of care, properly resource pounds and rescue groups, and address the number of homeless animals making their way into pounds in the first place. I particularly recognise the absolutely critical work of rescue groups, organisations that are staffed largely by volunteers, who work tirelessly to rescue and rehome animals, with little to no government funding. They do not get enough credit for the critical work that they do, and they are in desperate need of financial support from the Government if they are to continue this work.

I welcome the review process of the Office of Local Government, which I understand is due to be completed by the middle of the year. I call on the Government to ensure that it consults widely on this review and ensure that the voices of rescue and rehoming groups across the sector are heard. Finally, I note that the Companion Animals Act sets out a broad regulation-making power. I urge the New South Wales Government to consider ways it can utilise that regulation-making power to clarify aspects of the bill, such as requiring pounds to include specific details about an animal in their care when providing a notification to rescue groups under the requirements of the bill. This is a simple bill that will literally save lives, and I urge members to support the bill as amended by the other place.

Ms ABIGAIL BOYD (11:11): On behalf of The Greens, I indicate our full support for the Companion Animals Amendment (Rehoming Animals) Bill 2021 as amended. We are grateful that efforts were made across parties to come to an agreement on the bill. There is some slight watering down of some of the provisions in the bill, but not what we would normally expect when a bill returns from the other place. On the whole, we are very

pleased, and we are especially grateful to the Hon. Emma Hurst for introducing the bill to the House. We look forward to our pound system being reformed and no more animals being needlessly killed.

The Hon. TARA MORIARTY (11:12): On behalf of the Opposition, I indicate that we do not oppose the Companion Animals Amendment (Rehoming Animals) Bill 2021 as amended. In essence, the bill seeks to amend the Companion Animals Act 1998 by setting out actions a council must take towards rehoming a seized or surrendered animal if it is considering killing the animal. Of course we support that proposition. I acknowledge the Hon. Emma Hurst for bringing the bill forward, and I also acknowledge the work of our shadow Minister for Local Government, Greg Warren, on the bill. The Opposition did not oppose the amendments in the Legislative Assembly, and we support the bill in this place.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (11:12): I indicate that the Government will be supporting the Companion Animals Amendment (Rehoming Animals) Bill 2021 as amended. The amendments passed in the Legislative Assembly propose a number of changes to the bill. Firstly, as to the requirement for council to advertise, amendment No. 1 seeks to require councils to take reasonable steps to advertise on a webpage or through a social media platform that the animal is available for rehoming, and it provides clarity for councils about this requirement and establishes a best-practice process. It also will ensure that councils establish a consistent approach across the State, which will not be overly onerous. This amendment to the bill ensures that councils can make the most of technology we are all familiar with and also that councils will be able to connect with the broader community to quickly rehome animals in their forever home.

The proposed amendments to the bill further seek to provide the opportunity for those who are looking to adopt a new pet, no matter what council area they are in, to find a suitable pet anywhere in New South Wales. Specifically, amendment No. 2 requires councils to make arrangements for the collection of the animal when a rehoming organisation has indicated it is able to be rehomed. This ensures that costs associated with the transfer of the animal are not automatically passed on to council, but rather can be negotiated between the two parties. It will enable councils and rehoming organisations to determine who is best placed to cover the cost of the animal's collection. This amendment acknowledges that councils are faced with a range of competing cost pressures, never more so than in the aftermath of the bushfires, floods and, of course, the COVID pandemic in recent years. It also acknowledges that it may be more appropriate for the rehoming organisation to initially cover the costs of collecting or transferring the animal and subsequently recovering those costs from the proud new owners of the animal.

Amendments Nos 3 to 5 propose to remove the requirement for councils to make available for inspection the records that identify the animals that are rehomed and the animals that are destroyed. These amendments do not, however, remove the requirement for councils to keep and maintain such records. To be clear, they merely remove the requirement to make this information available for inspection. It should be acknowledged that councils have a statutory duty to consider whether there is an alternative to that of destroying an animal and, where practicable, to adopt that alternative. Councils already must report each year on their strategies to comply with the requirement to seek alternatives to euthanasia of unclaimed animals. The amendments acknowledge that euthanasia of an otherwise healthy animal in a council pound or shelter is a last resort. It is positive to see that the number of animals euthanised in 2019-20 decreased by 45 per cent for dogs and 26 per cent for cats compared to the number of animals euthanised in 2015-16. These amendments will create consistency and certainty around the rehoming process undertaken by council, which will lead to a welcome further reduction in the euthanasia rates.

Amendment No. 6 seeks to provide the departmental chief executive with the ability to issue guidelines about the provision of information regarding animals rehomed or destroyed. The Minister for Local Government recently announced a rehoming practices review. The review will examine ways to reduce euthanasia rates and identify any need for further legislative reform and improvements to impounding processes. The recommendations from the Government's review also will identify avenues for better data collection and reporting mechanisms. The information from this review will be critical to developing the guidelines proposed within this amendment and, more importantly, further improving the rehoming rates of cats and dogs in New South Wales.

Amendment No. 6 provides the flexibility for the Government to consult with key industry and sector stakeholders as part of the review and to determine the most relevant information that should be available to ensure appropriate transparency and accountability in the management of cats and dogs within New South Wales' pounds and shelters. The bill represents what can be achieved when we work together, and I thank the Hon. Emma Hurst in that regard. Good results can be achieved through good negotiating processes. We are a government that negotiates. We achieve good outcomes, and the best outcomes are achieved by good negotiation. This Government has a track record of achieving great outcomes when it comes to legislation that can be supported in this place by negotiating with members who have a willingness to engage in that process.

I again thank the Hon. Emma Hurst for her engagement with the Government in that process on this bill. In that regard, I also acknowledge the work of the member for Sydney, Mr Alex Greenwich, on the amendments proposed to the bill that were passed in the other place. They are sensible measures that ensure that companion animals that arrive at shelters and council pounds have the best opportunity to find a home. These reforms will build upon the review that the Office of Local Government is undertaking, which will inform the next steps taken by the Government to refine its animal welfare and rehoming practices across the State. I thank the Hon. Emma Hurst for her commitment to this bill, and I commend the bill as amended to the House.

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

Motion agreed to.

The Hon. EMMA HURST: I move:

That the Chair do now leave the chair and report that the Committee has agreed to the Legislative Assembly's amendments.

Motion agreed to.

Adoption of Report

The Hon. EMMA HURST: I move:

That the report be adopted.

Motion agreed to.

Messages

The Hon. EMMA HURST: I move:

That a message be forwarded to the Legislative Assembly advising it that the Legislative Council agrees to the Assembly's amendments.

Motion agreed to.

CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT (FAMILY IS CULTURE REVIEW) BILL 2021

Second Reading Debate

Debate resumed from 25 November 2021.

The Hon. PENNY SHARPE (11:22): On behalf of the Opposition, representing my colleague in the other place Kate Washington, the shadow family and community services Minister, I contribute to debate on the Children and Young Persons (Care and Protection) Amendment (Family is Culture Review) Bill 2021. I begin by noting the opening paragraph of the foreword of the chairperson, Professor Megan Davis, to the *Family is Culture* review report, which she presented to the Government in 2019. She stated:

> The Uluru Statement from the Heart, a First Nations articulation of the exigency of national reform in Australia on Indigenous affairs, identifies two public policy areas—primarily the responsibility of the states—as underpinning the logic of Commonwealth structural reforms, child removals and youth detention:
>
> > *Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are aliened from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.*

This is where we have come to in relation to the Family is Culture review. It is a flow-on effect from the National Apology to the Stolen Generations. Many members have watched the issue for a very long time and heard the stories of our First Nations people, particularly those impacted by the Stolen Generations. In fact, we have all done formal apologies on this issue. The key point made by First Nations people, if you are listening to them, is that child removals are continuing at a significantly concerning pace, without the structures in place that prevent those removals in the first place, and that there needs to be a recognition of the harm of removal. That is the crux of the Family is Culture review. I note that the National Apology to the Stolen Generations stated:

> For the pain, suffering, and hurt of these Stolen Generations, their descendants and for their families left behind, we say sorry.

Sorry is indeed the first step, although from that first step must come action for it to be truly meaningful. There was, and still is, a hope for action shared by many after Australia apologised to Aboriginal and Torres Strait Islander people, particularly to the Stolen Generations and their descendants, whose connection to kin, culture and country was severed by forced child removals. While in many ways we have come a long way, there is still a lot of work to do.

While the absolute number of children in out-of-home care in New South Wales has been gradually reducing in recent years, the same cannot be said for Aboriginal children and young people. According to the most recent reporting, while the overall children in out-of-home care has gone down 3 per cent from 10 years ago, the number of Aboriginal children in care has actually increased 17 per cent. Aboriginal children in New South Wales make up 41 per cent of children in out-of-home care despite representing just 6 per cent of children. Today as I stand in this Chamber there are 6,688 Aboriginal kids in care in New South Wales. The story for each of those children is one of trauma and displacement—and hopefully also one of refuge in a safe and caring home in foster or kinship care.

What these children have gone through is simply unimaginable for too many of us. But we also know that there are kids, particularly Aboriginal children, currently in care for whom a system that is challenged and under pressure has not worked. That system fundamentally has not listened to Aboriginal people for a very long time. That system removes children who should be within their own extended families and safe there, remaining connected to kin, culture, community and country. We know that because of the stories of Aboriginal children and young people in out-of-home care, and their families who desperately want to provide care for them. However, as was reported in the *Family is Culture* review report, they were overlooked or indeed ignored when a child was removed for their own safety. Children were removed because they were not safe in their immediate family, but there was extended family who wished to take them and the department had ignored them.

For many years members have talked about the recognition of the disconnection that First Nations children have from country and the terrible outcomes that result. We have talked about the Aboriginal placement principles. But Professor Megan Davis found in a lot of detail, as a result of thousands of recommendations, just how these placement principles were ignored—and continue to be ignored—all the time. After being commissioned to inquire into the Aboriginal out-of-home care system by the New South Wales Government in 2016, Megan Davis and her team conducted a detailed examination of the cases of 1,144 Aboriginal children who entered out-of-home care between 1 July 2015 and 30 June 2016, while also examining the policies and practices relating to Aboriginal children in care in New South Wales.

Her report, *Family is Culture*, was released in November 2019 and contained damning findings on the state of the New South Wales out-of-home care system for Aboriginal children and young people. Professor Davis and her team found examples of potential carers within a kin structure being ignored or overlooked, a lack of culturally appropriate assessments of potential carers, limited monitoring of compliance with the Aboriginal child placement principles, poor and inappropriate child removal practices, barriers to effective early intervention support for families at risk of child removal and so much more.

Professor Davis and her team made more than 3,000 recommendations regarding specific cases and 125 important systemic recommendations on how to improve Aboriginal out-of-home care in New South Wales. That is really the crux of the frustration that has led to this bill: The Government sat on that report for over eight months. It then released its response, which was four pages long. It ignored the bulk of the report's findings and recommendations. Importantly, the response rejected changes to statutory reform, saying that they would be dealt with in a 2024 review of the Act. Aboriginal children and their families should not have to wait years more for a safe system. The harm is being done now.

Aboriginal children and young people who are in, or who are at risk of being in, out-of-home care cannot wait any longer for these reforms, and that is what the bill aims to remedy. I acknowledge the work of Mr David Shoebridge in relation to that matter. Previously I held the portfolio of Community and Family Services, and on many occasions we sat together with a range of different Aboriginal organisations and stakeholders. They took us through the details of what was wrong, what was reflected in the report and why it had to change. They spent time educating us about how we can do things better and they really pleaded with us to listen. The system has a very poor history when it comes to dealing with Aboriginal families and children, and safety among the Stolen Generations. We have to listen and we have to do more. The real criticism is that the Government is saying it is all too hard. Government members have been saying it has been too hard for decades, and they are still saying it is too hard.

I await the contribution from the Minister. I am sure she will say, "We are doing a review, this is unnecessary and we will not be supporting the bill", which is disappointing because genuine efforts have been made to engage with the department to progress those matters. So far the Government has kicked it down the road, but today is about not kicking it down the road; today is about dealing with those issues. At this point Labor does not support aspects of the bill, and I will deal with those matters during the amendment stage. However, I will address some of the issues in the bill that Labor thinks are important. One of the provisions of the bill, which may be controversial for some members, is that the courts are to presume that removing an Aboriginal or Torres Strait Islander child or young person from their family generally causes harm. The Children's Guardian states that this arguably already happens as a matter of course. However, in practice it is clear that this does not occur in all cases.

The trauma of child abuse and neglect can be life long and cannot be ignored. No-one is suggesting that by changing these presumptions that will be ignored—that is not the case—but there are children in out-of-home care who have not had good support where the first response has been to remove them from their family. That then puts them into a system that we all know—and members have talked about it on many occasions—is suboptimal in the outcome for that child or young person. So this part of the bill is trying to remedy that. It will not stop removals, and nor is it supposed to do that, but it will recognise the harm of removals. Through decades of Stolen Generations reports and stories of Aboriginal people and their families, we have documented evidence of the trauma and damage that removals have caused—it is time for us to recognise that.

The bill also requires the department to clearly identify to the Children's Court the active steps that have been taken to support a child and their family to remain together. Members, including Ministers on both sides—including when Labor was in government—have said many times that the supports are there and that we do everything we possibly can to keep children at home, but we know that is not the case. In many places, particularly in regional areas, the services are not in place and there is not enough investment in early support for families when they need it. It does not matter whether one is Aboriginal; that clear issue in the system must be addressed. The bill clearly identifies that the department must be accountable for the steps it has taken to support a child and their family. I have witnessed and been told too many stories where the first response is to take the child away rather than to have a discussion with the family or the extended family about how the department can support that family to keep that child safe. That is what the bill is trying to do and it is absolutely essential.

As I have said, the department is stretched and under-resourced. It is absurd that 70 per cent of children who are at risk of significant harm are not seen by a case worker—that has not changed in a decade. Seventy per cent of kids are not even being seen. In circumstances where there has been a serious risk of harm, the first response is removal and that must be dealt with. The third part that the bill deals with is the Children's Guardian functions regarding the accreditation and oversight of out-of-home care. That brings it under the remit of the Parliamentary Joint Committee on Children and Young People. Labor supports that and thinks it is a sensible change. Labor does not support some of provisions in the bill and believes changes are needed, so we will move amendments to deal with those. As the bill currently stands, there is a complete blanket ban on any adoptions of First Nations children in every circumstance. Labor members do not support that, and we really struggle with that issue.

Over a long time the Aboriginal organisations that I have met with and listened to have made it very clear that the Aboriginal community does not support adoption for First Nations children. However, on a personal note—and as I have talked about before—we cannot have a blanket ban. What we are trying to do, and a key part of our entire system, is to act in the best interests of each individual child. I do not believe that we can make a blanket ban. We need a flexible system that does not remove children who do not need to be removed, but that puts children into safe and secure families and gives them the security they need. Those circumstances must be taken into account. Labor does not support the blanket ban and will be moving an amendment to change that. We believe that is extremely important.

There has been a lot of discussion about the *Family is Culture* recommendation to prohibit for-profit organisations from being accredited as out-of-home care providers. Again we acknowledge that that is a clear recommendation from *Family is Culture*. There is some sector support for it, but Labor has been persuaded that there are real problems there. Labor wants the bill to pass. Labor wants a reluctant government to take this on. Important transition arrangements must be put in place to ensure that children do not fall through the gaps in any change, so Labor will seek to remove that element. Labor members are not unsympathetic to that part of the bill, but we also live in the real world, so we will move another amendment to allow for systems to change and for a long transition to deal with that.

There are also concerns in the sector about the provision that creates a two-tiered accreditation system for out-of-home care providers. That will separate out how the accreditation system treats Aboriginal-controlled organisations compared to others. Labor does not support that provision as it will result in significant gaps, and a lot more work must be done there. Finally, Aboriginal children and young people who are in care or who are at risk of entering care in New South Wales should not have to wait several years for clear and obvious statutory reforms to be made to improve the child protection system that they are forced to engage with. Have we learnt about the trauma and harm that comes from removing First Nations children from their kin, culture, community and country? I am not sure we have. There is lot of work to do.

The bill will not fix everything, but it is an important acknowledgment of the need for systemic change in the out-of-home care system and the issue of over-representation of Aboriginal children who are in out-of-home care. We must listen to the Aboriginal organisations when they talk about that issue. Through the *Uluru Statement from the Heart* they made a specific plea for us to address the matter, but if we do not then it will show that we really are not listening and that, while we have said lot of words, we have not taken much action. As I have said,

Labor will support the bill, but very important amendments must be moved. We will deal with those amendments if we get through the second reading debate, but we believe the bill is an important step forward.

Finally, I thank Professor Megan Davis and her team. It was a tough job for them; the review took three years. The review was initiated by former Minister Brad Hazzard, and I again acknowledge his commitment in this area. He was prepared to have an independent review: to have the conversation, to hand over his department's files to Aboriginal people, and to have an independent group look through the files to see what was happening to those kids. These reports are important. That is why it is disappointing that, to date, the Government's response has been to kick the can down the road. The Government's four-page response to the report was an insult and needs more work.

The bill is a good start to changing the conversation, acknowledging the work of the independent review, and acknowledging and hearing the voices of the people who are directly affected every day by the decisions of an unwieldy, stressed and difficult system where imperfect choices are being made all the time. No-one is pretending it is easy. It is not—dare I say a terrible pun—black and white. It is a complex system that is under-resourced, with people doing their best. We have to establish a system that actually responds. We cannot accept that 41 per cent of kids in out-of-home care are Aboriginal, when Aboriginals make up 6 per cent of the population. We cannot accept that that is a good and fair outcome. We must have a system that provides the care and protection that Aboriginal children need and deserve as citizens of this State.

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (11:41): The New South Wales Government opposes Mr David Shoebridge's private member's bill, the Children and Young Persons (Care and Protection) Amendment (Family is Culture Review) Bill 2021. The Government is committed to reducing the number of Aboriginal children entering the child protection system. It is fair to say that the system needs reform. We cannot keep doing the same things and expecting different outcomes for Aboriginal children. But this bill is not the answer. I understand a number of amendments will be moved. The Leader of the Opposition has flagged some and others and have been circulated. The challenge is that if the bill is passed, amended or unamended, there will be unintended consequences, particularly because of a lack of broader consultation.

I am committed to delivering real outcomes and reform by working with the Minister for Aboriginal Affairs on a whole-of-government approach to closing the gap, which the Minister will speak to later. Furthermore, I am committed to engaging with key stakeholders, as recommended by the Family is Culture review, to implement reforms that they want. Aboriginal children are over-represented in the child protection system. At 30 June 2021 there were 6,829 Aboriginal children in out-of-home care, representing 43 per cent of the total out-of-home care population. Overall, the rate of Aboriginal children in out-of-home care has remained relatively stable over the past five years at around 60 per 1,000. However, the rate of non-Aboriginal children has significantly declined, leading to an increase in the population of Aboriginal children in out-of-home care compared with non-Aboriginal children.

To address that, the New South Wales Government is implementing the Aboriginal Case Management Policy, an operational framework for working with Aboriginal families in the child protection system. It was developed in partnership with the NSW Child, Family and Community Peak Aboriginal Corporation, or AbSec, in consultation with local Aboriginal communities. It provides a different way of working with Aboriginal families across early intervention, child protection and out-of-home care. The Aboriginal Case Management Policy guides child protection caseworkers with guidance on delivering casework services that are responsive to the needs of Aboriginal children, their families and communities. The policy helps caseworkers know how to promote self-determination for families, such as through Aboriginal community-controlled mechanisms, Aboriginal family-led decision-making, and using Aboriginal advocates and facilitators.

The Department of Communities and Justice districts are setting up governance structures to improve consultation with communities and review existing processes to integrate Aboriginal Case Management Policy principles. Involving Aboriginal communities in the shaping of case planning supports a system to provide culturally safe solutions to keep Aboriginal children safe and with family and community. The New South Wales Government is implementing significant reform and addressing the over-representation of Aboriginal children and young people in out-of-home care. New South Wales has signed a new national agreement on Closing the Gap that includes targets to reduce the over-representation of Aboriginal and Torres Strait Islander children in the child protection system and out-of-home care by 45 per cent, and to reduce violence and abuse against Aboriginal and Torres Strait Islander women and children.

The Government is also implementing the Opportunity, Choice, Healing, Responsibility and Empowerment plan, which is the New South Wales Government Aboriginal Affairs strategy to improve education and employment opportunities for Aboriginal people in New South Wales. The plan includes initiatives that focus on economic and social opportunities by addressing intergenerational trauma, local decision-making,

strengthening Aboriginal identity and culture, pathways through school to employment, engagement in schooling with the Connected Communities Strategy, showing positive outcomes for students in the early years in terms of NAPLAN results, and school readiness.

New South Wales funds nine Aboriginal child and family centres to provide culturally safe integrated health and early childhood services for children, women, families and community. The Department of Communities and Justice has redesigned training for new child protection caseworkers, including how to work better with Aboriginal families, which has been developed in partnership with AbSec. The department has introduced new Aboriginal-led, evidence-based programs that are embedded in local communities. Two that have commenced are the Nabu Demonstration Project and ID. Know Yourself, which provides mentoring and intensive support to Aboriginal children, young people and families.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): Order! I apologise for interrupting the Minister, but three members in the Chamber are not complying with the mask-wearing policy. I ask them to cooperate with the policy to avoid further interruption of speakers. The Minister has the call.

The Hon. NATASHA MACLAREN-JONES: As I was saying, those initiatives provide mentoring and intensive support to Aboriginal children, young people and families. New South Wales has commenced new evidence-based family and restoration programs aimed at keeping families together.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): Order! Does the Hon. Mark Latham require assistance with a mask?

The Hon. Mark Latham: No. Is there not a health order exemption that if facial expression is important to your work, you do not have to wear a mask? Some of us have evidence to say these masks are not worth two bob.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): The Clerk will stop the clock. The Minister will resume her seat. Is the Hon. Mark Latham taking a point of order?

The Hon. Mark Latham: Yes, I am. Point of order: Is there not a health order exemption? I am unaware of the rule that you are trying to enforce.

Mr David Shoebridge: To the point of order: There is no health order exemption that permits members to remove a mask for the purpose of having a facial expression in the back of the Chamber.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): There is no point of order. The Hon. Mark Latham has been sitting in the Chamber maskless for the entire debate. The suggestion that it is for the purposes of facial expression is not part of the COVID-safe policy for this Parliament. Therefore, I do not uphold the point of order. I ask the member again, does he require assistance to comply with the mask policy?

The Hon. Mark Latham: I am unaware of what the policy is. You did not address that part of my point of order.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): To assist the member, the policy is that members in the Chamber are required to wear a mask unless they are speaking. That is the sole reason for waiving the mask policy.

The Hon. Mark Latham: When was this policy voted on by the Chamber and circulated to members? I am unaware of the existence of the policy. No-one has notified me. I have not voted or had a chance to debate it. When did we debate this?

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): I do not have the details of the policy. I am only seeking to enforce it.

Ms Abigail Boyd: Point of order: We are talking about the health orders that apply to everybody. There is no exemption in this case. If the Hon. Mark Latham is sitting in the Chamber on camera without a mask, he is in breach of those health orders and he is likely to encounter some sort of fine.

The Hon. Mark Latham: Fine me. It is all over on Monday, isn't it? Isn't mask wearing abolished on Friday?

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): This is a very significant matter. The objections that the Hon. Mark Latham has raised deserve a proper response. It would be inappropriate for me, acting in the chair, to make such rulings. The issue will be taken under advice from the Clerks and the President will give a ruling at a later hour of the sitting. The Minister will continue.

The Hon. NATASHA MACLAREN-JONES: As I was saying, New South Wales has commenced new evidence-based family preservation and restoration programs aimed at keeping families together, which are contributing to the reduction in the rates of children and young people entering out-of-home care. The department is recommissioning all its family preservation services, which will prioritise and expand Aboriginal-led and culturally safe service provision. The Permanency Support Program provides tailored services to vulnerable Aboriginal children and young people, enabling them to grow up in connected and culturally rich environments with the support of their relatives, kin and community.

Group supervision also has been rolled out to caseworkers across New South Wales. This is where non-emergency decisions about a child at risk are made through a shared process of decision-making that prioritises self-determination to involve family, kin and community to strengthen cultural connections in children's lives. By offering a different way of working with Aboriginal communities, children and young people, these new initiatives ensure that a cultural lens is applied across the work of the Department of Community and Justice [DCJ] with Aboriginal children and young people and their families.

The New South Wales Government commissioned Professor Megan Davis to chair an independent review of Aboriginal and Torres Strait Islander children and young people who entered out-of-home care in New South Wales in 2015-16. Her report, *Family is Culture: Independent Review of Aboriginal and Torres Strait Islander Children and Young People in Out-of-Home Care in New South Wales*, was released on 7 November 2019. The New South Wales Government carefully considered the recommendations made in the report and released a response on 8 July 2020. The Government is committed to implementing recommendations from the 2019 review. The response makes a clear commitment to building a culturally capable service system that keeps children safe and connected to culture.

In November 2020 the New South Wales Government released a detailed report on progress to date that responded to the 125 recommendations of the *Family is Culture* report and plans for future implementation. Progress updates against recommendations are released quarterly and are published on the *Family is Culture* website. The implementation of responses is being led through a partnership approach with stakeholders and Aboriginal communities to ensure that Aboriginal voices are front and centre. These changes will amplify the Aboriginal people within the child protection system and strengthen accountability. The Government has established the new role of the Deputy Children's Guardian for Aboriginal Children and Young People in the Office of the Children's Guardian to drive change and elevate the rights and wellbeing of Aboriginal children. Richard Weston, a Meriam man and the former CEO of the Secretariat of National Aboriginal and Islander Child Care, which is the national peak body for Aboriginal and Torres Strait Islander children, commenced in this role in 2021.

The Government also established the Aboriginal Knowledge Circle in August 2020—an independent advisory council that advises me as the Minister for Families and Communities, and Minister for Disability Services on improving outcomes for Aboriginal children and young people. The department has tracked and monitored the implementation of the 3,026 individual case file recommendations made in the *Family is Culture* review report in relation to 1,153 Aboriginal children and young people who entered out-of-home care in 2015-16. The DCJ tracked and monitored the implementation of the individual case file recommendations. As of 19 January this year, 97 per cent of the recommendations have been implemented. New South Wales signed the Closing the Gap Implementation Plan and Safe & Supported: the National Framework for Protecting Australia's Children 2021-2031. New South Wales is currently working closely with other jurisdictions and a national Aboriginal and Torres Strait Islander leadership group to develop a five-year Aboriginal and Torres Strait Islander action plan to implement the national framework.

The National Agreement on Closing the Gap represents a commitment to shared decision-making as a fundamentally new way of developing and implementing policies and programs that impact on the lives of Aboriginal and Torres Strait Islander people. New South Wales has committed to targets to reduce over-representation of Aboriginal children in out-of-home care by 45 per cent by 2031 and has developed an implementation plan in partnership with Aboriginal peak organisations to achieve this target. Under the agreement, New South Wales is working in partnership with the Coalition of Aboriginal Peak Organisations representatives on the priority reform for building the community-controlled sector. Both these national strategies are guiding our action on child protection.

The Department of Communities and Justice has created a new Deputy Secretary, Transforming Aboriginal Outcomes. Mr Brendan Thomas, a proud Wiradjuri man and former chief executive officer of Legal Aid NSW, has been appointed to this role. This is a significant milestone for the department and a significant step towards improving service delivery and engagement with Aboriginal people. This role will improve our focus on working towards achieving Closing the Gap targets across child protection, the criminal justice system, housing, and the prevention of domestic violence.

A key rationale for the proposed bill is to give effect to recommendations about legislative changes made by the Family is Culture review. However, the bill is premature, as it places law reform before recent policy and practice changes have had a chance to be fully realised. The Government recently changed the New South Wales child protection legislation—the Children and Young Persons (Care and Protection) Act 1998—to reform permanency planning and strengthen independent oversight by the Children's Guardian. A key aspect of this recent legislative change was to require all families to be offered alternative dispute resolution.

Family Group Conferencing is the preferred form of alternative dispute resolution offered to families. Three-quarters of families who participate do not need to go to the Children's Court. Last year, over half the families who participated were Aboriginal families. This change is helping Aboriginal families develop their own solutions and stay together safely. These reforms are still in their early stages. We first need to understand how the reforms have changed the experience of Aboriginal families in the child protection system before we make further changes to legislation. Some recommendations of the Family is Culture review are highly complex and impact on multiple stakeholders. The New South Wales Government wants to ensure that any legislative recommendations are implemented in a way that maximises their effectiveness in practice.

There are some recommendations where there are varied views across Aboriginal communities and stakeholders. We must first consult with AbSec, which is the New South Wales Child, Family and Community Peak Aboriginal Corporation, the Children's Court, the Children's Guardian, the Aboriginal Legal Service (NSW/ACT), and the Aboriginal community-controlled organisations. Proceeding without consultation, particularly with the Children's Court, has significant risk and potential unintended consequences. As I said earlier, a number of amendments are being circulated in the Chamber. We really do not know what the final bill will be; therefore, further consultation definitely is required. Many of the legislative recommendations of the *Family is Culture* [FIC] report speak directly to the spirit of implementation rather than to the mechanical amendments to the Act. It is simply not possible to successfully do this without consulting with crucial stakeholders, such as the Children's Court, because many of the recommendation in the FIC review speak directly to that court's processes and practice.

As an example of an unintended consequence, without a consultative approach, it is possible that the Children's Court time frames could blow out. We know that permanency, in particular restoration back to family, is most successful when casework action is taken swiftly and where children and families are not waiting many months for court hearings. We all know practice change does not occur automatically with legislative change, which is why appropriate consultation is critical to implementation success. In fact, one of the significant themes in the FIC report that seems to be missed in this bill is the importance of bringing to life the considered implementation impacts of legislative changes for vulnerable Aboriginal children, their families and communities—that is, not just mechanically pushing through legislative change as if to prove a political point, but rather working with the community and the Children's Court to ensure that the intent of the FIC review is implemented.

For example, recommendation 64 of the FIC review is that the Children's Court magistrates should be directed to consider the known harms to an Aboriginal child of being removed into care. It is likely that the stakeholders in the legislative and court system will say this is already currently provided in the care Act. But what the FIC is really trying to say here is that the longer term consequences to a child, their life trajectory, their likelihood of contact with the criminal justice system, the impact of their trauma as experienced through their family and community relationships, need to be fully considered by the court as part of making its decision to remove an Aboriginal child. It simply is not possible to capture the nuance in legislation. It is only possible to do it through proper consultation with the Children's Court.

So what is being attempted here is to make legislation without proper consultation. This bill represents a missed opportunity to make a real difference for Aboriginal children and their families and an opportunity to make the right decisions for vulnerable people. The Government is committed to appropriately consulting, but consultation does not mean that we have to wait for years to do so. As Minister, I am committed to bringing forward legislative recommendations as soon as possible where stakeholders have been consulted and have indicated to the Government what is beneficial to them. As the new Minister, I look forward to bringing back together the stakeholder group the Aboriginal Knowledge Circle to consult in detail about the legislative changes that are required following FIC and to bring forward changes as soon as possible. This will ensure that any changes will actually benefit Aboriginal children and families and not be counterproductive.

There are some concerning and ill-considered parts of the bill. The bill proposes to remove the current provision for the Children's Guardian to accredit out-of-home care agencies where the agency has substantially satisfied the out-of-home care standards. It provides that the Children's Guardian cannot accredit an organisation to deliver out-of-home care if they have not met the accreditation criteria. While Aboriginal community-controlled

organisations are exempt, we still oppose this provision. Exempting Aboriginal agencies creates an impression that they are unable to demonstrate compliance—

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

Questions Without Notice

RAIL SERVICES DISRUPTION

The Hon. PENNY SHARPE (12:00): My question without notice is directed to the Minister for Regional Transport and Roads. On Monday the Minister for Transport said he became aware of the decision to shut down the New South Wales and Sydney rail networks late last night, and yesterday he said, "I found out with everyone else at 4.00 a.m." Given that timeline, when was the Minister for Regional Transport and Roads briefed on the decision to shut down the rail network?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (12:00): I thank the member for her question. I knew that the Greater Sydney rail network was shut down on Monday morning at 6.00 a.m. when I watched the news.

HOMELESSNESS

The Hon. CATHERINE CUSACK (12:01): My question is addressed to the Minister for Families and Communities, and Minister for Disability Services. What is being done to ensure that the New South Wales Government meets its commitment to halve rough sleeping in New South Wales by 2025?

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (12:01): I thank the honourable member for her question and acknowledge the significant contribution and work she has done in this space and to raise awareness of homelessness across New South Wales. The New South Wales Government is committed to supporting vulnerable people in our community, especially those who are experiencing homelessness or are at risk of becoming homeless. Early on Tuesday morning I joined the member for Sydney, Alex Greenwich, and over 150 volunteers for the City of Sydney rough sleeper street count. This terrific initiative is in addition to more than 70 rough sleeper street counts taking place across the State. I thank each and every one of the volunteers who give their time to go out in all sorts of weather to participate in the count.

The City of Sydney count has been going since February 2010. As part of the Government's commitment to reducing street homelessness by 50 per cent by 2025, it began conducting a statewide street count in February 2020. That runs alongside the City of Sydney's count to encompass all areas across the State, from Tweed to Bega and out to the west. Hundreds of volunteers and staff have assisted with the logistical operation to provide us with the data which will assist in understanding where resources are required. As we move to tackle the causes and address the extent of the issues that accompany homelessness, it is critical that we know more about rough sleepers. It is often said that one cannot manage what one cannot measure. That is why monitoring the number of people sleeping rough is a key plank in the New South Wales Government's commitment to addressing homelessness.

The Government has set a goal of halving street sleeping by 2025 and it is determined to meet that target. Statewide, assertive outreach patrols have been ramped up, with teams out every day engaging with people sleeping rough and helping them get the support they need to settle into stable housing. Recently I joined a patrol with the Department of Communities and Justice's Homelessness Outreach Support Team—also known as HOST—in the Sydney CBD and was impressed by how well they engage with vulnerable clients. Since April 2020 more than 1,300 people sleeping rough across New South Wales have been assisted into social housing and 630 have been assisted into private accommodation. That is a terrific result and shows that the Government is delivering on its promise to help reduce the number of people sleeping rough and support vulnerable people in our community.

The Government is making a record investment to ensure that people at risk of experiencing homelessness have a secure roof over their heads, including young people and women and children escaping domestic violence. Last year we announced a record investment of $484.3 million to support domestic violence victim-survivors into housing to help them move on with their lives. Furthermore, the $122.1 million Together Home program, which launched at the height of the pandemic in 2020, has assisted more than 650 people sleeping rough into stable accommodation with wraparound services to ensure that they receive the support they need. We are collaborating with the community housing providers and investing over $152 million in the Community Housing Innovation Fund, which will deliver more social and affordable housing to people across the State.

RAIL SERVICES DISRUPTION

The Hon. JOHN GRAHAM (12:04): My question without notice is directed to the Minister for Regional Transport and Roads. As Minister for Regional Transport and Roads, what action has he taken to find out why some of the regional train network was shut down on Monday, resulting in regional families being unable to get to work, education and vital medical appointments?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (12:05): I thank the member for his question. As the Minister for Regional Transport and Roads, over the weekend and in the days that have just passed I have been briefed on the industrial action. It is great that the XPT, which services many regional communities up the North Coast, down south and out through the Central West—and which complements the Endeavour and Explorer services—ran through this disruption with minimal interruption across the network. As the Minister for Regional Transport and Roads, I am responsible for the intercity services. Those services from the South Coast, those that run right out through Bathurst—my home town—with the Bathurst bullet services, as part of the intercity—

The PRESIDENT: Order! Opposition and crossbench members will stop incessantly interjecting. The Minister has the call.

The Hon. SAM FARRAWAY: Members opposite obviously do not like the answer. As the Minister for Regional Transport and Roads, part of my regional and outer metro team within Transport for NSW was in dialogue with regional services. Again, I acknowledge the hard work from those within transport and the regional and outer metro teams who were able to keep vital services like the XPT going. The XPT is a different service. It services so many communities. Where possible, the intercity services were adjusted, with coaches filling as many of those services as possible. At the end of the day, I am glad that the regional and outer metro team were able to keep a lot of those services going.

BRUMBY REHOMING

The Hon. EMMA HURST (12:07): My question is directed to the Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth, representing the Minister for Environment and Heritage. Why has the New South Wales Government updated its brumby rehoming requirements to say that rehomers must have an area for heavily pregnant mares to foal, when the code for trapping horses says that heavily pregnant mares should not be trapped and transported and when the New South Wales Government has previously stated that heavily pregnant mares and mares with young foals would be released from traps?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (12:07): I thank the honourable member for her question. As the representative of the Minister for the Environment and Heritage in the Legislative Council, I am advised that the Kosciuszko National Park Wild Horse Heritage Management Plan was developed as a requirement of the Kosciuszko Wild Horse Heritage Act 2018 and adopted by the former Minister for Energy and Environment on 24 November 2021. The plan strikes the right balance between protecting wild horse heritage values and maintaining the exceptional conservation values of our State's largest national park. It finally provides certainty for local communities and all who value the park's unique environment. The plan provides for a staged reduction in the overall wild horse population from an estimated 14,380 horses in the 2020 survey to 3,000 horses by 30 June 2027.

The Hon. Emma Hurst: Point of order: My point of order is about direct relevance. The question was very specific. It was about the conflict between the rehoming requirements that the Government has just announced and the code that the Government has around trapping heavily pregnant mares.

The PRESIDENT: The Minister's comments were introductory and he was about to answer the question. The Minister has the call.

The Hon. BEN FRANKLIN: He actually was. To achieve these population reduction targets, the plans make available a suite of control methods that were selected for use based on maximising animal welfare outcomes, controlling effectiveness and taking into account management variables specific to the area. The plan continues to prioritise passive trapping and the removal of wild horses for rehoming where they lead to the highest animal welfare outcomes. Where rehoming is not practical, the plan provides for a range of other control options, subject to strict conditions, ensuring that the highest animal welfare standards are met. To reflect the Government's commitment to optimise animal welfare outcomes, the wild horse rehoming requirements and the application process have been updated this year with advice from independent veterinary experts and the RSPCA.

Ahead of the resumption of the control program, over 330 interested members of the community have been directly invited to apply to rehome horses from the park. I am advised that nine rehoming applications have already been received. Requirements in place prior to the completion of the plan allowed for the transport and rehoming

of pregnant mares and mares with dependent foals in accordance with Commonwealth standards and guidelines, and recent advice from independent veterinary experts and the RSPCA have confirmed this approach. The Commonwealth standards provide for the safe transport of these classes of horses, provided that the maximum specified transport durations are not exceeded. However, if an approved home does not exist for pregnant mares and mares with dependent foals within the allowable transport duration, they may be released from trapyards back into the park. That requirement remains in place under the new plan.

Standard operating procedures are currently being developed for other control methods available for use in the plan. The procedures are being developed in consultation with animal welfare experts and the RSPCA. Other control methods may be utilised in the park in future once standard operating procedures are finalised. I can assure the honourable member that the removal of wild horses will continue to occur in accordance with best practice animal welfare requirements.

REGIONAL SENIORS TRAVEL CARD

The Hon. SCOTT FARLOW (12:11): My question is addressed to the Minister for Regional Transport and Roads. Will the Minister update the House on the success of the regional seniors travel card?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (12:11): I thank the Government Whip for his question, and what a good question this one is. Since the huge success of the Liberals and The Nationals taking the regional seniors travel card to the 2019 election—which, I might add, Labor opposed at the time—690,000 cards have been issued to regional seniors across this great State.

The Hon. Mick Veitch: I am not eligible yet.

The Hon. SAM FARRAWAY: Oh, yeah—keep pulling the other one, Mr Veitch! So 690,000 cards have been issued over 2020 and 2021. It is an absolute privilege to be able to take on the Regional Transport and Roads portfolio from the now Deputy Premier, the Hon. Paul Toole. This successful funding program is delivering real outcomes and real benefits to regional seniors right across regional New South Wales. Part of the feedback over the two years of the program has been that it was so popular that it was almost oversubscribed. It has been fantastic the way Government has been able to fund it and get it rolled out for another two years. Part of the feedback that the New South Wales Government got over the initial two years of the program was: How can we expand it? Not only extend the program for regional seniors for another two years but how can we expand it?

It is an absolute privilege and honour as the Minister to say we rolled this program out on 18 January, when applications opened in the mighty Monaro, with the Deputy Premier and the fantastic member for Monaro, Nichole Overall—who will be sworn in in a short time—along with Queanbeyan seniors. Expanding the program means that those who are on the disability support pension or those who are a carer or have that entitlement through Services Australia are now eligible under our revised criteria for the regional seniors travel card, not for one year but for two years. This is a huge commitment and it is making a real difference. It is important to note that throughout regional New South Wales we do not have access to the same type of transport infrastructure as in Sydney; it is not geographically possible.

But this card allows seniors to go to medical appointments or visit family and friends in the city or interstate. They can use it on taxis, on accredited community transport operators, on the TrainLink and coach networks, on the express passenger train [XPT], on the Endeavour and on XPLORER services. This is clearly a program that is delivering huge outcomes. I will give a shout-out while I have the time to those on the Central Coast, which has seen over 62,000 applications already. Muswellbrook and Murray River have also had great success, with 48 per cent of residents already involved in the program.

LITHGOW AND HIGHER SCHOOL CERTIFICATE RESULTS

The Hon. MARK LATHAM (12:14): My question is directed to the Minister for Education and Early Learning. I refer the Minister to the Standing Order 52 documents that were returned to the House regarding the School Excellence Policy, particularly the notes from a meeting between the Lithgow High School principal and the Lithgow director of education leadership, Debbie-Lee Hughes, on 7 September 2020. During the meeting a question was asked on what would improve student HSC performance. The answer recorded of Ms Hughes was, "Better breeding." That is right—two words: "Better breeding". Is this really how schools in Lithgow are being run—with elitist, condescending and nasty reflections on the breeding of this working class community? What action will the Minister take to remove these so-called school leaders from the New South Wales school education system?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:15:32**):** I thank the member for his very specific question in relation to a document obtained through a Standing Order 52 process. Obviously, as members in this House would be aware—the Hon. Courtney Houssos in particular—a lot of

documents come out during calls for papers and I am not familiar with every single page of them. But noting the nature of the member's question, I am happy to take the question on notice and seek some more advice in relation to it. We have hardworking teachers working in our public education system each and every day, including in regional communities. But what I need to do, as I said, is seek some more advice.

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

The Hon. SARAH MITCHELL: I need to seek some more advice on that matter. If they were comments that were made, that is certainly not a view that I hold as education Minister. It would concern me, but it is something that I need to get appropriate advice on regarding the particular documentation that the member is referring to.

The Hon. MARK LATHAM (12:16): I ask a supplementary question. Given the importance of the matter and what the Minister has just said, will she undertake to report back to the House before we rise at the end of tomorrow's proceedings?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:17:08**):** I am happy to give the member the assurance that I will be making inquiries about this issue as soon as we finish question time. I am very happy to provide him with advice as soon as it is available. As the normal process is, of course, I will be taking questions on notice and answering them within the relevant time frames. But, as I said, I understand the seriousness of the matter that the member has raised, so I am very happy to provide him with an update as soon as I have one.

The Hon. WALT SECORD (12:17): I ask a second supplementary question. Will the Minister elucidate her answer in regard to the offensive remarks that were attributed in the question the Hon. Mark Latham asked? Will the Minister give a quicker response than she did with the person posting pro-Hitler posts on the department website?

The PRESIDENT: I rule the question out of order.

COVID-19 AND PERFORMING ARTS SECTOR

The Hon. DON HARWIN (12:18): My question is addressed to the Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth. Will the Minister update the House on how the Government is supporting the performing arts sector as it emerges from COVID restrictions?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (12:18): I thank the honourable member, who has not only some interest but an enormous amount of expertise in this area. I publicly thank and acknowledge him for the towering job that he did as the Minister for the Arts over 4½ years in this State. There is no doubt that the performing arts sector has borne the brunt of restrictions of the public health orders over the past two years. From community shows to large-scale national tours, the performing arts sector has been forced to bounce back from restrictions and lockdowns, and then rehearse and perform again, often in a period of great uncertainty. But the New South Wales Government has been supporting our vibrant performing arts sector through each stage of this pandemic. It has been utterly committed to getting performances back on stage and breathing life into our State's world-class venues.

I am proud that the Government has delivered more than $350 million across the arts and culture sector over the past two years. People in the industry have said to me that it is a nation-leading State response. The performing arts sector has been supported through major packages, including a total of $205 million under the performing arts COVID support and relaunch packages. That includes the recently announced $85 million performing arts extension package that will allow our State's dynamic performing arts and live music sector to confidently return to the stage and deliver the vibrant, diverse and inspiring works we have missed so much. Support continues to be available for eligible venues and organisations for performances impacted by public health orders until the end of April this year.

Furthermore, $5 million from the package will be provided to Support Act, an organisation that I know is much loved across the Chamber, which is dedicated to supporting the health and welfare of performing artists. The New South Wales Government's support for the performing arts extends well beyond that sector, helping bring life to CBDs, towns and entertainment precincts. As at 18 February, 381 organisations and venues have been supported, with $137 million already allocated. That means an incredible 7,000 performances and over 2,000 arts businesses and venues have been supported. That support is critical because it keeps artists employed and ensures that this State remains the cultural capital of Australia.

There have been plenty of positive stories to emerge from organisations that have benefitted from the Government's support packages. From small independent Sydney-based theatre companies to organisations dedicated to regional touring, the Government's support ensures that organisations across the sector remain viable

and well positioned to support the communities that they represent. I am incredibly proud that the New South Wales Government has supported the arts at the scale that it has. Our State has demonstrated how highly we value arts and culture, and we have led the rest of the country in supporting the arts sector through these incredibly challenging times. That was reaffirmed just yesterday when I launched the Sydney Fringe Sideshow with the extraordinary Kerry Glasscock as part of the CBD Revitalisation Program. The show starts this Friday and everyone should go.

TRAFFIC CONGESTION

The Hon. SHAOQUETT MOSELMANE (12:21): My question without notice is directed to the Minister for Metropolitan Roads. Given the Minister's statement yesterday about how her government is improving the commute for motorists, will she apologise for today's morning commute, in which motorists ground to a halt across the city of Sydney?

[*Members interjected.*]

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:21): I have not even begun and there are interjections already. It is a new approach. I thank the honourable member for his question. I empathise with all commuters impacted over the past few days, not only by the industrial action but also by the weather we have experienced. There is no doubt that there has been more congestion on our roads. The Government has been very clear that its key focus is getting people to work in the morning and back home at night as safely and as quickly as possible. That is why I acted to ensure that the T2 and T3 transit lanes were made available for everybody. You need two people in the vehicle to avail yourself of T2 lanes and three people in the vehicle to take T3 lanes. They are open to everybody to ease congestion and get people where they need to go.

Those changes were made to reduce congestion across our road network. In addition, I asked Transport to monitor the road network and take any further measures necessary to reduce congestion wherever possible. Transport has undertaken that work through the Transport Management Centre, putting in those measures and utilising smart technology on the roads. Measures in place across the network include entry ramp signals to keep traffic flowing on the motorway and make merging easier and safer, particularly when it is busy, communications to the public—

The Hon. Scott Farlow: Point of order: I am trying to hear the answer of the Hon. Natalie Ward and I cannot hear her over all the interjections coming from across the Chamber. Mr President, I ask you to bring some order to the debate.

The Hon. Walt Secord: To the point of order: I think there is something wrong with the microphone. It was very clear the Minister was speaking and we could not hear her. It was not due to interjections.

The PRESIDENT: I uphold the point of order. There is far too much interjecting from Opposition members. The Minister has the call.

The Hon. NATALIE WARD: I thank the honourable member because the question is almost a dixer to allow me to outline the ways we are working to support working families and workers trying to get to their jobs and do what they need to do. Those families have faced disruptions for two years trying to get their kids back into their routine and back to school and get themselves back to work. The measures included entry ramp signals, communications to the public through variable message signs and speed limit signs, electronic signs on approach to roads warning of the changed conditions, and the intelligent traffic light system that the Government has put in place. I am pleased to say that those arrangements will continue for the rest of the week. Commuters and motorists will be able to avail themselves of those transit lanes to get where they are going quickly. We are pleased to make that happen.

The Hon. Walt Secord: Your driver will be happy. You and him in the T2.

The Hon. NATALIE WARD: That is offensive to that person. It is pleasing we can put those measures in place to get people where they need to go quickly.

POWERHOUSE PARRAMATTA

Reverend the Hon. FRED NILE (12:25): My question is directed to the Minister for the Arts. I note with concern that the construction site for Powerhouse Parramatta is deep underwater. Why was the flood warning advice given by Steven Molino and others ignored? What did the Minister's predecessor, the Hon. Don Harwin, mean by a one-in-1,000-year flood zone? Has Parramatta recently had a one-in-1,000-year flood? How many times has the construction site flooded and what action is the Minister taking to prevent repeated flooding?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (12:26): I thank Reverend the Hon. Fred Nile for his genuine and significant concern about the arts in this State. I am delighted to advise him that he has nothing to worry about. I will explain this carefully and clearly for all honourable members: There was no issue with the heavy rain on Tuesday, which would have peaked—

The Hon. Don Harwin: Point of order: I can barely hear the Minister over the Leader of the Opposition, who is distracting the Minister with a constant stream of interjections.

The PRESIDENT: I uphold the point of order. Whilst members are wearing masks and they are somewhat muffled, I can get a general feel for where the interjections are coming from. In this case, the Hon. Don Harwin has nailed it completely. The Minister has the call.

The Hon. BEN FRANKLIN: I understand that this is an issue of concern for all members, so I am happy to provide clear information. Water from the heavy rain on Tuesday would have peaked at around four metres below the future Powerhouse Parramatta's ground floor. As I said yesterday, Powerhouse Parramatta exceeds the City of Parramatta Council requirements to be above the water levels of a one-in-100-year flood event. To put it in context, during a one-in-100-year flood event the water levels would still be 2.5 metres below the ground floor. But the honourable member asked about a one-in-1,000-year event, which is a measure that the Parramatta council uses as well. Even in that flood event the water levels would still be below the ground floor.

To put members further at ease, I point out that the highest flood event ever recorded in Parramatta, in 1988, would still have peaked two metres below the ground floor. As the former Minister said yesterday, it does not come anywhere near the Wilde Avenue Bridge. It does not come anywhere near Phillip Street. It is ridiculous. Even one of the most vocal opponents of the site, the environmental consultant Steven Molino, to whom Reverend the Hon. Fred Nile referred and who I had the privilege of listening to on many occasions, admitted on 2GB this morning that the current flood level is minor flooding that would not place collections at risk.

The Hon. John Graham: We need an inquiry.

The Hon. BEN FRANKLIN: Tragically, I will not be able to sit on that inquiry. It is very clear that the Powerhouse Parramatta will be a safe building for people to visit and for the museum's collection to be exhibited. The ground floor has been set at a safe level based on the flood analysis undertaken by ARUP, which brings its global expertise and best-practice flood modelling to the project. The Government is committed to delivering this extraordinary piece of cultural infrastructure for western Sydney. We do not resile from that. It will be safe, and it will be magnificent.

NORTHBOURNE PUBLIC SCHOOL

The Hon. PETER PRIMROSE (12:30): My question without notice is directed to the Minister for Education and Early Learning. Given Northbourne Public School, a school with more than 1,000 students, has been waiting for seven months to get the school crossing supervisors it applied for, will the Minister confirm if and when the school will receive a school crossing with supervisors?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:30:28**):** Soon I will not have to worry about the mask in the hoop earrings! I thank the member for his good question in relation to Northbourne Public School. I am happy to take the question on notice. I will do so because the school crossing supervisors are not managed through the Department of Education but through Transport for NSW, so I will need to seek advice about that particular school and the timing in terms of that safety measure. I will do so immediately and come back to the member with an answer.

The Hon. PETER PRIMROSE (12:30): I ask a supplementary question. I apologise for asking this, but it arose directly from the answer given by the Minister. Will the Minister elucidate her answer and confirm that the issue of safety through the provision of school crossing supervisors is not included as a part of the planning instrument?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:31:18**):** The member asked me specifically if a crossing with supervisors would be in place at Northbourne Public school and the time frame of that happening. As I said, the school crossing supervisors are managed by Transport for NSW, not by the Department of Education, which is why I need to take advice to answer that specific part of the member's question. More broadly, in terms of school safety, the kiss-and-drop zones and how things need to be organised at our newly built schools, that is done as part of the planning process. Like I said, crossing supervisors are the responsibility of Transport for NSW, which is why I need to seek advice to answer that specific part of the member's question.

BEFORE AND AFTER SCHOOL CARE

The Hon. SCOTT FARLOW (12:32): My question is addressed to the Minister for Education and Early Learning. Will the Minister update the House on what the New South Wales Liberal-Nationals Government is doing to support working families across New South Wales?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:32:19**):** That is a good question from the member, who knows what it is like to be a working parent and manage the juggle of work and children. As members know, it has been a really challenging couple of years for parents of school-aged children, juggling those demands of supervising education at home at periods of time while also working remotely. We are committed as a government to ensuring that all children at public primary schools who need before- and after-school care [BASC] can have access to a convenient and accessible service. Across the whole sector, we currently have 1,738 services offering 134,263 places for children, which is a massive increase. That increase means the New South Wales Government has ensured that thousands more families are able to access affordable care at a place that is convenient for them.

Members who use before- and after-school care may already be aware of this, but I am also delighted to share that all parents and carers of children enrolled in primary schools in New South Wales can benefit from a $500 BASC voucher for each of their children. Our Government had already committed $120 million to expand access to these services for children at public schools across New South Wales, particularly where there is a demand for services. The voucher program now expands that investment by an additional $115 million to ensure that all primary school students have that access. This is important because BASC services have been very crucial for families, particularly those who returned to work over the summer holidays. The $500 voucher will assist families who use BASC services by effectively covering the parent gap fee component of their session fees. The vouchers will help alleviate some of the financial pressures on New South Wales families, provide greater flexibility and more options for those who need to work while caring for their children.

The vouchers will be delivered through Service NSW. They will follow a similar premise to the Dine & Discover vouchers, which I know members in this House will be familiar with. Eligible families will receive their vouchers in the Service NSW app, and providers can quickly scan the QR code on the spot or use the unique voucher code to redeem. Providers of BASC will also benefit from this announcement as the funding can help ensure that more children are enrolling for more sessions. BASC providers were able to register to redeem the vouchers from 7 February, and parents will be able to apply for and begin utilising the vouchers from 28 February, which is next Monday. This is just another way that as a government we are making sure we invest in our families, particularly our working families. Pressures on household budgets have been incredibly high over the last little while, and we know a lot of working families and essential workers rely very heavily on BASC. The $500 voucher per child will make a big difference to a lot of families who rely on these services, and it is just another way that our Government will continue to support them.

CLOSURE OF COAL-FIRED POWER STATIONS

The Hon. MARK LATHAM (12:35): My question is directed to the Leader of the Government, Minister for Finance, and Minister for Employee Relations, in his capacity representing the Minister for Energy in the other place.

The Hon. Damien Tudehope: Not the question I wanted.

The Hon. MARK LATHAM: You can stand up and give a full explanation of why there is a huge problem in energy policy. I refer the Minister to comments made by Federal energy Minister Angus Taylor that it is delusional for the New South Wales Government to replace 20 per cent of the State's electricity supply to Eraring with a two-hour battery. Will the Minister for Energy, Matt Green, explain how he got it so wrong in saying that his 100 per cent renewable electricity roadmap would not force the early closure of power stations like Eraring, with a loss of 500 jobs in the Lake Macquarie district, and furthermore put all of New South Wales at a higher risk of rising power prices and blackouts?

The Hon. Scott Farlow: Point of order: The member did not refer to a member of the other Chamber by his correct title.

The Hon. Mark Latham: Who is that?

The Hon. Scott Farlow: The Treasurer. You know.

The Hon. Mark Latham: Oh, did I say "Green"? Sorry, that was so obvious a slip—Matt Kean.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:36): I thank the member for his question, and it is great to see that he asked the first question of the day to

the Leader of the Government. Those opposite could have asked so many questions, but the cowardice on display today to articulate the questions in relation to the train system, which was available to them—

The Hon. Anthony D'Adam: Point of order—

The Hon. DAMIEN TUDEHOPE: Of course they do not want to hear it.

The Hon. Anthony D'Adam: Clearly the Minister is not directing his comments to the question that has been asked, and he needs to come back to the question.

The PRESIDENT: I uphold the point of order. The Minister will be directly relevant in his answer to the question.

The Hon. DAMIEN TUDEHOPE: I thank the member representing the CFMEU in this place.

The Hon. Rose Jackson: I don't think that offends him.

The Hon. DAMIEN TUDEHOPE: The challenge of Mark Morey sitting out there in the wings is that one of you has to go because Mark Morey is on his way. He is auditioning for you at the moment. Mark Morey is coming for you!

The PRESIDENT: Order! I remind the Minister to stop flouting my ruling and to direct his answer to the question asked.

The Hon. John Graham: Why don't you wake up your front bench? They're all asleep, and the trains have stopped.

The Hon. DAMIEN TUDEHOPE: Well, they are not now. It is an important question. It is properly answered by the Minister who has responsibility, and he should answer the question that has been raised and as articulated by the member. I will take the question on notice and endeavour to provide the Minister's answer to the member.

The Hon. MARK LATHAM (12:38): I ask a supplementary question. In eliciting that extra information, given his role on the expenditure review committee and other government forums, will the Minister also answer whether the Government been advised of the early closure of other coal-fired power stations operators in New South Wales? What are the details?

The Hon. Scott Farlow: Point of order: The Minister took the question on notice. A supplementary question did not arise from the Minister's answer given to the original question asked by the Hon. Mark Latham.

The PRESIDENT: I uphold the point of order. It was a good try, but a supplementary question is only valid if it seeks to elucidate the Minister's response in his answer given to the original question that was asked.

DOMESTIC VIOLENCE FUNDING

The Hon. ROSE JACKSON (12:39): My question without notice is directed to the Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence. Why did the Government delay the distribution of $32.5 million in domestic violence funding it announced more than seven months ago, putting vital support services at risk?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:39): I thank the Hon. Rose Jackson for her question. Staying Home Leaving Violence supports women and children who have experienced domestic and family violence to safely stay in their own home or the home of their choice. It is a fantastic program which we wholeheartedly support, so much so that, as the member rightly indicates—except for the dates—on 10 February 2022 the Government announced nearly $20 million over four years to expand the Staying Home Leaving Violence program, from 28 providers at 33 existing sites to reach out further to 70 locations across the State. This will focus as a priority on areas with high demand. This is part of the $32.5 million allocation in the 2021-22 budget to expand Staying Home Leaving Violence.

Details of the further expansion of the program are expected to be finalised shortly as we work with the sector to co-design this new model, as it has asked. This is the preferred approach of the sector. The Department of Communities and Justice will continue to work with providers to refine and target the expansion plan. The expansion of Staying Home Leaving Violence is in addition to the record $484.3 million investment—the single biggest in this State's history—to tackle domestic and family violence by housing projects and specialist services. The Government is here to address this issue, and clearly it is doing so in expanding the program. There was no delay.

SUICIDE PREVENTION PROGRAMS

The Hon. DON HARWIN (12:41): My question is addressed to the Minister for Women, Minister for Regional Health, and Minister for Mental Health. Will the Minister update the House on the rollout of the Towards Zero Suicides initiatives in the Murrumbidgee region?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:41): I thank the Hon. Don Harwin for his question. As part of our Towards Zero Suicides program, last year I announced $47 million for new suicide prevention initiatives across New South Wales, including 20 non-clinical hubs called Safe Havens. Last week I had the great pleasure of getting back out on the road to officially open two of these Safe Havens in Wagga Wagga and Griffith. Safe Havens provide a different type of support for people who are experiencing distress and suicidal thoughts. They are free and confidential. Most importantly, they are an alternative to an emergency department where people can informally chat to trained staff with lived experience, have a coffee or tea, play board games, join in an activity or simply relax in a quiet spot. I was so impressed with the warmth and the homely comforts of the new spaces that have been provided, and I could not be more proud of this initiative.

In Griffith I was welcomed by two wonderful peer support workers, Karen and Cheryl, who are both incredibly passionate about making a difference for those struggling in their communities. Because of their lived experience, they are well placed to support people at times of distress, navigate the mental health system and link people to community support. Instead of struggling alone or waiting in a stressful emergency department, anyone who is experiencing mental health distress can head to these purpose-designed Safe Havens. The feedback from everybody I spoke to on the day was so overwhelmingly positive that there is no doubt in my mind that this Safe Haven will be not only life changing but also life saving for many people.

Since opening their doors, the Safe Havens have already seen people present who otherwise would have gone to emergency. People have come back weeks later saying that the care and conversations they had with peer workers changed their lives. They received the intervention and care that they needed and they truly felt that they had found a safe space. This is a novel form of suicide prevention. This support engages people in distress by offering a safe, familiar and comfortable space while ensuring that they stay connected and are referred to appropriate services. If we can provide this support to someone before they are hospitalised, the likelihood of further suicidal behaviour is significantly reduced.

There are no appointments or referrals needed. A person can walk right in and these support workers, like the amazing Karen and Cheryl, will be there to welcome them warmly. These Safe Havens add to the web of support the New South Wales Government has already embedded across New South Wales. These sorts of initiatives are so very important. If we look at different models of care and alternatives to emergency departments, we are improving the outcomes for people. I have spoken to people who have used this service in western Sydney and they have said that it saved their life. This is the way that mental health care should be provided.

SYDNEY HARBOUR BRIDGE AND ABORIGINAL FLAG

The Hon. MARK LATHAM (12:44): My question is directed to the Minister for Aboriginal Affairs. Was the now Premier, Dominic Perrottet, not right in his *Daily Telegraph* article on 3 February 2018 when he described the permanent flying of the Aboriginal flag on the Sydney Harbour Bridge as "a lavish exercise in trendy virtue signalling designed to stroke the ego of inner-city elites that won't make one iota of practical difference to the lives of Indigenous people in New South Wales"? Is the bridge flag not a distraction from the serious, real-life problems of Aboriginal communities in New South Wales, such as child sexual abuse, welfare dependency, drug and alcohol abuse, and dreadfully high levels of unemployment? Why is the Minister not fixing these problems and human tragedies instead of virtue signalling on Sydney Harbour?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (12:45): The answer is, because we can walk and chew gum at the same time. It is not one thing or the other.

The PRESIDENT: Order! I call the Hon. Rose Jackson to order for the first time.

The Hon. BEN FRANKLIN: This is important, significant and meaningful to Aboriginal people across New South Wales. I had thought this was an aim shared by both the Government and the Opposition. The Hon. Rose Jackson would do well to learn more from the Premier's leadership in both Chambers. It is important for the Aboriginal people to be able to look up to the Sydney Harbour Bridge every single day and see that they are represented, that they have a meaningful and spiritual place at the heart of this nation. But that does not mean that we cannot focus on a range of other things that need to be done which affect the practical lives of regional people.

Of course this Government is focusing on those things. Of course we are focusing on the four priority reform areas for Closing the Gap. We have added a fifth area, which is the appropriate one to focus on: economic empowerment and development for Aboriginal people. We are focusing on each of the 17 priority areas. For the first time, this Premier has put into the charter letter of every single Minister that they have responsibility for the individual Closing the Gap priority targets in their portfolio areas. In order for Ministers to achieve their outcomes and directly fulfil the responsibilities of their portfolios, they must address these things. They must focus on exactly the issues that the Hon. Mark Latham cares so deeply about—and I know that he does. We have spoken about the desperate problems that are often seen in regional and remote communities, such as violence, drug and alcohol, and life expectancy issues. Every single member of this Chamber cares deeply about those things, and every single one of us wants to address them. That is why the Government is focusing so deeply on those areas.

This is something that should be beyond politics. I know that the flag flying atop the Sydney Harbour Bridge is not going to solve the lives of regional people, and the honourable member is quite right when he says that. However, we need to focus on both things. We do need a cultural institution directly focused on Aboriginal people in this State. We do need to return a remediated Me-mel to the Aboriginal people and the Metropolitan Local Aboriginal Land Council. We do need to fly the Aboriginal flag atop the Sydney Harbour Bridge. However, we also need to focus on the practical ways in which we can provide real benefits to and a lasting impact on the lives of Aboriginal people across this State.

The Hon. MARK LATHAM (12:48): I ask a supplementary question. Will the Minister elaborate on his mention of economic empowerment programs and detail what they are? Will he also explain to the House why, after 11 years of Government, the unemployment rate for Indigenous people in New South Wales has gone up, not down?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (12:48): A range of economic empowerment programs are in place for Aboriginal people. I am particularly proud of the economic round table that was held towards the end of last year, which identified the significant ways the Government can focus on supporting Aboriginal people across the State. The Leader of the Government in the upper House has focused on a plan to support the procurement of government services for Aboriginal people. The Government is committed to that. The extraordinary organisation Supply Nation ensures that support can be given to Aboriginal businesses. The Government is focused on supporting Aboriginal businesses on recommendations and support from organisations like Supply Nation. Government members do that, as we are conscious of our responsibility.

I make the following point. Early this year the Government will hold a second economic round table, and we are committed to implementing the outcomes. That is fundamentally and principally how I will deal with this portfolio. That work must be done in conjunction, hand in hand and in tandem with Aboriginal people. The Government will not tell Aboriginal people what is best. The Government will work hand in hand, in genuine collaboration with them to ensure that they achieve the outcomes they want and deserve for their community.

The Hon. WALT SECORD (12:50): I ask a second supplementary question. Will the Minister elucidate that part of his answer in which he referred to the handing back of Me-mel? What is the timetable for that?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (12:50): I will obviously take the specifics of that question on notice. It is very important.

The Hon. Penny Sharpe: You have talked about it for five years.

The Hon. BEN FRANKLIN: It has been talked about for a long time. I understand that, and I appreciate that interjection. The Premier and the Government are utterly committed to doing so, and we will do so in an appropriate time frame.

COVID-19 AND DISABILITY SERVICES

The Hon. ANTHONY D'ADAM (12:51): I direct my question without notice to the Minister for Families and Communities, and Minister for Disability Services. What is the Minister's response to the statement of ongoing concern from the disability royal commission, which has identified that people with a disability are facing enormous challenges due to government mismanagement of the Omicron wave, including severe disruption to disability services, lack of equipment like rapid tests and personal protective equipment, lack of support and what the royal commission called a de-prioritisation of people with a disability?

The Hon. Walt Secord: It's your time to shine, Natalie—sorry, Natasha.

The Hon. Natalie Ward: Point of order: The Hon. Walt Secord has taken to the habit of late of addressing honourable members of the Chamber by their first name. It is unparliamentary and I ask that his attention be drawn to the convention of using proper titles to address honourable members.

The Hon. Walt Secord: To the point of order: I acknowledge the importance of formal titles to the honourable Minister, Natalie Ward. I apologise. In future I will insist on calling her Minister the Hon. Natalie Ward.

The PRESIDENT: The record has been corrected. We will move on.

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (12:53): I thank the honourable member for his question. First of all, I acknowledge the work of the royal commission across a number of areas, particularly in relation to violence and abuse, neglect and exploitation. In relation to the rollout of rapid antigen tests [RATs], I will comment on the work of the New South Wales Government particularly to support those with disability, though that is a primary responsibility of the Commonwealth Government.

To support the Commonwealth, which has provided about 1.4 million RATs, a number of weeks ago the New South Wales Government announced that close to 300,000 RATs would be distributed particularly to people in supported independent living and other residential settings. The New South Wales Government is supporting all people with disability to ensure that they can fully participate in the community. In fact, late last week I joined with health staff in Balmain to distribute RATs to people in the community, particularly in social housing. That was an opportunity not only to distribute the RATs but also to talk about vaccines and other things they might need and also to refer them to other services.

DOMESTIC VIOLENCE FUNDING

The Hon. CATHERINE CUSACK (12:54): I address my question to the Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence. Will the Minister update the House on the New South Wales Government's funding boost to the domestic violence support program?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:55): I thank the honourable member, a longstanding member of the Chamber, for her interest and her question in this important area. The question follows on from questions earlier today from the Hon. Rose Jackson. I am pleased to be able to inform the House about the funding for women's safety and the prevention of domestic and sexual violence, particularly in this area. Once again I place on record the great privilege I feel for the opportunity to act in this role and to continue the strong work of the Attorney General in this area. When I was Chair of the Joint Select Committee on Coercive Control, I saw firsthand the impact of domestic violence on victim-survivors. I look forward to working more closely with stakeholders to assist women and children who have been impacted by violence. In short, that is why on becoming Minister I have prioritised the expansion of the Staying Home Leaving Violence program, which of course works in cooperation with the NSW Police Force to remove the perpetrator from the family home and to support victim-survivors and their families and children to remain safely in their own home. It flips the narrative.

Available services include improvements to home security, help in managing finances, support for children and help with complicated legal processes. Often in trying to escape a violent situation, women and children who have suffered domestic violence find themselves having to leave the family home and move away from their crucial support network of family and friends. The Staying Home Leaving Violence program turns that around, allowing women and children to stay and heal in their own home safely, while the perpetrator is removed. Earlier this month, as part of the expansion of Staying Home Leaving Violence I announced that $19.8 million would go to the 28 existing providers to expand their footprint. The program will expand from 33 existing locations to 70 locations across the State, focusing on areas with high demand.

The New South Wales Government is not shy in its aims for the program. Last year we announced a statewide expansion of the program. It is a clear priority of mine to ensure that whether you are in Camden, Coonamble, Blacktown or Broken Hill, the program is available to assist victim-survivors across New South Wales. The program forms part of our $32.5 million announcement in the 2021-22 budget to expand the Staying Home Leaving Violence program, with further plans for expansion of the program to be finalised shortly. The New South Wales Coalition Government has made the single largest investment in the prevention of domestic violence, with $687 million committed over the next four years. The Government is committed and determined to improving the lives of women and children across New South Wales, and that record funding will further help keep them safe and free from violence. Those important, complex initiatives require our attention, careful consideration and planning to ensure that we deliver them effectively and provide the greatest possible benefit to the largest possible number of victim-survivors.

COVID-19 HOSPITALISATIONS

The Hon. MARK LATHAM (12:58): I direct my question to the Minister for Regional Health—I congratulate her on her promotion. I refer the Minister to comments made recently by Susan Pearce, the new

Secretary of the Department of Health. She said that Health has been counting COVID numbers in hospitals from four weeks earlier—that is, some 28 days earlier one could have COVID and recover and then come to hospital in a later week with a broken arm, for instance, and be counted as a COVID case. Minister, how is that over-counting allowed to occur? The department is moving to a two-week rule for counting COVID cases. Will the Government publish the accurate historical numbers so that we can have a true reflection of COVID hospitalisations in New South Wales?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:59): I thank the member for his question. To clarify, Minister Hazzard has been leading the COVID response. But as the member has asked me a question as the Minister for Regional Health, I will answer it to the best of my ability. The Hon. Mark Latham is correct: When people are admitted to hospital they are coded, and that coding relates to their primary diagnosis when they were admitted. We have been looking at those numbers to give us an accurate picture in terms of COVID. I am unaware of the exact comments that the member referred to by Susan Pearce. I will clarify those comments to give him an accurate answer that is clearly reflective of that. The second part of the question specifically asked whether NSW Health would be changing those numbers to reflect what the member said would be more accurate. I will take that part on notice and come back to him with the detail.

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

Supplementary Questions for Written Answers

SCHOOL CROSSING SUPERVISORS

The Hon. WALT SECORD (13:00): My supplementary question for written answer is directed to the Minister for Education and Early Learning. Will the Minister provide a full list of the schools that have applied for and are still awaiting approval for a school crossing supervisor?

CLOSURE OF COAL-FIRED POWER STATIONS

The Hon. MARK LATHAM (13:01): My supplementary question for written answer is directed to the Leader of the Government, representing the Minister for Energy. Has the Government been advised by other coal-fired power stations, other than Eraring, about plans for early closure?

COVID-19 HOSPITALISATIONS

The Hon. MARK LATHAM (13:01): My supplementary question for written answer is directed to the Minister for Regional Health. Will the Minister provide to the Chamber the latest advice as to why the Government has moved to the two-week hospital COVID number—

The Hon. Ben Franklin: Point of order: My understanding is that each member can only ask one supplementary question for written answer.

The PRESIDENT: That is correct. I uphold the point of order. The Hon. Mark Latham's second supplementary question for written answer is out of order.

Visitors

VISITORS

The PRESIDENT: I welcome to the gallery Dr Danielle Hromek and her colleague Ms Samantha Rich, who are in the Parliament to discuss the landscape on which the parliamentary precinct sits. I warmly welcome them, along with our Aboriginal liaison officer.

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. COURTNEY HOUSSOS: I move:

That the House take note of answers to questions.

RAIL SERVICES DISRUPTION

The Hon. COURTNEY HOUSSOS (13:02): I take note of the answer to my supplementary question for written answer, provided by the Leader of the Government this morning. I also note his loud interjections throughout question time today, when he said, "Ask me a question. Ask me a question." Yesterday I asked the Leader of the Government a question about his specific answer, seeking an elucidation on the safety reasons for shutting down the rail network yesterday. He said:

This question is best directed to the Minister for Transport.

So we did ask the Leader of the Government a clear question about the basis for shutting down the train network on Monday and stranding commuters across the network—across Sydney and across the regions—that left them without a single train for safety reasons. He squibbed it. We did not ask the Leader of the Government a question today because his interjections throughout question time continued that ideological rant—the fantasy that Monday's lockout was some kind of union strike. I note that some communication issues seem to be emerging within the Government. At the same time the Leader of the Government was continuing his ideological rant against unions—which is a complete fallacy—in this place yesterday, the Minister in the other place was walking back from it. In fact, while he held a press conference to say that the Government was taking the unprecedented step of withdrawing all of its actions within the Fair Work Commission, the Leader of the Government in this place continued his ideological rant that it was a union strike.

We found out today that the Minister for Transport went to sleep as the rail network hung in the balance. We found out today that the Minister for Regional Transport and Roads went to sleep as the network hung in the balance. When the unprecedented decision to leave commuters and workers stranded across the network and across Sydney was taken, the Ministers decided to go to sleep. That does not cut the mustard with the public. I received a message during question time today from somebody who said, "As mere mortals we sit at our laptops until all hours but the Ministers think it is good enough to go to sleep." They took the decision to shut the train network down, they stranded workers across Sydney and the regions, they locked out train drivers and guards who turned up to work and the public are on to it.

LITHGOW AND HIGHER SCHOOL CERTIFICATE RESULTS

The Hon. MARK LATHAM (13:05): We hear a lot of talk in the education department about inclusion: inclusion for this, inclusion for that. If we stacked the manuals in which different identity groups have been specified one on top of another, we could not jump over the number of inclusion guidelines in the New South Wales education department. But where was the inclusion for treating students of Lithgow with respect? In question time I referred to a remarkable document from the Directors, Educational Leadership [DEL] meeting on Monday 7 September at 9.30 am, produced under Standing Order 52 in a motion moved by the Hon. Courtney Houssos: the HSC Results Analysis Package [RAP] identifying improvements to be made at Lithgow High School.

It was a meeting between Debbie-Lee Hughes, Director, Educational Leadership, who is still in that position at Lithgow, which is an important area for uplifting education results, and the high school principal. The document went through a whole range of issues about student feedback, text recognition, exam practice and the like. On the second page of the document, which is a record of what was discussed at the meeting, it asks: "What will it take to move students from band four to band five in each HSC course?" That is a good question to ask at any school and a good objective to have. The first point that was made was "better breeding". You have to look at some things four times to realise they could possibly be true. The job of those highly paid, so-called education professionals is to lift up a working-class community—Lithgow, which is going through economic transition with the loss of some of its mining jobs—and its students to give them better chances in life.

To start the outline of how to improve the HSC course performance from band four to band five with "better breeding" is unbelievably elitist, condescending, nasty and completely unacceptable. I cannot believe we are paying big money to so-called educational professionals and leaders to have such a slur stand on the public record. If the principal has said it, that is bad enough. But for the DEL to record it in the document as a serious comment—or if the DEL said it—is appalling. It then goes on to talk about how students can take on different levels of mathematics to achieve bands three and four to gain access to university. Those are all legitimate comments. But those two words "better breeding" thoroughly grate and offend. Surely we should be showing respect and inclusion for everyone in Lithgow. To have such a comment on the public record documented as part of a discussion in Lithgow is completely unacceptable. The Minister must take action. We must get to the bottom of who said it and why it has been recorded. What will the Minister do to rid the system of this sort of condescending elitism?

BEFORE AND AFTER SCHOOL CARE

REGIONAL SENIORS TRAVEL CARD

The Hon. SCOTT FARLOW (13:08): I take note of the answer given by the Hon. Sarah Mitchell with respect to the great announcements about education and working families, and what the Government is doing to support them. I must declare an interest at the outset because my children are now going to before school care, starting at 7.30 a.m. Getting the kids out the door at 7.30 a.m. has changed our lives by allowing us to get so much more done in the day. We are not necessarily the target market, but we know that during the COVID period before and after school care centres have really struggled to continue operating because we had students learning from

home. Of course, we have also had many families who have taken different care arrangements while working from home. In the light of that impact it is great to be able to not just support working families but also support people who are going back into the office or the workplace as well as supporting before and after school care.

The New South Wales Government is looking out for families and seeing how it can alleviate financial pressures. That is not just with the $500 per child for before and after school care expenses but also, as we spoke about yesterday, the parents voucher at $250 for families across New South Wales and the Stay NSW voucher, which is a $50 voucher to support working families across the State. This Government is committed to helping families by providing improved access to flexible and affordable before and after school care. Vouchers are available for families from 28 February and must be claimed before 30 September 2022. The vouchers are a great help to families all across New South Wales that have been experiencing additional pressures on their household budgets.

I also take note of the answer given today by the Hon. Sam Farraway, the Minister for Regional Transport and Roads, who referred to another form of assistance with cost-of-living pressures from the New South Wales Government, which is the regional seniors travel card. I am sure the Hon. Taylor Martin may speak about this later, but it was great to hear that the Central Coast is the number one area with 62,000 applications representing over 42 per cent of the eligible population. I know from speaking to the Parliamentary Secretary for the Central Coast, who is also the member for Terrigal, that the regional seniors travel card is a very popular initiative of the Government with his constituents.

The Hon. Taylor Martin: Very popular.

The Hon. SCOTT FARLOW: It is something that the Parliamentary Secretary boasts about all the time and he is very proud to be able to support the Central Coast community in that way. I know it is not just the member for Terrigal who is proud of that assistance but also other members representing electorates on the Central Coast, including Labor Party members, who are very big fans of the regional seniors travel card.

The Hon. Taylor Martin: They love it.

The Hon. SCOTT FARLOW: They love it. I have seen it in their newsletters and in their publications as well. It is a very popular program, not just on the Central Coast but also throughout the rest of New South Wales. I commend the Minister for his great answer in this House and also for celebrating that there have been more than 200,000 applications this year.

LITHGOW AND HIGHER SCHOOL CERTIFICATE RESULTS

The Hon. WALT SECORD (13:11): As the shadow Minister for Police, I wish to make a brief contribution to the debate and make an observation involving the questions asked in the Chamber by the Hon. Mark Latham about Standing Order 52, which was highlighted in the Chamber when a departmental official said the way to increase HSC levels was to have "better breeding". Education is a great leveller in an unfair society and I would not be standing here but for a strong public education system in Canada. I grew up in a community where people actually made similar comments.

I am very disappointed by the delayed reaction of the Minister. Members would be well aware that last year a departmental official posted pro-Hitler material on social media. That person said it was such a shame he did not finish the job. It took the Government almost a year to remove that person whereas I would have expected that the Minister would have condemned those comments immediately. They were disgraceful comments—"better breeding".

The Hon. Sarah Mitchell: I said I didn't condone.

The Hon. WALT SECORD: You, as an education Minister, should have dissociated yourself from those comments immediately. They were absolutely disgraceful comments.

The Hon. Sarah Mitchell: But I did. That is exactly what I have done.

The Hon. WALT SECORD: It took you a year to move against someone who put up a pro-Hitler posting. Finally, after being pursued for a year by letters and questions asked in the House, you got the Parliamentary Secretary to send a letter to say that person was no longer employed. I find it rare that I agree with the Hon. Mark Latham; Mark and I disagree on many things, but today he has highlighted a shameful incident in Lithgow. I thank the House for its consideration.

RAIL SERVICES DISRUPTION

The Hon. MARK BUTTIGIEG (13:13): I participate in the take-note debate with respect particularly to the answer given by the Minister for Regional Transport and Roads, the Hon. Sam Farraway. For the benefit of

the House, the question was: Given that on Monday the Minister for Transport said he became aware of the decision to shut down the New South Wales and Sydney rail networks late last night and that yesterday he said, "I found out, with everyone else, at 4:00 a.m."—which was on Monday morning—as Minister for Transport, when was he briefed on the decision to shut down the rail network? The answer from the Minister was, "When I woke up in the morning."

This goes to accountability. We have Ministers of the Crown who are not aware of major incidents on our rail network—that is, the shutting down of the whole rail network and the inconveniencing of millions and millions of New South Wales commuters. Mr President, I point you to section 36I of the Transport Administration Act 1988, which was referred to during Ray Hadley's program this morning, that has a requirement for senior bureaucrats to notify the Minister. The Act states:

36I Sydney Trains to supply information to Minister

Sydney Trains must—

(a) supply the Minister or a person nominated by the Minister with any information relating to its activities that the Minister or person may require, and

(b) keep the Minister informed of the general conduct of its activities and of any significant development in its activities.

The reason that provision is written in that way is that if there is foreknowledge that a major incident on the rail network will occur, the people of New South Wales who elect members of Parliament and Ministers to represent them and carry out the safe operation of things like train networks, which are critical to the lifeblood of our city, he or she should be accountable to the people of New South Wales.

Instead what we have had from the Ministers is, "Look, I found out when I got up. I didn't know that this was going to happen." People have a right to know exactly what was said and what was contrived because it looks very much like the situation was manipulated on purpose to try to put in the minds of the public that it was the rail workers and their union who caused the disruption whereas we know very well they all turned up for work, ready to run the rail network, and were not participating in industrial action that would have shut down the network. Contrary to that, the Minister for Transport and the Minister for Regional Transport and Roads do not know what is going on. The Ministers have tried to blame the bureaucrats for not telling them and finding out in the media the next day. In our system of accountable government, that is just not good enough. The Labor Opposition will keep pursuing this issue until we get to the bottom of this.

HOMELESSNESS

The Hon. CATHERINE CUSACK (13:16): I participate in the take-note debate relating to the Minister's answer about the street count on homelessness. I take this opportunity to congratulate the Hon. Natasha Maclaren-Jones as Minister for Families and Communities and Minister for Disability Services on taking on that role. I think she is an outstanding appointment for one of our most important portfolios. Mr President, I know you are intensely interested in the progress that policy makes in areas relating to vulnerable children and other vulnerable members of our community. Today's answer should fill us all with joy and hope that the portfolio is in great hands.

The city of Sydney is just one of many locations across New South Wales where a street count of rough sleepers is taking place during February. Last year 1,141 people sleeping rough were recorded across New South Wales, which is a 13 per cent reduction on the previous February count. These counts are absolutely critical. As a person who has returned to the Sydney CBD after being absent from it for most of the past year due to the lockdowns and disruptions, I would have to say anecdotally my impression is that there are more people sleeping rough than I recall earlier. I totally welcome this count because I am not quite sure what the issue is, given that accommodation rental costs in the Sydney CBD are quite low.

I would speculate that there are complicated cases that will need intensive services and that this count will be a step along the way to it. But I wish to note, as the Minister did, what is being done when we get this important information. A program called Together Home was devised to provide wraparound services and transition of rough sleepers into long-term housing with intensive case management. In support of 1,000 people with a history of rough sleeping, $122.1 million is being spent on Together Home. On top of that our current budget includes an investment of $20.7 million for an additional 250 people, which includes 25 high-needs packages to support complex clients.

It has been complicated for everybody but particularly for these needy people during COVID times. Additionally, I acknowledge the need for an emergency service during a big weather event to assist homeless people. That is something that I felt passionate about and that I took up during my time as Mike Baird's Parliamentary Secretary. We had cyclonic conditions and they really had nowhere to shelter as the city shut down. That new place has been funded as well. I thank the Minister again.

SYDNEY HARBOUR BRIDGE AND ABORIGINAL FLAG

The Hon. ROSE JACKSON (13:19): I take note of the question asked by the Hon. Mark Latham to the Minister for Aboriginal Affairs. To paraphrase, the question was why the Government was wasting time and money flying the Aboriginal flag on the Sydney Harbour Bridge instead of focusing on some of the more practical issues faced by Aboriginal people in their communities. The response from the Minister, which was the right one in a way, was that we can do both. We can have things of symbolic importance to the Indigenous community as well as focus on practical, on-the-ground policies and programs that change lives. The Minister did not address the fact that the content of the quote in the Hon. Mark Latham's question came from the Premier of New South Wales. Although I am sure the honourable member believes it, that was not something he had come up with. The concept of flying the Indigenous flag permanently on the Sydney Harbour Bridge is something I and Labor support. It was our policy. It was announced by former leader Luke Foley years ago. This is what the now Premier had to say at that time:

> I have a great idea for Luke Foley: instead of putting the Aboriginal flag on top of the Sydney Harbour Bridge, how about just plonking a giant blank screen that can be quickly and easily updated to broadcast Labor's latest social justice warrior cause?

Those vile words are from the Premier of this State writing in *The Daily Telegraph*. I get heckled across the Chamber that I am not taking Aboriginal affairs seriously. He has not even apologised. He has not even said, "I was wrong. I am sorry. I have changed my mind." When we point out that that is on the record, we are attacked. He has not even stepped up to the plate and said, "Gee, I was really wrong about that one and I am sorry." We have not got that. It is good that our policy to fly the flag permanently on the Sydney Harbour Bridge as a symbol of our commitment to reconciliation with First Nations people has been adopted.

On the practical steps, which are incredibly important as well, of course I support the amendment to the ministerial charter to have Closing the Gap part of policymaking. But what about a response to the drug "ice" inquiry? That is a practical thing the Government can do right now to help Aboriginal people, who are disproportionately affected by those issues. That is a practical step that the Government could take and that it is refusing to take. Do not talk to the Opposition about updating the ministerial charter when there is an obvious matter on the table right now. Yes, it is hard politics, but if you are serious about it, that is something that would actually make a difference.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. TAYLOR MARTIN (13:23): We are back for day two. We heard questions and answers across a broad range of policy areas during the upper House's question time today, including so many areas of Government policy, where things are certainly happening. As the Hon. Ben Franklin noted, we can walk and chew gum at the same time. So many initiatives are being driven across all areas of policy from this side, all while Opposition members and their comrades in the union movement jam sticks in the spokes of our State's economy just as we are bouncing back out of the pandemic. There has been so much blame, but I ask who said the following earlier this week:

> For as long as the wage cap remains in place, there will be strikes. They will happen next week, next month and the month after that.

Who said that? It was none other than the top unionist in New South Wales, Mark Morey from Unions NSW. The unions tell us that they will strike. They take industrial action, and then they blame the Government. While Labor and its comrades tell us that they will wreak havoc on the State, the Government is doing its best to keep support flowing throughout our communities and throughout the economy of New South Wales—regional economies nonetheless, as we heard from the Minister for Regional Transport and Roads earlier.

We heard from the new Minister for the Arts that the New South Wales performing arts and live music sector will be further supported through the New South Wales Government's $85 million Performing Arts Relaunch Package. The funding will provide artists and performers with the confidence needed to take their place centrestage and help kickstart the State's economy as we bounce back from COVID. An important aspect of the package is a $5 million grant to the charitable organisation Support Act. As the Minister noted, every member in the House will recognise Support Act through the work it has done and the support it has received from members of the Legislative Council in years gone by.

It was great to hear from the Minister for Regional Transport and Roads about the seniors travel card. As the Government Whip noted, it has been very popular in parts of New South Wales. The card provides $250 to assist in getting people out and about in our regional economies. Perhaps they are out spending one of the various vouchers that are available through the Service NSW app. Speaking of support available from the State Government, we heard a great announcement from the Minister for Education and Early Learning for families throughout New South Wales, with parents and carers able to receive $500 per child for before and after school care expenses. That is a great program, which I know is being well received across the State. Let us see how we

go in tomorrow's question time. I am sure we will hear about many more areas of policy where citizens and the economy are being supported by the Government.

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

Motion agreed to.

Written Answers to Supplementary Questions

RAIL SERVICES DISRUPTION

In reply to **the Hon. COURTNEY HOUSSOS** (22 February 2022).

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations)—The Minister provided the following response:

This question is best directed to the Minister for Transport.

JERVIS BAY AND CRUISE SHIPS

In reply to **Mr JUSTIN FIELD** (22 February 2022).

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads)—The Minister provided the following response:

- Marine park permits have been issued previously to allow cruise ship entry for emergency shelter only for periods of a maximum of 24-48 hours in Jervis Bay Marine Park since 2002 (i.e. Carnival Australia 2012-2020, Orion Expedition Cruises 2010).
- Passengers are not allowed to leave the vessel when anchored and existing designated anchorages are used.
- No ballast water or any discharge from the vessel is permitted.
- Only one current marine park permit has been issued allowing ships to anchor for emergency, safe anchorage for up to 48 hours in Jervis Bay Marine Park.
- This permit was issued to P&O Cruises Australia on 13 December 2021. The permit applies to the period between 8 January 2022 and 7 January 2023.
- Three ships are listed on the permit (*Pacific Encounter*, *Pacific Explorer* and *Pacific Adventure*).
- No passengers are allowed to leave the vessel. Anchoring is restricted to a single designated anchorage site.
- The permit does not allow operators to land any passengers in Jervis Bay.

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

Members

LEGISLATIVE COUNCIL VACANCY

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): I report receipt of a message from Her Excellency the Governor convening a joint sitting of the members of the Legislative Council and the Legislative Assembly for the purpose of the election of a person to fill the seat in the Legislative Council vacated by the Hon. Trevor Khan. I announce that members shall assemble for such purpose on Thursday 24 February 2022 at 10.30 a.m.

Private Members' Statements

PARLIAMENT HOUSE EXHIBITION

The Hon. DON HARWIN (15:02): As President of the Legislative Council, I was very concerned to raise the quality of the exhibitions that we had in the Fountain Court, which is one of the premier spaces in the Parliament. During my time as President three excellent exhibitions were held. As arts Minister, I also encouraged a number of agencies to look at the space as a way of illuminating their work to members in this place. I am really delighted that tonight two of those organisations, State Archives and Sydney Living Museums, are opening an exhibition. All members, of course, have been invited to attend the opening. A Tale of Two Zoos explores the story of Sydney's first public zoo at Moore Park, which ran from 1884 to 1916, and the creation of Taronga zoological park, which opened on the northern shore of Sydney Harbour in 1916.

Moore Park Zoological Gardens was established early but not on a terribly satisfactory site. It tended to be dusty and windswept, it was affected by public transport noise, and it even had the occasional problem with flooding. In 1902 the wallabies contracted bubonic plague, forcing the zoo to close for four months, with the loss of numerous animals. It had outgrown its location. After a worldwide tour of good zoos, including what was then regarded as the benchmark in Hamburg, and a look at a series of sites around Sydney, Acting Premier Holman

announced that the Government would have a new zoo built that met expectations of good zoological practice in a portion of Mosman's Ashton Park, best known now as Taronga Zoo.

A Tale of Two Zoos is a superb exhibition, drawn mainly from a collection of glass plate negatives held by State Archives and recently digitised. The stunning and compelling photographs displayed show the contrast between the conditions of the old zoo and the modern enclosures of Taronga, and allow us to meet the animals that enchanted generations of Sydneysiders. In tandem with this exhibition, an interactive family exhibition called How to Move a Zoo is on display at the Museum of Sydney until 24 April 2022. This hands-on exhibition explores the story of the great move of animals from the old Moore Park zoo to Taronga through immersive digital interactives, and craft and vibrant displays. The exhibition is also something that we can be truly proud of as a Parliament. It is great to see the work of those organisations illuminated here.

POWERHOUSE PARRAMATTA

The Hon. ROBERT BORSAK (15:05): When it rains in Parramatta, it pours. Long before the select committee was established and inquiries had begun into the now calamitous Powerhouse Museum relocation, Parramatta was prone to flooding. It is not a modern occurrence. In 1996 the Parramatta CBD Flood Mitigation Task Force was set up because residents acknowledged the safety issues that would arise from the Parramatta River flooding. The Government ignored the records and proposed the relocation of one of our most historically important museums on a flood plain.

Today it has well and truly flooded in Parramatta. If the Government continues to go along with this proposal, items of high and unique cultural and heritage value will be placed at risk of damage, either directly from the flooding or by the humidity caused by trapped water in the building. Environmental consultant Molino Stewart was asked to independently assess the environmental impact statement by the Powerhouse Museum Alliance. Its review made it very clear what would happen and the subsequent damage that could be caused if the proposal went ahead. The Molino Stewart report stated:

> There is a real risk that flood waters will enter the museum.
>
> …
>
> Such a flood would enter the ground floor of the museum to a considerable depth and leave a deposit of contaminated silt within the building.

The ground floor of the museum is set to house large items that would be difficult to move, particularly during a flood. It is no longer a matter of whether it floods on that site; as I deliver this speech, it is well and truly flooded again. It is now a matter of what is in place to protect people and the items of Powerhouse Parramatta when it floods again.

Once flood waters enter the building, there are no provisions in place to assist people to safety. The substation to operate mechanical devices, like escalators and elevators, will be installed on the ground level, and there is no alternative power supply. It is of crucial importance to keep the power on in the Powerhouse Parramatta, to maintain the AA climate control needed to protect items housed in the museum. If flooding occurs in outside areas that are below the flood level, the evacuation routes go down towards the rising river before they go up. It is madness.

The Molino Stewart review found that the design proposal failed to consider the impacts of potential floods and would fail to protect people and the museum collections. Despite the amount of money the Government is willing to spend on structures to exclude water from the building, there is still a very good chance that one day they will fail. Too much is at risk if that happens. We welcome the Hon. Don Harwin to the Select Committee on the Government's management of the Powerhouse Museum and other museums and cultural projects in New South Wales. I hope that he will see what we have been seeing since 2015—that is, this proposal cannot and should not go ahead.

PITT TOWN ROAD INFRASTRUCTURE

The Hon. PETER PRIMROSE (15:08): People are rightfully proud of where they live. It is where they and their families have chosen to make their homes. People also rightly get upset when promised community facilities and infrastructure fail to be delivered. A couple of weeks ago I had the privilege of joining Susan Templeman, MP, the Federal member for Macquarie, on an inspection organised by the Pitt Town Progress Association. Our guides were president Peter Ryan, vice president Steve Brown and secretary Vince Rayfield. They are proud of their community, but angry because they have been let down by the New South Wales Government.

The purpose of the inspection was to examine the ongoing residential growth of historic Pitt Town and the underperformance of the New South Wales Government in delivering the community facilities and infrastructure

contracted to be provided by the State Government under the planning agreement for the development of Pitt Town. We met in the carpark of the Mulgrave railway station, an area so dangerous because of its potholes and remnants of concrete foundations that many commuters will not use it. It is frankly insulting to commuters in the Hawkesbury that it has been left in such an appalling condition.

We then drove on kilometres of bumpy roads with no shoulders on which there were nevertheless endless B-doubles. There was no sign of the long-promised Pitt Town bypass. We saw bottlenecks at intersections so bad that neighbours adjoining schools were allowing children to go through their backyards rather than have kids wait at hair-pin corners. We saw unmade playing fields. We saw sections along the riverbank that had long been promised to be upgraded to allow for boat ramps, which are so important for flood-affected residents, along with parking and picnic areas that were still simply havens for refuse.

Most concerning perhaps was the state of the roads designated by SES signage to provide the evacuation route at times of flood. Many were so potholed that the possibility of them becoming impassable at the time of a future disaster was clearly foreseeable. The New South Wales Government has a duty of care to provide the Pitt Town community with safe and functional road access, not just during flood events. Susan Templeman and I will continue to have a lot more to say about those and the many other issues that were raised with us by the Pitt Town Progress Association. The New South Wales Government should frankly hang its head in shame for how it has treated the Pitt Town community.

GENDER EQUALITY

Ms ABIGAIL BOYD (15:11): Who would have thought that in 2022 there could be so much fuss over what a woman does with her face. We are many decades past the days of women being frowned upon for wearing pants. It is no longer acceptable to deny women the same legal rights as men or to tell us that we can only do certain jobs. We no longer have to ask permission from our husbands to own property. In fact, we have laws preventing discrimination on the basis of being a woman. One could be forgiven for thinking that we were living in a society committed to equality for women.

But that was before Grace Tame stood next to the Prime Minister and did not smile. She did not use her face in a manner that is customary to please a man. Even worse, she did not conduct herself in a way to prevent that man from being uncomfortable. Across Australia women scowled with the knowledge that we have so very much to do to tackle sexism in our society, because when was the last time the media went bananas at the idea that a man was not smiling at a public meeting? When did we last hear a "tsk tsk" from the right-wing shock jocks about a man posing for photographs and not smiling? I cannot think of a single time that has happened, because the expectations of women's behaviour are still very different to the expectations of men.

This was a woman who was not just not smiling; she was not behaving and she did not know her place. Let us put to one side the very good reasons she had for having nothing to smile about in the company of Morrison. The fact is that however toe curling her encounter with Morrison may have been and however disgusted she may have been feeling, the expectation was that she would still manufacture a smile. How is that any more acceptable than being told to smile by random men when we walk down the street? It is not. In a world where women are constantly fighting for bodily autonomy and the right to control their own lives, and when we have made such strides in asserting that we do not need to be told what to wear, where to go or who to be with, it turns out that we do not even get to do what we want with our own faces.

It does not stop there. Heaven forbid a woman speaks loudly or assertively—she is labelled "shrill", "shrieking" or "emotional". We have heard similar criticisms made of women right here in this Chamber. The truth is that we are still only at the beginning of the fight for equality for women. But it is people like Grace Tame who give us hope. Her term as Australian of the Year was glorious. I enjoyed so much of what she had to say and I admired her stunning courage in the face of people determined to silence and discredit her. The discussions she spurred have taken us that much further in what is unfortunately going to be a long battle for true equality. I thank Grace Tame. She has made me smile, and that choice to smile was mine to make.

TRIBUTE TO LINO VELLA

The Hon. MARK BUTTIGIEG (15:14): I pay tribute to the late great Lino Vella, who recently passed away. Lino was a monumental leader and pioneer in Australia's Maltese community; his love for the community was profound. Lino was known as a wonderful husband to Barbara, a dedicated family and community man, and he was well renowned for his joyfulness and kindness. I express my deepest condolences to Lino's children, Annette and Paul. I also extend my sympathies to all of his friends and loved ones, including his close friend Lawrence Dimech, who is another icon of the Maltese community in our State.

Lino was born in Rahal Gdid, Malta, and lived in St Julian's before migrating to Australia on the liner *Sydney* in 1954 at the age of 18. Lino was a fantastic soccer player and not long after his arrival to Sydney, he

started playing for the Melita Eagles soccer club. He was also chosen to play representative soccer for the eastern suburbs and the Federation European Colts. Lino left a lasting legacy with the Melita Eagles as a lifelong devotee of the club for six decades, in which he was president, secretary, player and coach. Under his coaching, the Eagles won the cup.

Lino was a fundamental force in ensuring the lives and history of Maltese people have been documented in our nation through helping to start the publication *The Maltese Herald*, where he served as a writer and then went on to be editor in 1971. He worked incredibly hard at *The Maltese Herald* and played a pivotal part in fighting for the rights of the Maltese community, which included dual citizenship and health and tax improvements. Lino also made an outstanding contribution to journalism as a broadcaster for the Maltese community television and radio with 2EA Sydney and the SBS network.

In 1999 Lino was presented with an Order of Australia for his services to the Maltese community, especially helping Maltese immigrants settle into Australia. It was also a recognition of his work in media and soccer. In 2011 he was awarded Gieh ir-Repubblika—Malta's republic medal. Lino held positions on the Australia Day committee and the Maltese Community Council of NSW. Lino lived a life devoted to his family and the Maltese community. Lino Vella will be deeply missed by all who knew him, and his dedication to the Maltese community will never be forgotten. Vale, Lino.

COVID-19 MANAGEMENT

The Hon. SCOTT FARLOW (15:18): I highlight the great work of the Australian Government and State governments across Australia in protecting the community from COVID-19. Much criticism was applied to our COVID-19 management in this country, but we need to be mindful of the outcomes that we have received and achieved. When we look across the world, excess deaths is one of the most reliable statistics for marking how a country has dealt with COVID. At the top of that list, according to the economists, are the excess deaths since the first 50 cases. Bulgaria tops the list at 948 per 100,000; Serbia at 782 per 100,000; and Russia at 748 per 100,000. In stark contrast, Australia is at the bottom of that list, with less in the negative territory of 52 excess deaths per 100,000. That shows the remarkable result Australia has achieved through this pandemic.

That should also be compared with other similar OECD countries like the United States with 312 more deaths per 100,000, Italy with 299 more deaths per 100,000, France at 150, and Germany at 146. We have been very well served in this country by our border protection measures undertaken by shutting the borders to China early in the pandemic, and then shutting the borders to the broader world. Of course, that brought with it problems. With the population hitting 93 per cent double-dose vaccination rate and a booster rollout program well underway, this week we are now in a position to welcome the world again with open arms, as we have heard in the House this week. It is time for Australia to rejoin the rest of the world while being mindful of how we achieved amazing results in COVID-19 management in comparison with the rest of the world over the past two years as we kept our economy strong, our population safe and our people in employment.

DUNOON DAM

Ms CATE FAEHRMANN (15:20): Last week the newly elected Rous County Council in the Northern Rivers met for the first time and on the top of the agenda was consideration of the Dunoon dam proposal, which has been rejected by the council and the community multiple times. On the evening of the meeting around 200 people gathered outside the Rous County Council office in Lismore to voice their opposition to the project. Despite that, the council voted to reverse the 2020 decision to abandon investigations into the ill-informed and environmentally and culturally disastrous Dunoon dam proposal. If built, the 50-gigalitre dam will inundate the ecologically rich Channon Gorge, including 23 hectares of koala habitat. Renowned koala scientist Dr Steve Phillips has stated that the population carries unique genetic information missing from the coastal koala populations of Byron, Ballina and the Richmond River flood plain around Lismore.

The potential inundation area also contains at least 25 sacred burial mounds of the Widjabul Wia-bal people of the Bundjalung nation. The sites are so significant that their discovery was responsible for the rejection of a dam in the same area in 2011. Two weeks ago I had the privilege of visiting this beautiful place with Nan Nicholson of the Northern Rivers Water Alliance and Skye Roberts, a young Widjabul Wia-bal woman. I also met with Widjabul Wia-bal Elders Uncle John Roberts and Aunty Leonee for a yarn. Aunty Leonee broke into tears as she told us of the impact that the destruction of her people's sacred burial sites would have on her and all Widjabul Wia-bal people. Uncle John told us how he first objected to a proposal for a dam at Dunoon on behalf of his people in 1997. He told me how the destruction of the burial sites will cause untold anguish to the Widjabul Wia-bal people and rob their children of the ability to learn and connect with country and their culture.

A dam at Dunoon will not only be ecologically and culturally disastrous but it is also unnecessary. The Director of the Institute for Sustainable Futures at University of Technology Sydney, Professor Stuart White, has

outlined a number of far cheaper alternatives to spending upwards of $220 million on a dam. Water efficiency projects like providing free water audits and financial support to businesses and replacing toilet cisterns, top-loading washing machines and shower heads with more efficient measures could reduce water and energy use, business costs and create local jobs. I urge councillors to consider alternatives to destroying the Widjabul Wia-bal sacred burial sites and their connection to country, along with some of the last critically endangered Big Scrub rainforest and koala habitat. The dam must be rejected once and for all.

AUSTRALIAN REPUBLICAN MOVEMENT

The Hon. SHAOQUETT MOSELMANE (15:23): Listening to members' speeches in address to Her Majesty the Queen on her platinum jubilee yesterday reminded me of the time I was involved in the republic debate in the 1990s. I was so involved that I was on the Australian Republican Movement ticket for the Canberra national convention. I firmly believed then, as I do now, that we should have our own Australian head of state and that person should be selected through a genuine merit-based process, giving all Australians a choice about who should speak for us and be our head of state. We cannot continue to allow such an important position to be determined by a foreign institution. We should and must be an independent sovereign country, free to decide who our own leader is.

As a believer in the Australian republic, I support the Australian Choice Model, which is a streamlined process where a single candidate is nominated by each State and Territory Parliament, and the Federal Parliament nominates up to three candidates. The process by which the State and Federal parliaments nominate their candidates is left to each Parliament. The short list of up to 11 nominees would then be put to a national election, with all Australian voters able to vote for their preferred candidate, thereby giving the people the opportunity to elect the head of state by the direct vote of the people. The head of state would be elected for a five-year term, and a two-term limit would be imposed.

As to the Executive powers and the role of the head of state, the Australian Choice Model confirms that on most matters, the head of state will act on the advice of the government of the day. The limited exceptions to that would be when appointing the Prime Minister, terminating the appointment of a Prime Minister, when summoning Parliament to determine who has the confidence of the House of Representatives and calling an election when the confidence of the House remains indeterminate for more than seven days. The Australian Choice Model entrenches the long-established expectation that the head of state should have no role in setting or rejecting policy or interfering in matters of political policy. There is a lot more to say on this model. However, given the three minutes available to me, I conclude by reiterating the point that it is time for us to elect one of our own as head of state.

COURIER INDUSTRY

The Hon. DANIEL MOOKHEY (15:25): Most owner-drivers in Australia are covered under what is called the General Carriers Contract Determination. It sets their minimum rates of pay, but until recently it did not set rates for any vehicles under two tonnes. That, of course, includes couriers using their own vans, and it includes drivers for Amazon Flex. For 15 years the minimum pay for a courier in Australia using their own van has been set at the same rate: $28 an hour. That is 15 years of stagnant pay because owner-drivers of vans were not classified like other owner-drivers. That $28 an hour is supposed to cover 15 years' worth of skyrocketing costs like tolls and fuel.

Then we have Amazon Flex, which came to Australia in 2020 and now employs 2,000 contractors, who until recently were not entitled to any enforceable minimum rate of pay. A Transport Workers' Union survey of Amazon Flex drivers found that after costs, drivers were not even earning the minimum wage. When one company is allowed to skirt our industrial relations laws, the rest will try to follow suit just to remain competitive. That means drivers working longer hours, taking more risks and fewer breaks in what is already Australia's deadliest industry. But for couriers and Amazon Flex drivers across New South Wales, there are now significant changes on the way.

I am pleased to report that a recent determination from the NSW Industrial Relations Commission will mean that Amazon Flex drivers will be entitled to enforceable rates of pay for the first time in the world, to be phased in over three years. Couriers who drive their own vans will see their pay increase by more than 40 per cent over the next three years. The decision has huge implications for thousands of New South Wales drivers. One of those drivers is Chris. When the landmark changes were announced last week, Chris said he had had to live in his van for two years because he did not earn enough to afford rent. He said it was the only way he could keep his head afloat. For Chris, as well as couriers and Amazon Flex workers across New South Wales, that is a massive step in the right direction and one that is a long time coming.

I congratulate the workers who have fought for so long and hard for these changes, as well as their union, the Transport Workers' Union, which worked with industry groups and major transport companies to resolve towards the determination. Those workers and their union should not have had to fight so hard for basic, decent minimum rights and conditions. Of course, New South Wales has a long road ahead to modernise our laws so that gig workers have the same rights as every other Australian. We need laws that keep up to date with the ways people work now. Stories from drivers like Chris, having to live in his van for two years, are a reminder of how far we still have to go. Labor remains committed to continuing the fight for all gig workers for decent pay and conditions, and safety at work.

COVID-19 VACCINATIONS

The Hon. WALT SECORD (15:29): I make a contribution on the issue of vaccinations in our community. We all know the most important thing people can do to protect themselves and others is to get vaccinated and get a booster. Vaccinations are one of the greatest public health achievements of the twentieth century. Vaccinations have saved millions of lives in the developed and developing worlds. Mothers in the developing world line up for hours to protect their children. No-one has the right to infect anyone else. Failing to vaccinate is irresponsible. I have been triple vaxxed since last year. My views on this are well known, as I am unabashedly in favour of vaccinations. Prior to COVID, when shadow health Minister I was on the record as supporting vaccinations. I grew up on an Indian reserve in southern Canada and saw the impact of avoidable diseases like polio, mumps, whooping cough, pertussis and tuberculosis.

I welcome that our population aged 16 and over has had a first dose rate of 95.7 per cent and a second dose rate of 94.3 per cent, but our booster rate is lagging at 52.2 per cent. On this measure we are second last across all States and Territories. The ACT is first for five-year-olds to 11-year-olds. Tasmania's rate is at 61.4 per cent, South Australia is at 54.1 per cent and Victoria is at 53.7 per cent. Even the Northern Territory is at 50 per cent. Under the Perrottet Government, we have gone from being the nation's leader in vaccinations to falling behind other jurisdictions—and it is no wonder. The New South Wales Government's vaccination mandates, which are completely supported by the Opposition and me, have caused more than 1,100 people to leave the New South Wales public health workforce because they refused to get vaccinated.

We support vaccinations for essential workers, but we also support consistency. What is good enough for our health and other government workers should be good enough for this Parliament, yet the Premier and his Government has one set of rules for the public and workers and another for its own MPs. They force unvaccinated workers out of the workplace but they refuse to take action against their own—members of their political party. Therefore, I call on the Premier to take action against those in his parliamentary party who refuse to be vaccinated. Unfortunately, there is a cabal of anti-vaxxers within the New South Wales Liberal Party's parliamentary ranks. What kind of message does it send when the Government is kicking workers out of their jobs while allowing its own MPs to come in and out of this Parliament and evade the very rules that its party and the Government enforces on others? This Parliament should set an example, yet we have members on the government benches who are not fully vaccinated. Premier, why are you tolerating some of your MPs continuing to refuse to get vaccinated yet sacking health workers? I thank the House for its consideration.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. MARK BUTTIGIEG: I move:

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

Motion agreed to.

ORDER OF BUSINESS

The Hon. MARK BUTTIGIEG (15:33): I move:

That the order of private members' business for today be amended as follows:

(1) Omit private members' business item No. 1637 as item (21) and insert instead private members' business item No. 1636.

(2) Insert private members' business item No. 1635 as item (25).

(3) Insert private members' business item No. 1637 as item (26).

The Hon. MARK LATHAM (15:34): I seek some clarification. I assume the private members' business items mentioned by the Hon. Mark Buttigieg are Labor items?

The Hon. Penny Sharpe: Yes. We are not moving yours around.

The Hon. MARK LATHAM: Okay, but there was not any foreshadowing of this with the crossbench. As long as they are all Labor items that is fine.

The Hon. MARK BUTTIGIEG (15:34): For clarification, this is simply a reordering of the Hon. Daniel Mookhey's items and does not affect the items of any other members.

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

Motion agreed to.

Documents

TRANSPORT FOR NSW ACTION AGAINST MR THOMAS WOOD

Return to Order

The CLERK: According to the resolution of the House of 25 November 2021, I table additional documents relating to an order for papers regarding action taken against Mr Thomas Wood by Transport for NSW, received this day from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of the documents.

Claim of Privilege

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

MISCELLANEOUS GRANTS

Return to Order

The CLERK: According to the resolution of the House of 10 November 2021, I table additional documents relating to an order for papers regarding miscellaneous grants or related matters, received this day from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of the documents.

Claim of Privilege

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

NEW INTERCITY FLEET

Further Return to Order

The CLERK: According to the resolution of the House of 24 November 2021, I table additional documents relating to a further order for papers regarding the new intercity fleet, received this day from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of the documents.

Claim of Privilege

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

TEACHER SUPPLY STRATEGY

Return to Order

The CLERK: According to the resolution of the House of 17 November 2021, I table additional documents relating to an order for papers regarding the NSW Teacher Supply Strategy, received this day from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of the documents.

Claim of Privilege

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

Bills

CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT (FAMILY IS CULTURE REVIEW) BILL 2021

Second Reading Debate

Debate resumed from an earlier hour.

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (15:36): I continue my contribution to debate on the Children and Young Persons (Care and Protection) Amendment (Family is Culture Review) Bill 2021. Exempting Aboriginal agencies creates an impression that they are unable to demonstrate compliance with the out-of-home care standards to the same extent as non-Aboriginal agencies, which is not the case. There is also a high risk of disruption to the wider out-of-home care sector. The current accreditation process monitors agencies that "substantially comply" while they make improvements to their services. This process, overseen by the Children's Guardian, is essential to building a strong and robust community sector, particularly in regional, rural, and remote areas. The process monitors agencies as they improve their practice, as agencies must be able to demonstrate that they wholly meet the standards within 12 months. The proposed changes would mean there would be fewer overall providers services for children needing safety and care. This would impact on Aboriginal children, placing pressure on an already very small sector, particularly so in regional areas.

The bill also proposes to make adoption unavailable for Aboriginal children and families. Adoption is the least preferred permanency option for Aboriginal children and very few Aboriginal children are adopted in New South Wales. Safeguards are already in place. I am advised that there have been 33 Aboriginal children adopted in New South Wales over the last decade, with one child adopted in 2021. The law gives effect to the Aboriginal permanent placement principles. Under the law, the first preference is for an Aboriginal or Torres Strait Islander child or young person to be placed with their parents. The second preference is that they are placed with a relative or kin. The third preference is for an Aboriginal child to be placed under the parental responsibility of the Minister. The last preference is adoption. Critically, adoption can be ordered only if it is in the best interests of the Aboriginal child or young person.

The bill prevents Aboriginal families from adopting Aboriginal children and it prevents older Aboriginal children from consenting to their own adoption. This is contrary to the principles of self-determination and participation in decision-making by Aboriginal children and families. Adoption should be available on those rare occasions when it is in the best interests of the child and it accords with the child's wishes, and where there is consent from the Aboriginal family. It is important that Aboriginal children's wishes and interests are prioritised and respected. For these reasons, the Government does not support the bill.

The Hon. EMMA HURST (15:38): On behalf of the Animal Justice Party, I contribute to debate in support of the Children and Young Persons (Care and Protection) Amendment (Family is Culture Review) Bill 2021. It is a disturbing fact that Aboriginal children are 11 times more likely to be removed from their families than children from non-Aboriginal homes. Taking First Nations children from their families and culture and placing them into out-of-home care has long-lasting detrimental effects and contributes to an ongoing cycle of trauma and disadvantage. Given that, it is incredibly frustrating that the New South Wales Government has continually failed to invest time and resources into protecting First Nations children before they suffer harm.

In his second reading speech, Mr David Shoebridge said that while $2 billion is spent on child protection and out-of-home care every year, only $150 million is spent on early intervention to keep families together. The bill seeks to put in place some of the key recommendations from the 2019 *Family is Culture* report, authored by leading First Nations academic Professor Megan Davis, which unfortunately have not been implemented by the New South Wales Government. The key provisions of the bill include mandating that the department take active steps, tailored to the circumstances of the individual child or young person and their family, to reduce the need for children to be removed; and enshrining a stronger mandate for Aboriginal community-controlled organisations by providing that the Children's Court must not make a final care order unless it expressly finds that the permanency plan has been approved by a recognised Aboriginal community-controlled organisation.

Of course, much work must be done to stop and repair the intergenerational harm that has been caused to First Nations people and First Nations children, but those are concrete first steps in the right direction. I acknowledge the longstanding advocacy of First Nations people, as well as the peak bodies that contributed to and were consulted on the bill, including the Jumbunna Institute for Indigenous Education and Research, the Aboriginal Legal Service and the NSW Child, Family and Community Peak Aboriginal Corporation, or AbSec. I also thank Mr Shoebridge and his team for the work they have done to bring this important, sensible bill before the House. I urge all honourable members to support the bill.

The Hon. MARK LATHAM (15:41): The Children and Young Persons (Care and Protection) Amendment (Family is Culture review) Bill 2021 is a bad bill because it is based on a fundamentalist view of child protection and the huge challenges around preventing child abuse in Aboriginal communities. The first fundamentalist view was presented in the second reading speech from the leader of The Greens, when he outlined the paramount importance of connection to country. Well, that is not necessarily a universal priority among Indigenous people. As you would expect, there is diversity in that community. Someone who I know reasonably well was the head of the administration of land rights in New South Wales. When I asked him about connection to country, he said, "My traditional land is up north. Would I feel better being there? Maybe, but in reality my life is in Sydney. I have a successful career, good family and good friends. I have moved on."

Not every single Indigenous person gives the priority to connection to country that was suggested in the second reading speech. Worse still, in terms of the fundamentalist view that denies the diversity of Indigenous communities and circumstances, was the view that was put that the legislation must acknowledge the historical and ongoing harm of child removal. The bill seeks to amend section 9 of the Care Act to "include the principle that it is to be presumed that removing an Aboriginal and Torres Strait Islander child or young person from his or her family causes harm". That dangerous presumption fails to recognise the diversity of community, family and individual circumstances. Every child is different, every child protection case is different and we should allow the legal system to make a detailed assessment of the unique needs and circumstances of every child. A blanket, fundamentalist presumption can be very dangerous and wrong for a lot of children. Indeed, child protection should be colour blind.

Claims of cultural circumstance, blaming James Cook and Arthur Phillip and using colonisation as an all-purpose scapegoat does a great disservice to the real-life, modern needs of Aboriginal children. No matter someone's income level or what happened in 1778, some 234 years ago, there can never be any excuse for child abuse—especially child sexual abuse. Unfortunately, Indigenous children have a higher rate of out-of-home care because they are subject to in-home abuse in greater numbers. That might not be easy to say, but we should not live with it. Those realities must be confronted if one truly cares about those children. The predators, the deviants, the sickos who do those things to children in any community, black or white, should never be allowed to find an alibi in matters of culture, colonisation and the increasingly ancient history of what happened 234 years ago.

Parents have responsibilities, family members have responsibilities, communities have responsibilities and this Parliament has the supreme responsibility of protecting children all around New South Wales, no matter their cultural background, skin colour, race or circumstances. Our highest priority must always be to protect the needs, security and safety of children. I acknowledge the desperate, poverty-riven squalor in which too many Aboriginal people live. In question time I asked the new Minister about that and he said that we can do both: We can fly the flag and solve Indigenous poverty. But sometimes things like the flag are a distraction. You can have too many round tables and never do anything of any substance. These are complex, difficult issues, and some hard realities need to be confronted if we are to enter the business of solving those problems.

When I was a member of the Federal Parliament I made visits to Indigenous communities and my heart would sink at the squalor that people were living in. As a greenhorn Federal MP I visited Doomadgee, one of the mission towns in Queensland. I remember looking around and thinking that, whatever happened with the rounding up of Indigenous people by the missionaries—however well intentioned, it was a disastrous outcome—Bill Gates could not turn a dollar in that place. It was a welfare town that had all the attendant social and economic problems that come with welfare dependency. That is one of the big issues. Connection to country and the land rights movement, Federal and State—much of it fulfilled—still leaves many Indigenous communities without any prospect of real economic activity.

Those places are desolate, isolated, historical accidents in many respects. We cannot unscramble that. But we must confront the fact that attachment to country without real economic activity leads to huge levels of unemployment and welfare dependency and all of the problems that come from that, including alcohol abuse, drug abuse, family breakdown and the abuse of children. Those realities cannot be swept away with platitudes about colonisation or connection to country. They are feel-good words in the political system. But there is a hard reality: People need real economic opportunities, real jobs and communities where they can prosper, thrive and take advantage of the opportunities that people in many other parts of Australia take for granted. How we can do that is not easy, but the bill is not going to confront any of those issues. In fact, it makes no mention of those serious problems, nor did the member in his second reading speech.

I have visited the shanty towns on the outskirts of Alice Springs and they are a shame on our nation—a stain on our nation. Again, children there live in circumstances you would not wish upon anyone in our society. It would make you feel somewhat ashamed to be Australian to think that children live in those circumstances with all the problems that come with it. Those children do not sleep safely in their beds at night. That must be resolved by the child protection system and the judicial system in making decisions based on every individual circumstance.

Yes, poverty is a driver of high rates of crime, including crimes against children. But the bottom line is this: No matter how poor someone might be, no matter how bad their life circumstances, there can never be any excuse for child abuse, especially child sexual abuse. I say this to the predators, the perverts and the paedophiles: Go and do yourself in before touching a child. Take responsibility for where you have got to and do not touch the children.

The leader of The Greens has produced a bill that not only excuses that kind of behaviour but also institutionalises it. It proposes a legally binding presumption that removing a child automatically causes harm. You only need a skerrick of information about some of those Indigenous communities to know that sometimes removing a child who is living in the worst of circumstances can save that child's life and give them hope and opportunity for the future. Try sharing the contents of the bill with the victims of child sexual abuse—the children who, night after night, are having their lives destroyed.

Two Government Ministers have said that in Toomelah in northern New South Wales every child over the age of five has been sexually abused. How can we as a Parliament live with those horrors and tragedies, and think that this legislation, which institutionalises a harm clause, is a solution? We have to face the reality of the Indigenous children who are suffering a horrendous fate, a living nightmare, night after night. The Greens will of course say that other factors will be considered in the way in which the system and the judicial officers look at those questions. But the same people who say that also persistently tell us how hard it is to convict sexual predators.

How have the other members of The Greens, Ms Abigail Boyd and Ms Cate Faehrmann, allowed this bill to become a paedophile's picnic, mostly at the expense of Indigenous girls? If The Greens cannot reconcile those things and the identities collide, they should not introduce the legislation. They should not bring such a bill before the House. Every child in New South Wales has a right to sleep safely at night. It is a shame on New South Wales and a stain on our State that 90,000 children of various backgrounds are at risk of significant harm and have no caseworker visits. The leader of The Greens is trying to make that problem worse.

The DEPUTY PRESIDENT (Ms Abigail Boyd): Order! I remind the Hon. Mark Latham to refer to members by their correct title. He knows full well that The Greens party in this place does not have a leader. He will refer to the member as Mr David Shoebridge.

The Hon. MARK LATHAM: It is clear to everyone that you do have a leader. Again, you do not deal with reality; you deal with a fantasy that suits you.

Mr David Shoebridge: Point of order—

The Hon. MARK LATHAM: Here we go, the leader of The Greens is objecting.

Mr David Shoebridge: The Hon. Mark Latham has a history of cavilling with rulings, particularly when the Chair is not a man. He is doing it again, as he does in a deeply and repeatedly disrespectful fashion in the Chamber. I ask that he be held to account.

The DEPUTY PRESIDENT (Ms Abigail Boyd): The Hon. Mark Latham will refer to members by their correct title. He has the call.

The Hon. MARK LATHAM: We have this problem of a lack of resources. Dealing with the 90,000—

Mr David Shoebridge: Point of order: He is now cavilling with your ruling.

The Hon. MARK LATHAM: You're a clown. Sit down.

The DEPUTY PRESIDENT (Ms Abigail Boyd): The Hon. Mark Latham has moved back to his speech. He has the call.

The Hon. MARK LATHAM: Mr David Shoebridge does not like to hear this, but the truth is he would make the problem worse because we have 90,000 children at risk of significant harm with no caseworker visits. He wants to lock out and take away the accreditation of the non-government sector—people who work for charities and community groups who visit those homes to do something about the safety of the children. I have seen them in public housing estates working wonders and doing important work. On what basis would Mr David Shoebridge take away their accreditation? His worry is that some of them are religious in orientation. I know that in the practicalities of those problems and horrors, it does not matter if someone carries a *Bible* or any other religious book. If they can go into a place and help ensure children's safety and security so that more children sleep well at night, that is a good service to our society.

It should not matter if someone belongs to a government or non-government body, or if they carry a *Bible* or anything else. If they are helping children, that is a good thing. The truth is, in dealing with the backlog of the 90,000 children at risk of significant harm, we need to harness all the resources in our society, including people

with good in their heart and some capacity to help children. It is a crisis to have 90,000 children on the list. To lock out the non-government sector because they might carry a *Bible* is an example of religious bigotry. Why else would someone say that good people who do wonderful work in the community have no role in this sector? It should not matter if someone is government, non-government or what they believe in. I am not religious, but I pay tribute to all those community workers with a religious background who dedicate their lives to helping children in need. There is no higher service in our society.

MPs who have children know the fierceness with which we would protect them in all circumstances. We need to bring that to the Parliament and to the resourcing of child protection in New South Wales and the making of child protection laws. That should be an absolute priority. I hope the new Minister, the Hon. Natasha Maclaren-Jones, puts it at the top of her list. I heard the promise from Gareth Ward, which was unfulfilled, and I spoke to Minister Henskens about it, but he was moved on. We now have a good person, who I am sure is well intentioned, to get on top of this problem. It needs to be solved as an absolute matter of statewide priority. While members in this place trust their children are sleeping safely at night, the same cannot be said of places like Toomelah and many other Indigenous communities. No crime against a child is ever acceptable, no matter their skin colour or culture. In his second reading speech, Mr David Shoebridge insisted:

> … that the court must presume that the removal of a First Nations child causes harm, including the serious harm arising from disrupting the child or young person's connection to his or her culture, and that when giving reasons for a decision the court is required to explain how it has considered that presumption and the other principles in the Act applying to First Nations children and young people.

We should not be calling upon the courts to make a presumption that can imperil children and hurt their safety. We must rely on the child protection system and the judicial officers to make the right assessment based on the detail of every case. The fundamentalist view that every Indigenous person and community is the same is plainly wrong. The members who lecture about diversity do not practise it in this all-important area. I have listened carefully to speakers in this debate and for so much of what we are talking the language and the intent is sanitised. It is sanitised in pollie speak.

There is a long list of Greens alibis for child abuse: Invasion Day, colonisation, dispossession—the list goes on. All those words are useless when we consider the reality of what Indigenous children are putting up with day after day and night after night. None of the words or processes we hear about—well-intentioned things such as the statements from Uluru and the like—ever deal with the horrors of a place like Toomelah. From this question of sanitised words and verbiage we go to the rewriting of history. Mr David Shoebridge completed his second reading speech by saying:

> The bill acknowledges that wisdom and strength. It acknowledges the strength of First Nations Elders, families and communities and the powerful ties of kinship and country that kept First Nations children safe on this land—Gadigal land and all First Nations land—for 60,000 years before colonisation.

It is not a comfortable thing to say, but some elements of history must be acknowledged. Being a nomadic people—albeit in harmony with the land and having many other fine virtues about their culture—was a tough life. The historical record clearly shows that some Indigenous tribes left older people and people with disabilities behind. Even some of the children were left behind and there were practices of infanticide. I am not saying by today's standard that that is ever acceptable, but by the standards of the time and the historical context of nomadic people, one can comprehend how in the harshness of that life and surviving on this continent, which can be really tough, those things happen.

That is not comfortable to acknowledge, but there is no need for the total rewriting of history that Mr David Shoebridge has engaged in. We cannot pretend that every Indigenous child was safe for 60,000 years. It is just not true. A bill conceived based on those historical falsehoods and the fundamentalism of its approach is unworthy. It is unworthy of this place and of our most important responsibility to protect children every day and every night at any cost. Most of all, it is unworthy of the needs and circumstances of Indigenous children. If passed through this Parliament, the bill will add to the misery, torture and destruction of some of the children trapped in bad homes.

Members can say that they are well intentioned, but we do not live in places like Toomelah. We go home to essentially middle-class suburbs in middle-class homes with all our comforts and security—places like Woollahra and the places where I live, I suppose. That disconnect from reality is quite appalling when we understand, in practice, the sorts of issues and problems that we are talking about. Yes, the system needs more funding; that is true. It needs more resources, more goodwill and more effort. But we should let the system assess each individual case. We must abandon the fundamentalism and the problems that will cause. The bill must be opposed. I do not say lightly that it is one of the worst things I have ever seen come before a parliament.

The Hon. CATHERINE CUSACK (15:58): I thank the House for the opportunity to speak in debate on this private member's bill, the Children and Young Persons (Care and Protection) Amendment (Family is Culture

Review) Bill 2021, which takes two important ideas and puts them together in a way that I cannot support. The first idea is that we need to show respect to First Nations people. We need to recognise the mistakes of our past. We need to address disempowerment and we need to elevate the role of culture in the way Government interacts with these communities. I am very supportive of that as an idea. The second idea, however, is in relation to how this would impact on the rights of Aboriginal children and the approach that the State takes to managing Aboriginal children who are found to be in need of care. This is not about every Aboriginal child in our community. This is about the children who have been notified, investigated and shown by the department to be not at risk of abuse but are actually suffering abuse, usually at the hands of a family member.

To say that the powers of the State and the levers available to the State in the management of those cases should be deleted on the basis that a child is Aboriginal is something that I cannot nor will I ever support. I understand the good motivation behind the idea, but it is a terrible error to elevate the mistakes we have made in relation to Indigenous Australians ahead of the solutions that we need to find for every child who is in a situation where they are suffering actual abuse and where their lives are at risk. Even when their lives are not at risk, their life chances are being destroyed because they are not able to be up in time in the morning, to be dressed in a uniform, have their lunch packed and be put on the bus to school. Children in those households, irrespective of race or suburb, are having their life chances destroyed.

They are just not going to get the education, they are not going to have the networks, they are not going to have the relationships, and they are not going to have the foundations that many of us would like to see all children be given in order to have a confident and productive learning experience in our schools. Let us not forget that the investment we make in education is what we as a nation believe makes Australia an equitable country—the land of the fair go. We may come from different backgrounds, have different incomes and different situations, but at the end of the day our system of competition, enterprise and merit is fair because we all have an equal chance by virtue of our education system, which gives every person in this country a fair go. In these situations with these children, that is not occurring.

This bill effectively is saying we will have two systems: one system for all children and a second, lesser system on the basis of race. In the case of Aboriginal children who are experiencing abuse—I say experiencing, but it is almost a cancellation of their life prospects, because what is lost is just so enormous when a child is suffering at that young age—these remedies, these programs, these rules will not apply. Because we think we did a really bad job in the past, now we are just going to exclude you from those programs. To remove those supports effectively deletes altogether those very important protections for those children.

As I have said, I do not wish to reflect on the motivation behind the bill. I understand it is well intentioned, but the effect of it will be that, on the basis of race, Aboriginal children will have lesser access and fewer rights. People managing children in that situation will have fewer options, for one reason only: Nothing related to the case or the circumstances of the child, but because they are Aboriginal children. To me, that is a repugnant outcome. As the Hon. Penny Sharpe said, we have all done a really bad job. It is not just the system that has done a bad job; society has done a bad job. I feel like every year we have a greater awareness of that and a greater awareness of the need to improve. Improvement is incremental. It is not like we have gone from being terrible to being wonderful. I do not think anyone expects we will be wonderful overnight, though we have to keep trying through the policy levers and targeted, funded programs.

Most important of all, in the case of every child caught up in this system on the basis that they are helpless victims—they did not choose their circumstances—we need to focus, as the Hon. Mark Latham said so eloquently, on case management, the individual circumstances, what is in the best interests of the child and not what is in the best interests of their race or culture. Ultimately, the best interests of the child have to be put first. For example, this Parliament legislated against female circumcision, which all members supported. Everybody in this House stood up and said, "This is a great thing to do." Why? That is because in Australia cultural practice is not put ahead of the laws of Australia and it certainly is not put ahead of the best interests and rights of the individual child. We have a secular legal system that puts individual rights first. We must not go down this track of deleting people and separating them into different streams on the basis of race. This Parliament should never support that. I recommend the alternative to The Greens and to Labor.

I thank the Hon. Penny Sharpe for her comments, particularly in relation to adoption. I have seen some really awful situations of Aboriginal children who have very happily settled and are absolutely thriving in foster care, overseen by an independent agency, and then are removed from that arrangement on the basis of culture. Those children were distraught and devastated. It was against the wishes and the recommendations of everybody, but ultimately the Administrative Decisions Tribunal determined the rest of those children's lives and their prospects of happiness on the basis of race. That was done on the grounds of policy, not on the grounds of legislation. It is a very vexed issue.

The one thing I want to say about the system—and I address the Hon. Natasha Maclaren-Jones, who I believe will take an open and intelligent mind to these problems—is that the system has to admit its failures. You cannot learn from your failures if you pretend that they did not happen. Recently at the National Press Club Brittany Higgins spoke very well on what good policy looks like. It is not publishing reports that set targets and completely failing to mention that we did not meet any of the targets. In fact, things get worse, and not referring to those failures in the new plan is a terrible thing. Brittany Higgins is absolutely right about governance, and we need to address that.

But for all the woes and the need for us to work hard at improving the system, it is not a reason to reduce the rights of one single child whose misfortune it is to become engaged in the child protection system. I do not want to see one child, on the basis of culture or race, not have their case considered on its merits and in the best interests of the child. Nothing should be off the table on the basis of race, religion, colour—anything. I ask that the House maintain the integrity of our child protection system and reject this bill. But let us listen to and learn from what is being said by the member who has put the bill forward because we must be very diligent on these matters and the problems he has articulated. I thank the House for the opportunity to address this bill. I look forward to hearing further contributions during the debate.

Reverend the Hon. FRED NILE (16:08): I place on the record words of support for the bill before the House, the Children and Young Persons (Care and Protection) Amendment (Family is Culture Review) Bill 2021. The issues that this bill addresses are important and urgent. I am glad to have received correspondence from key stakeholders and experts in the community such as the Aboriginal Legal Service, AbSec and other members of the Aboriginal Knowledge Circle.

The Aboriginal Knowledge Circle is comprised of key bodies, academics and community leaders. An issue that has been raised in this debate is that the bill's drafters did not consult with the Children's Court. However, it is not commonplace to consult the courts on these matters. Indeed, due to the foundational principle of our democracy of the separation of powers, courts are there to apply laws rather than to assist in the drafting of them. In my view, this would be against the protocol and practice of legislators and the serving judiciary. The intent of the bill is to keep families together where it is safe, healthy and proper to do so. Few other communities in Australia do it tough like Aboriginal and Torres Strait Islander families.

The bill abides by the Aboriginal and Torres Strait Islander Child and Young Person Placement Principles, which are covered in section 13 of the bill. They are: prevention, which recognises that children and young people should be brought up by their own family and community; partnership, which recognises that Aboriginal or Torres Strait Islander community representatives should be involved in all decision-making concerning the protection of children and young people; placement, which deals with where a child or young person should be placed if removed from their family; participation, which aims to ensure that children and young persons and their parents participate in all decision-making concerning the protection of the child or young person; and connection, which recognises that a child or young person in out-of-home care must be supported to maintain their connection to their family, community and culture.

Neither the bill nor its drafters are suggesting that vulnerable children should be left in abusive and dangerous situations purely because of their heritage. Rather, there should be greater consultation and involvement from Aboriginal and Torres Strait Islander community representatives in such situations. Further, the goal should be to keep families together rather than separate them. That is of course where possible and is not an absolute statement. The Christian Democratic Party supports families, First Nations Australians and of course children. We support the bill.

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (16:12): The removal of Aboriginal children and young people into out-of-home care significantly impacts many families and communities across New South Wales. As Minister for Aboriginal Affairs in this State, I am deeply concerned with the high rates of Aboriginal children who are in out-of-home care and the impacts on those children, their families and Aboriginal communities. Aboriginal children should know and experience their identity, culture, family and community.

While the Government does not support the Children and Young Persons (Care and Protection) Amendment (Family is Culture Review) Bill 2021, the Family is Culture review, instigated by this Government, is incredibly important. The Government is committed to reducing the number of Aboriginal children entering the child protection system. The system needs to be reformed. We cannot keep doing the same things and expecting different outcomes for Aboriginal children. That is why the Government is committed to implementing the recommendations from the Family is Culture review.

The Government has released its Family is Culture implementation plan and is working to progress concrete actions. We have appointed Mr Richard Weston, a well-regarded Aboriginal leader, in the new role of

Deputy Children's Guardian for Aboriginal Children and Young People. We established an Aboriginal Knowledge Circle to provide independent advice to government on how to achieve better care outcomes for Aboriginal children. A key element of the proposed bill is to give effect to legislative changes recommended in the Family is Culture review.

The Government, in fact, has already recently changed New South Wales child protection legislation to reform permanency planning and strengthen independent oversight by the Children's Guardian. A critical aspect of this legislative change was to require all families to be offered alternative dispute resolution. Family group conferencing is the preferred form of alternative dispute resolution offered to families. Last year, over half the families who participated identified as Aboriginal families. Three-quarters of families who participated did not need to go to the Children's Court.

New South Wales also signed up to Safe and Supported: the National Framework for Protecting Australia's Children 2021-2031. We are currently working closely with other jurisdictions and the National Aboriginal and Torres Strait Islander Leadership Group to develop a five-year action plan to support its implementation. There is still work to be done to address the unacceptably high rates of Aboriginal children in out-of-home care and we are committed to addressing this issue, including through Closing the Gap, as my colleague Minister Maclaren-Jones said.

Through Closing the Gap, the New South Wales Government has committed to a key target directly addressing this issue. Our goal is to reduce the rate of over-representation of Aboriginal and Torres Strait Islander children in out-of-home care by 45 per cent by 2031. Closing the Gap also commits us to key priority reform areas that will contribute to meeting all of the targets, including the out-of-home care target. The priority reform areas 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 increasing Aboriginal employment, business growth and economic prosperity, which is a priority specific to New South Wales and which I referred to in question time today.

To support meeting the ambitious Closing the Gap targets and priority reform areas, the New South Wales Government, in partnership with Aboriginal stakeholders, has developed an implementation plan that sets out the first-year road map for New South Wales to achieve meaningful progress towards closing the gap, with a focus on the priority reforms. This includes working in meaningful partnership with members of the NSW Coalition of Aboriginal Peak Organisations [CAPO], including NSW Child, Family and Community Aboriginal Peak Organisation—AbSec—who I personally met with in early February. It was terrific to listen directly from John Leha, the chief executive of AbSec, and his incredible team members Margie and Christina. They all informed me of the critical work we must embed in our everyday practices and how we can better support Aboriginal community-controlled organisations and deliver pivotal services.

It is important that we focus on transforming government services to be more culturally safe, responsible and accountable. We can achieve this by enhancing and building the Aboriginal community-controlled sector and continuing to support shared decision-making with Aboriginal organisations, including working in partnership with AbSec and other NSW CAPO members. By taking this genuine approach and ensuring that we are listening and truly sharing, decision-making will ensure that Aboriginal children have the best possible outcomes.

The current Closing the Gap NSW Implementation Plan was developed in partnership with CAPO and incorporates Aboriginal community voices heard during community engagement in April 2021. The plan takes the approach that closing the gap is everyone's responsibility across government. The new implementation plan is due to be finalised this year and will be guided by the work already underway and further consultation with Aboriginal communities. We are working in partnership with Aboriginal peak bodies and the Aboriginal community-controlled sector to understand what practical steps are required. In this way, we are exploring with our partners what needs to be captured in our next Closing the Gap NSW Implementation Plan to deliver meaningful outcomes for Aboriginal children. I look forward to working collaboratively with AbSec and other CAPO members in working towards the new implementation plan and meeting these important targets.

A number of governance mechanisms have been put in place to meet the Closing the Gap targets, including the out-of-home care target. This includes establishing working groups co-chaired by representatives from government and the Aboriginal community sector who are driving change and developing new actions and initiatives to meet the priority reforms and social and economic targets. These working groups have been meeting since July 2021, and are in the process of developing initiatives for the next implementation plan.

The working group focused on Aboriginal children in out-of-home care is led jointly by AbSec and the Department of Communities and Justice, with membership from all agencies that must work together to implement this target. AbSec and the Department of Communities and Justice are also working together on the Aboriginal Child Youth and Family Strategy, a growth and investment strategy that aims to build capacity and strength of

locally responsive and community-focused Aboriginal community-controlled organisations. In addition, Wiradjuri man and former Legal Aid NSW chief executive Brendan Thomas is now heading a new government division within the Department of Communities and Justice that is dedicated to improving Aboriginal outcomes in the areas of criminal justice, child protection and housing. His appointment to this important role will support meeting the National Agreement on Closing the Gap targets across child protection, the criminal justice system, housing and the prevention of domestic violence.

Consultation has been essential in guiding the Closing the Gap work, and it must also guide work in response to the Family is Culture review. To pass the Children and Young Persons (Care and Protection) Amendment (Family is Culture Review) Bill 2021, and to ensure its successful implementation, we must first consult meaningfully with AbSec, the Children's Court, the Children's Guardian, the Aboriginal Legal Service and Aboriginal community-controlled organisations. As the Minister for Families and Communities has previously said, proceeding without consultation with the Children's Court has significant risks and potential unintended consequences. Many of the legislative recommendations of the *Family is Culture* report speak directly to the spirit and process of implementation rather than the mechanical amendments to the Act.

I reiterate what Minister Maclaren-Jones has said in this regard. It is simply not possible to accept the bill without consulting with crucial stakeholders, such as the Children's Court, because many of the recommendations in the *Family is Culture* report speak directly to that court's processes and its practice. Without a consultative approach, it is possible that the Children's Court time frames could blow out. This is an example of an unintended consequence. Minister Maclaren-Jones has also said that one of the significant themes in the *Family is Culture* report that seems to be missed in the bill is the importance of considering the implementation impacts of legislative changes for vulnerable Aboriginal children, their families and their communities. We need to work together with both the Aboriginal community and the Children's Court to ensure that the intent of the *Family is Culture* report recommendations are fully implemented. For example, recommendation 125 of the report states:

> … consultation with the Children's Court of NSW and other relevant stakeholders, such as the NSW Child, Family and Community Peak Aboriginal Corporation (AbSec) and the Aboriginal Legal Service, design and implement a pilot project establishing a dedicated court list for proceedings under the Children and Young Persons (Care and Protection) Act 1998 (NSW) involving Aboriginal children.

When considering a recommendation like this, the House should not push ahead with any legislative change without appropriate consultation with the Children's Court, which will ultimately be responsible for bringing this recommendation to life. A proper consultation process will provide opportunity to consider the benefits—

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): Order! Members will come to order. Members will wear their masks. They will keep audible conversation down.

The Hon. BEN FRANKLIN: A proper consultation process on the bill will provide the opportunity to consider fully the benefits and consequences of any proposed legislative changes for Aboriginal children, young people and their families. I understand the Minister will consult with stakeholder group the Aboriginal Knowledge Circle on the immediate next steps. The Government is committed to consulting appropriately, but consultation does not mean that we have to wait for years on end either. We must commit to taking genuine action and delivering tangible, effective outcomes for Aboriginal families and their communities. I note that Minister Maclaren-Jones has committed to introducing legislative recommendations as soon as possible, but only when stakeholder consultation has indicated that it is beneficial to do so. This will ensure that any changes will benefit Aboriginal children and families and will not be counterproductive.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:23): I will make some brief observations on the Children and Young Persons (Care and Protection) Amendment (Family is Culture Review) Bill 2021. One thing I think all members can agree on is that there are various views on issues that bear further consideration. While understanding the sensitivities attached to the submissions that have been made on the bill and the motivation behind its introduction, it certainly appears that further consideration is necessary for some of the provisions and their impacts.

One thing I pay special attention to is the failure to consult with the president of the Children's Court. To entertain the bill and the obligations that would arise from it without that level of consideration is presumptive in terms of making sure that we get the best possible outcome. If the member was committed to getting the best possible outcome and to making sure that we are motivated by the recommendations in the review, he would want to make sure that we consulted widely and appropriately on what the outcomes would be. Lots of members have made contributions to the debate. I know the Leader of the Opposition has foreshadowed a significant number of amendments.

The Hon. Penny Sharpe: No—three lots, which will take half an hour. Come on!

The Hon. DAMIEN TUDEHOPE: I am not criticising; I am just saying that there are amendments to the bill that give rise to the circumstance where you can draw the conclusion that the bill in its current form is not appropriate or is capable of being amended in a way that would make it better. I put to members that it is appropriate that there be further consultation on the terms of the bill. I move:

> That the question be amended by omitting "be now read a second time" and inserting instead "be referred to the Standing Committee on Law and Justice for inquiry and report".

Mr DAVID SHOEBRIDGE (16:26): In reply: I acknowledge all the contributors to the debate on the Children and Young Persons (Care and Protection) Amendment (Family is Culture Review) Bill 2021. I recognise the Hon. Penny Sharpe, the former shadow Minister, who I know has a longstanding engagement in this space, including through her advocacy as the shadow Minister. I note her acknowledgement of some of the foundational elements in the Uluru statement, which should guide all of our work; the sector's frustration at the failure of the Government to implement key recommendations from the *Family is Culture* report; and the overriding importance of doing all we can to keep families safe, together and on country. I also acknowledge that the bill is not the end of the road but a step along the way towards empowering First Nations families and communities. I highlight the fundamental benefit of learning by listening, reading the *Family is Culture* report and then bringing that learning to the House.

I note the contributions of the Minister, who failed to engage with a single provision in the bill. It is almost as though the Government has not read it, despite having had it since November last year. He made generic statements about unintended consequences, but at least he acknowledged that, as we speak, 43 per cent of children in out-of-home care are First Nations kids. If you crunch those numbers, that means that Aboriginal children are in the system at a rate at least 15 times greater than that of non-First Nations kids.

The Government has done all it can to try to defer and deflect this bill, even going as far as saying that it is going to re-establish the Aboriginal Knowledge Circle. It is going "to bring the Aboriginal Knowledge Circle back together so they could finally be consulted on the *Family is Culture* report", to quote the Minister. It has been three disrespectful years since the *Family is Culture* report was handed to the Government, but its only solution is more delays. I hope the majority of members of this House do not agree that the consultation, deep dive, study, learning and cultural knowledge contained in the *Family is Culture* report can be simply put to one side and shelved.

I note and appreciate the contribution by the Hon. Emma Hurst from the Animal Justice Party in acknowledging the ongoing lack of investment in early support for families and understanding the importance of the *Family is Culture* report. I thank the Hon. Emma Hurst for her contribution. I note the contribution from Pauline Hanson's One Nation Party. The neatest way of dealing with that contribution is to say that it was evidence-free; it was directly contrary to the evidence. Indeed, it was in large part false and offensive by making statements about First Nations history and parenting and statements about child abuse that are directly contrary to history and the evidence. Those statements continue a pattern of appalling politicisation of that issue without any evidence to support them.

I note and appreciate the contribution from the Hon. Catherine Cusack. Again, the focus on abuse, as though child abuse as more rampant in First Nations communities, is contrary to the evidence. It was somewhat frustrating to hear the contribution without any reference to the *Family is Culture* report and any reference to the evidence and the learnings from it. If the member had taken the time to read the report, she would not have made that contribution. I stress that the overwhelming majority of Aboriginal child removals in New South Wales are made on the basis of neglect. There is judgement on the poverty of First Nations communities and households by bureaucrats who are not culturally trained and do not understand what they are doing in Aboriginal communities.

I note the contribution from Reverend the Hon. Fred Nile and appreciate his support. I acknowledge that while there are many things we disagree on, he has stuck to his principles on supporting First Nations families and communities in his legislative work. It is not a recent thing; it is a matter that goes back decades. I acknowledge the Hon. Ben Franklin and a statement from the Government that it may do something at some point. It is deeply concerned about the unacceptably high rates of Aboriginal child removals, but so far has failed to legislate a single recommendation from its own report, the *Family is Culture* report.

Lastly, I read on to the record the support from key peak bodies. The Hon. Ben Franklin said during his contribution to the second reading debate that he spoke with AbSec. I will read on to the record what AbSec says about the bill:

> AbSec — NSW Child, Family and Community Peak Aboriginal Corporation (AbSec) is requesting your support for urgent legislative reforms to safeguard the interests of Aboriginal children, young people and their families involved in the NSW child protection system. We are the peak organisation for Aboriginal children and families in NSW.

> This week you will be asked to vote on the Family is Culture Bill that, if passed, would reduce the numbers of Aboriginal children being taken from their families and subjected to a child protection system that is known to be deficient. The Bill, introduced to Parliament by the NSW Greens, will amend NSW child protection legislation and regulations based on the recommendations of the landmark 2019 Family is Culture review report.
>
> We seek your support to pass these urgent reforms to safeguard our children, families and communities.

I note that all members will have received correspondence from the Aboriginal Legal Service [ALS], which is "a proud Aboriginal community-controlled organisation and the peak legal services provider to Aboriginal and Torres Strait Islander adults and children in New South Wales the Australian Capital Territory". It does this work in court, which is its speciality. It also urges members to implement the *Family is Culture* report and it seeks urgent consideration of the reforms necessary to reduce the number of Aboriginal children being taken from their families and subjected to a child protection system that is known to be deficient. Finally, I read on to the record the support from the UTS Jumbunna Institute. It says:

> This week, the Family is Culture Bill will go before the NSW Parliament. The Bill aims to progress specific recommendations arising from the 2019 Family is Culture review to strengthen legislative safeguards for Aboriginal and Torres Strait Islander children and young people who come into contact with the child protection system. We write to encourage you to support this Bill, as part of urgent improvements to the legislative framework in New South Wales.

The Government says it wants to talk to the Knowledge Circle, and AbSec and the ALS are key elements of the Knowledge Circle. The Hon. Ben Franklin says that he has sat down and spoken to the CEO of AbSec and respects his position. The Government should listen to what AbSec say because it says to support the bill. I appreciate the time the Parliament has given to the bill. I commend it to the House.

The PRESIDENT: The question is that this bill be now read a second time, to which the Hon. Damien Tudehope has moved an amendment. The question is that the amendment be agreed to.

The House divided.

Ayes 13
Noes 18
Majority.....5

AYES

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

NOES

Banasiak	Graham	Primrose
Borsak	Hurst	Searle
Boyd	Moriarty	Secord
Buttigieg (teller)	Moselmane	Sharpe
D'Adam (teller)	Nile	Shoebridge
Faehrmann	Pearson	Veitch

PAIRS

Fang	Donnelly
Mitchell	Houssos
Poulos	Jackson

Amendment negatived.

The PRESIDENT: The question is that this bill be now read a second time. Is leave granted to ring the bells for one minute?

Leave granted.

The House divided.

Ayes 19
Noes 13

Majority.....6

AYES

Banasiak	Hurst	Primrose
Borsak	Mookhey	Searle
Boyd	Moriarty	Secord
Buttigieg (teller)	Moselmane	Sharpe
D'Adam (teller)	Nile	Shoebridge
Faehrmann	Pearson	Veitch
Graham		

NOES

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

PAIRS

Donnelly	Fang
Houssos	Mitchell
Jackson	Poulos

Motion agreed to.

In Committee

The TEMPORARY CHAIR (Ms Abigail Boyd): There being no objection, the Committee will deal with the bill as a whole. I have three sheets of amendments: Opposition amendments on sheet c2022-008D, One Nation amendments on sheet 01.1 and The Greens amendments on sheet c2022-016A. I will start with the Opposition, which lodged its amendments first.

The Hon. PENNY SHARPE (16:55): By leave: I move Opposition amendments Nos 2, 3, 4, 6 and 8 on sheet c2022-008D in globo:

No. 2 **Adoption of Aboriginal and Torres Strait Islander children and young people**

Pages 3 and 4, Schedule 1[3]–[5], line 16 on page 3 to line 2 on page 4. Omit all words on those lines.

No. 3 **Adoption of Aboriginal and Torres Strait Islander children and young people**

Page 7, Schedule 1[10], lines 10 and 11. Omit all words on those lines.

No. 4 **Adoption of Aboriginal and Torres Strait Islander children and young people**

Page 7, Schedule 1[12], lines 29–34. Omit all words on those lines.

No. 6 **Adoption of Aboriginal and Torres Strait Islander children and young people**

Pages 13–15, Schedules 3 and 4, line 1 on page 13 to line 5 on page 15. Omit all words on those lines.

No. 8 **Long title—Adoption of Aboriginal and Torres Strait Islander children and young people**

Omit "to restrict the adoption of Indigenous children and young people in out-of-home care;".

The issue of adoption was canvassed quite extensively in the second reading debate, and I thank members for their thoughtful contributions. The amendments relate to the fundamental challenge when dealing with child protection legislation and an under-pressure system that has to make difficult choices all the time. None of the choices is easy and the outcomes are often challenging. The amendments go to whether Aboriginal and Torres Strait Islander children can never be adopted under any circumstances. That is not a position that Labor supports. We acknowledge that recommendation 121 of the *Family is Culture* report states that it should not be an option for Aboriginal children, and we acknowledge and respect the views of important stakeholder groups like AbSec that fundamentally disagree with severing the legal connection between Aboriginal children and their biological parents. This is a persuasive argument and we acknowledge that position is genuinely held. However, the Opposition is unable to support the blanket prohibition on adoptions of any Aboriginal child regardless of their particular circumstances.

The current provisions of the bill will prohibit kinship adoption, for instance, or any other circumstances where adoption is in the best interests of that child and the family. These simple amendments remove the blanket prohibition against adoption of Aboriginal children, not to in any way encourage that option but to keep it on the table if it is the best outcome possible in the circumstances. Labor is committed to working with all stakeholders to support families, reduce removals and improve pathways for reunification with families for children who are not entered into care, but further work needs to be done in this areas. As I said, it is a challenging issue. We do not support a blanket ban so that adoption is not an option for a child under any circumstances. We believe there are circumstances—they are rare, but they do occur—where it is in the best interests of those children. We do not wish to make adoption something that Aboriginal children do not have access to if, on the rare occasion, it is in their best interests.

The TEMPORARY CHAIR (Ms Abigail Boyd): Before I invite Mr David Shoebridge to speak to the amendments, I ask the Hon. Mark Latham if he wants to move One Nation amendments Nos 7 and 8 on sheet 1.1. I believe that those amendments cover the same ground as the Opposition amendments.

The Hon. MARK LATHAM (16:59): I understand that Labor seeks to remove the blanket ban on adoption. That was the purpose of One Nation amendments Nos 7 and 8. I am not sure there is a clash.

The TEMPORARY CHAIR (Ms Abigail Boyd): That is right. Because the Opposition amendments were put first, we will test them first.

The Hon. MARK LATHAM: I am happy to defer to the Opposition amendments as they achieve the same objective. On that basis I will not move One Nation amendments Nos 7 and 8.

Mr DAVID SHOEBRIDGE (16:59): The provisions in the bill that prohibit the adoption of Aboriginal children flow from the recommendations of the *Family is Culture* report, the history of the Stolen Generations and the cultural and ongoing pain of Aboriginal child removals. The Greens have consulted with sector groups like AbSec, the Aboriginal Legal Service and Jumbunna, and they support the recommendations of the *Family is Culture* report. That is why they are included in the bill. However, I understand the genuinely held position that Labor has in moving the amendment. We may disagree, but I understand the rationale from Labor. We acknowledge that it is important to get broad support for the bill. In those circumstances we will not be opposing the amendment.

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (17:00): The Government supports the amendments put forward by the Opposition, but I will comment briefly on amendments Nos 2, 3 and 4, which state that adoption is currently considered the least preferred option in New South Wales and only occurs when it is clearly demonstrated to be in the best interests of the child. In relation to amendment No. 6, currently adoption is considered the least preferred option and preventing access to adoption for Aboriginal children and families is contrary to the principle of the self-determination. But, having said that, the Government does not oppose the amendment.

The TEMPORARY CHAIR (Ms Abigail Boyd): The Hon. Penny Sharpe has moved Opposition amendments Nos 2, 3, 4, 6 and 8 on sheet c2022-008D. The question is that the amendments be agreed to.

Amendments agreed to.

The Hon. PENNY SHARPE (17:01): I move Opposition amendment No. 5 on sheet c2022-008D:

No. 5 **Accreditation based on substantial compliance with accreditation criteria**

Pages 12, Schedule 2, lines 1–18. Omit all words on those lines.

The amendment seeks to maintain the current power of the Children's Guardian to accredit service providers based on substantial compliance while working with that provider to reach full compliance in a reasonable manner. The amendment addresses significant stakeholder concerns that have been raised with the Opposition about the current provisions in the bill. Of course, the starting point is always to expect service providers to fully comply with the accreditation criteria in all circumstances. However, in practice if a service provider can reach full compliance with a reasonable amount of support from the Children's Guardian, that is a much better outcome instead of the blunt instrument of withdrawing accreditation and possibly leaving an area without another provider. Under that provision of the bill, a two-tiered system would be created whereby Aboriginal-controlled organisations would remain accredited while substantially compliant and non-Aboriginal-controlled organisations would not.

Labor believes it is better to have the same rule apply to all providers to prevent any perception of Aboriginal-controlled organisations being of lower quality. The amendment simply retains the current powers of the Office of the Children's Guardian to use its judgement and make accreditation decisions in the best interests of the community. I understand why that provision is in the bill in the first place. I have heard a lot from Aboriginal organisations about significant concerns surrounding the management of children, particularly Aboriginal

children in non-Aboriginal-controlled organisations. I understand that, but Labor does not think the way to deal with it is to set up a separate system. We should be working towards compliance and we want more Aboriginal children in Aboriginal-controlled organisations. We feel that the two-tiered system was too hard a line in relation to managing the issue and so we seek to remove it from the bill.

The TEMPORARY CHAIR (Ms Abigail Boyd): The Hon. Mark Latham, Opposition amendment No. 5 overlaps with One Nation amendment No. 6. Would you care to move your amendment?

The Hon. MARK LATHAM (17:04): I will not move One Nation amendment No. 5.

Mr DAVID SHOEBRIDGE (17:04): Again The Greens will not be opposing the amendment, which the Hon. Penny Sharpe has effectively summarised. Aboriginal-controlled organisations and Aboriginal families and grandparents have said repeatedly to my office and to the offices of other MPs—to anyone who will listen—that the agencies that should not get accreditation because they failed the accreditation guidelines are failing their kids. It is not only non-government organisations; large parts of the department would be failed if they did not have a get-out-of-jail-free card. Large parts of the department could not get accreditation if they were held to the standard set by the Children's Guardian, but they continue to get leave passes by the Children's Guardian despite failing to meet the most basic standards.

The Greens firmly believe it is time that ended. The department and non-government organisations must meet the accreditation standards set by the Children's Guardian. The Greens believe that was necessary because of capacity-building, to give additional time for Aboriginal-controlled organisations to achieve accreditation. Nevertheless we want the bill to have the greatest possible support. Labor's amendments have been put because its members are concerned about how that would affect the sector more broadly and the ability to deliver services in the sector. For those reasons we will not be opposing the amendment.

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (17:06): The Government also supports Opposition amendment No. 5. Currently there are strict conditions in place for providers that do not fully meet the accreditation criteria including time frames. The original bill proposed to remove the discretion of the Children's Guardian to grant accreditation if an agency only partly met the accreditation criteria. While Aboriginal community-controlled organisations are exempt from the changes, it is worth noting that any changes to accreditation without appropriate consultation would cause significant disruption to the out-of-home care sector.

The TEMPORARY CHAIR (Ms Abigail Boyd): The Hon. Penny Sharpe has moved Opposition amendment No. 5 on sheet c2022-008D. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. PENNY SHARPE (17:07): I move Opposition amendment No. 7 on sheet c2022-008D:

No. 7 **Eligibility of agency for accreditation**

Page 18, Schedule 7, lines 1–7. Omit all words on those lines.

The amendment seeks to maintain the current power of the Children's Guardian to provide accreditation for for-profit out-of-home care services. Labor acknowledges that the vast amount of services are charitable or non-profit, and we are also aware of a small number of for-profit providers. That presents a difficult question for the Opposition. Naturally we agree with stakeholders who wish to see the sector operating without a profit motive. However, the amendment addresses concerns that have been raised with us on a practical level. We have been advised that a ban on for-profit services would create service gaps in some communities, and unfortunately we have concerns about the ability of the Government to build the capacity in the sector to address those gaps based on its performance to date. It is our goal to be in government next year. However, we are not in government now; we are dealing with the bill as we see it.

Labor believes those provisions in the bill require an active and committed government that wants to build capacity in the sector and see a fully non-profit sector that treats its workers with respect and that ensures service gaps do not affect kids and their families. We have no faith that the Government would provide the remedies to that problem. We reluctantly move the amendment because we are genuinely concerned about service gaps and the impact that will have on the children. The amendment returns the current powers of the Children's Guardian, though I note that Labor will address the issue in government. The Australian Services Union has significant concerns about the treatment of workers in some for-profit out-of-home-care providers. It is a highly casualised and underpaid workforce. Labor continues to commit to working with the union in the sector to work towards a not-for-profit, quality-driven sector. That is not ready yet, so we must move the amendment at this point in time. If elected in March next year, we will address those issues again.

The TEMPORARY CHAIR (Ms Abigail Boyd): I invite the Hon. Mark Latham to move One Nation amendment No. 9, which overlaps with Opposition amendment No. 7.

The Hon. MARK LATHAM (17:09): As before, I defer to the Opposition amendment moved by the Hon. Penny Sharpe.

Mr DAVID SHOEBRIDGE (17:09): The *Family is Culture* report recommended that no corporation or entity should profit from out-of-home care and from the removal of children. On behalf of The Greens, I strongly endorse and support that recommendation. The bulk of out-of-home care in New South Wales is overwhelmingly provided by not-for-profits. The emergence of a for-profit industry is deeply troubling. It is particularly troubling for Aboriginal families and communities, who potentially see corporations gaining profit from the removal of their children.

For those reasons, the *Family is Culture* report recommended that for-profits be prohibited from gaining accreditation. That is why we included that provision. That being said, I understand Labor's proposition that a blanket prohibition at this point may lead to some service gaps. The Greens believe those service gaps can and should be covered. The question is whether the Government has the capacity or the willingness to deal with that between now and, perhaps, March next year. I acknowledge the force of some of what Labor says but, again, in order to get the broadest support for the bill, we do not oppose the amendment.

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (17:10): The Government does not oppose the amendment. I acknowledge the important role that the not-for-profit sector plays. I note that the Children's Guardian is currently undertaking consultation in relation to this. As I have said before, we require further consultation, but the Government does not oppose the amendment.

The TEMPORARY CHAIR (Ms Abigail Boyd): The Hon. Penny Sharpe has moved Opposition amendment No. 7 on sheet c2022-008D. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. PENNY SHARPE (17:11): I move Opposition amendment No. 1 on sheet c2022-008D:

No. 1 **Commencement**

Page 2, clause 2, lines 6–11. Omit all words on those lines. Insert instead—

This Act commences on the date of assent to this Act.

This is a consequential amendment about the commencement of the Act as a result of the amendments that have now been passed. The way that commencement is currently set out in the Act does not reflect the amendments that have been adopted. The amendment stipulates that the Act commences on the date of assent, rather than as a staged process. I am sure Mr David Shoebridge will outline why that was the case.

Mr DAVID SHOEBRIDGE (17:11): The commencement provision in the bill has one commencement provision for the bulk of the Act and then separate commencement provisions for elements that have been removed from schedule 1, which is clause 2 (2), and separate commencement provisions for schedules 2 and 7 to the bill. The amendments moved by the Opposition have removed those schedules and the elements in clause 2. Therefore, as night follows day, the amendment must be supported.

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (17:12): The Government does not oppose the amendment. I place on record the importance of consultation. As I have said on multiple occasions, there has not been sufficient consultation with the sector, particularly in relation to the amendments. If the bill is to pass both this House and the lower House as amended, it is important that we allow enough time for both the department and the sector as well as the Children's Court to implement the bill.

The TEMPORARY CHAIR (Ms Abigail Boyd): The Hon. Penny Sharpe has moved Opposition amendment No. 1 on sheet c2022-008D. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. MARK LATHAM (17:13): I move One Nation amendment No. 1 on sheet 1.1:

1. Omit Schedule 1[2]

The amendment omits schedule 1 [2], the ill-advised presumption of harm clause, for the reasons I outlined extensively in my contribution to the second reading debate. I will not go over the ground I covered earlier. It is important to remove that schedule to allow a case-by-case analysis of child protection issues by the child protection officers and the judicial officers.

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (17:14): The only thing I say in relation to this amendment goes back to consultation. My understanding is that there are mixed views and more time to consult would have allowed for a greater opportunity to debate the issue in more detail. At this stage the Government does not support the amendment.

Mr DAVID SHOEBRIDGE (17:14): The Greens do not support the amendment. The clause proposed to be removed is one of the key recommendations in the *Family is Culture* report. Indeed, it supports the primacy of the family. I think all of us would acknowledge that removing a child from their family, no matter what the circumstances, will cause harm. But it is simply a presumption that harm will be caused because we know from history that that causes harm. Of course, there will inevitably be circumstances where that presumption does not prevent a child being removed if there is more harm by the child remaining in the situation.

Evidence of terrible neglect of critical health care for a child or physical violence towards a child or other compelling reasons would overcome any presumption. But it is ignorant of history and our own lived experience to ignore the fact that if we remove a child from their family, we will inevitably cause harm. Of course, there may be more harm in leaving the child in their home, but let us start with the knowledge and the assumption that families are important and that Aboriginal families are important. When a child is taken from their family, it will inevitably cause harm. That is not the end of the inquiry by the courts but it should be the start.

The Hon. MARK LATHAM (17:16): We only have to listen to the Orwellian words of Mr David Shoebridge to know the folly of what we are talking about. He said, "to remove a child from a family, no matter the circumstances, will cause harm". Clearly, in the hands of the courts and some of the judges and judicial officers we have in New South Wales, that will lead to children who are being harmed staying in that harmful environment. That is inevitable. Why do we need this particular change if other factors can already be considered? Those other factors are surely paramount. To say "no matter the circumstances, harm will be caused" puts it in the hands of judicial officers, who will interpret that to mean leaving children where they are.

The other circumstances that Mr David Shoebridge mentioned can be horrific forms of harm to children. They should be the primary consideration, without this attempt to leave children in circumstances we would not wish upon our own children or anyone else's. That presumption tries to engineer out-of-home care numbers that have no relation to the care and best interests of the child. The theory being advanced by The Greens is that the Indigenous community should have the same out-of-home care portion as everyone else. That is no way to run child protection. We have to judge case by case and circumstance by circumstance. If there is more harm and abuse in a certain community, then of course the system must respond to that. This delusion of some sort of bizarre Fordist attempt to level out the Indigenous out-of-home care numbers artificially will cause much more harm to the children The Greens otherwise claim to be trying to protect.

The Hon. PENNY SHARPE (17:18): I make it clear that Labor does not support the amendment. We support the change in presumption. We do not for one minute accept the proposition put by the Hon. Mark Latham that it somehow gives a green light to leave children who are being sexually or physically abused or in horrific circumstances where they are. That is absolutely not what the provision does. It is wrong to put it that way. We are all concerned about the sexual and physical abuse of children. It is a serious matter. As I have previously said many times in this place, let us remember that currently 70 per cent of kids at risk of serious harm do not even get to see a caseworker. There are issues with the kids who are coming before the courts, but we have to listen, which is the whole point of the *Family is Culture* report. That report did not come out of nowhere and it is not just one or two Aboriginal people who have a view different from the mainstream.

Every key Aboriginal organisation supports this change because they have lived through the removals that happened in the past but, more importantly, they are living through the removals that are happening now. I have heard so many examples of families having children removed when the children are not being sexually or physically abused. There have been some significant issues with the casework and work that has happened in relation to Family & Community Services where the removal has been the first resort rather than the last resort. That is what this change is about.

It is fundamental to understanding the history and to really, through action, show that we have listened. No-one is suggesting for a minute that kids who are at serious risk of harm need to stay in those circumstances because they are Aboriginal. In fact, that is a terrible thing to say. If we talk to Aboriginal organisations who are dealing with severely abused children—as all out-of-home organisations are—they will tell us that they have no truck with keeping kids in an unsafe situation. It is wrong to characterise it like that. This is about understanding the history. It is about understanding the failure of practice in relation to child protection and the way in which Aboriginal families have been ignored and sidelined.

I cite the most basic example. I have had family members crying because they are willing and able to take a child who they see is being subjected to someone in their family doing the wrong thing. They want that child in

a safe place. They want to take that child and have them placed, but they have been ignored. Their phone calls have gone ignored and the next thing they know is that the kid has been removed, put in foster care—sometimes not even close to where they live and not within country and not within guardianship principles. That is what we are talking about. We just want to factor that in and have that considered. It is not about somehow suggesting that Aboriginal kids get left in worse situations. We would not be supporting it if that was the case and it is wrong to characterise it that way. For those reasons we do not support the Hon. Mark Latham's amendment.

The TEMPORARY CHAIR (Ms Abigail Boyd): The Hon. Mark Latham has moved One Nation amendment No. 1 on sheet No. 1.1. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. MARK LATHAM (17:21): I move One Nation amendment No. 2 on sheet 1.1.

No. 2. Omit Schedule 1[9]

The amendment is intended to delete schedule 1 item [9] that is in the bill before the Chamber. Sadly, we need to face the reality that there is not a government solution to every problem. It appears to be an attempt by the mover of the legislation to put more onus on the government with a nebulous term of "support" for the child or the young person's family rather than on the family themselves. Clearly the objective in child support should be to stop the abuse rather than to manipulate the out-of-home numbers according to certain parameters guided by race and culture. The responsibility of families in this area is paramount. It is very vague as to what "support" might mean. There are some family circumstances that are so complex and dire that it is not possible to define a level of Government support in any tangible way. The bill otherwise talks about self-determination. The best self-determination is for the family to take the responsibility to solve the problem rather than put government support front and centre in the way in which schedule 1 item [9] attempts to do.

Mr DAVID SHOEBRIDGE (17:23): The *Family is Culture* report, before that the Tune report and before pretty much every report has pointed out that in this government agency, historically the overwhelming government resources have been spent on removing children—80 per cent of the department's resources in child protection have been spent on removing children and less than 20 per cent on trying to keep families together. For the overwhelming majority of Aboriginal children, the reason for the removal is neglect, which is often rooted in poverty, poor housing and the indicia of poverty. The provision in the bill that the mover of the amendment is seeking to delete says that before you remove a child, there has to be evidence of the attempts made to support children—the prior alternative action to support the families and to support children.

This is really about shifting those resources. Instead of spending 80 per cent on tearing families apart and removing children, we want to shift as much as we can of that into supporting and helping children, and proving that that has been done, before a removal order is made. I do not pretend that just this legislative provision by itself will switch that spending over, but that is the recommendation that came out of the *Family is Culture* report that reviewed over a thousand cases—over a thousand files—over the course of an entire year of child removals. The review showed consistent patterns about how the department was operating and sought to break those patterns. This is one of those amendments that tries to break the pattern. Instead of jumping to removal, one first looks to what can be done to support the family. That is why we oppose the amendment.

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (17:25): The Government does not oppose the amendment.

The Hon. PENNY SHARPE (17:25): Just to be clear, we do not support this amendment for the reasons outlined by Mr David Shoebridge.

The Hon. MARK LATHAM (17:25): The Labor-Greens approach highlights the technocratic failure of what we are trying to do. They say that report after report said this, and roundtable after roundtable said this. For Indigenous people, if there was a solution for every report and roundtable, they would be living in paradise. Clearly none of the reports and none of the roundtables has solved the critical problems of some of the places I mentioned in my contribution to debate on the second reading so one would have to think that a different approach is needed. In referring to support, we have only to go through the annual reports of government departments to see the huge amount of resources that are pushed into Indigenous communities in welfare, schooling and employment. We can do all of that but the basic equation is, yes, we need government effort and provision of opportunity, but unless people take the right responsibilities in the management of their family, we can still end up with horrific outcomes.

We can have as many caseworkers, consultants, counsellors, tutors, schooling experts, employment people, roundtables, reports and committees and all sorts of things that are well intentioned for an Indigenous family, but some predator is still sneaking into a bedroom late at night and we have not solved a single problem for that child. That is why this provision in the bill needs to be deleted to face up to the bare reality, not technocratic words and

not feel-good intentions, of what we need in that basic equation of government effort and family responsibility to solve these horrendous problems. To downplay the role of family responsibility and make out that support has not been provided, what sort of support, in the circumstances I have outlined, would Mr David Shoebridge be talking about? What are the details rather than the generalities that he has put before the Chamber—generalities that I am sure are reflected in all the reports, roundtables and discussions of people who work off paperwork rather than the practical reality of how we help children.

The Hon. PENNY SHARPE (17:27): I simply must respond to that because the Hon. Mark Latham continues to put the proposition that, as a result of this bill, children who are being sexually or physically abused will be remaining with their families in an unsafe situation. That is just not the case. When we are talking about support, we are often talking about a range of early intervention programs. There have been royal commissions into this; this is not just about sitting around tables. The royal commissions have been into out-of-home care, whether it has been for Aboriginal children or non-Aboriginal children. The support that is needed for families is whether they are Aboriginal or non-Aboriginal. It is not defined as support. If Labor were in government this would not be the bill that Labor would be putting forward. Labor's bill would have a lot more detail about what support is. It is not our bill. We have had to make a judgement about this.

The kind of support we are talking about is early intervention with families. It is about support for mothers who are breastfeeding and it is about home visiting. Mr Mark Latham would know the programs that have worked previously in really disadvantaged communities where there have been home visiting programs by nurses, for example, when women have babies. There has been a whole lot of support. We could go into that for a long time. I refer the member to the royal commissions that have talked about this at length. The bill came from a recommendation and is endorsed by every peak Aboriginal organisation and many individual families who are saying that there can be a difference.

The Family is Culture review examined and systematically went through 1,144 files and found that if a family was given support at a certain point, it would have been unlikely that their child was removed. That is what we are trying to deal with. I do not want people to think that somehow Labor has a laissez-faire approach to this, that Opposition members have not thought about it and that we are not committed to understanding the evidence on how we actually do that. The alternative to the Hon. Mark Latham's proposal is that the minute there is a problem, a child is removed. Where are they removed to? There are not enough carers. There is a whole report that shows that there are not enough Aboriginal families to take everyone even if we wanted them to. That is what we are dealing with.

The TEMPORARY CHAIR (Ms Abigail Boyd): The Hon. Mark Latham has moved One Nation amendment No. 2 on sheet 1.1. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. MARK LATHAM (17:31): I will move One Nation amendment No. 4, which is to omit schedule 1[17] to the bill.

The TEMPORARY CHAIR (Ms Abigail Boyd): You have not moved amendment No. 3 yet.

Mr David Shoebridge: That has already been deleted, hasn't it?

The Hon. MARK LATHAM: Sorry?

Mr David Shoebridge: Wasn't that part of Labor's amendments?

The Hon. MARK LATHAM: That is where I am seeking clarification. Amendment No. 4 has been done and I have got to move No. 3.

The TEMPORARY CHAIR (Ms Abigail Boyd): Amendment No. 3 is still in play.

The Hon. MARK LATHAM: I move One Nation amendment No. 3 on sheet 1.1:

3. Omit Schedule 1[11]

I move this amendment for the same principles and reasons I outlined for amendment No. 2.

Mr DAVID SHOEBRIDGE (17:31): For the same reasons, The Greens oppose the amendment.

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (17:31): The Government does not oppose the amendment, but I note that the court already has wide discretion in relation to matters they take into account when determining orders.

The TEMPORARY CHAIR (Ms Abigail Boyd): The Hon. Mark Latham has moved One Nation amendment No. 3 on sheet 1.1. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. MARK LATHAM (17:31:5): Amendment No. 4 has been dealt with and that just leaves amendment No. 5.

The TEMPORARY CHAIR (Ms Abigail Boyd): No, I believe amendments Nos 4 and 5 are both still in play.

The Hon. MARK LATHAM: I move One Nation amendment No. 4 on sheet 1.1:

4. Omit Schedule 1[17]

The amendment goes to the presumption of harm matter that I have spoken extensively about. I find no need for repetition.

Mr DAVID SHOEBRIDGE (17:32): Again, we had that extensive discussion on the earlier amendment, and for the same reasons, The Greens oppose it.

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (17:32): The Government also opposes the amendment. As I said before, further consultation is required, particularly with key stakeholders in the community, Legal Aid NSW and the Children's Court.

The TEMPORARY CHAIR (Ms Abigail Boyd): The Hon. Mark Latham has moved One Nation amendment No. 4 on sheet 1.1. The question is that the amendment be agreed to.

Amendment negatived.

The Hon. MARK LATHAM (17:33): I move One Nation amendment No. 5 on sheet 1.1:

5. Omit Schedule 1[19]

The amendment is critically important because schedule 1[19] as it currently stands makes an amendment to section 106A of the Act to remove the requirement for the Children's Court to admit evidence that the parent or primary caregiver of a child or young person has previously had a child or young person removed from their care and not restored. Is that not directly relevant to the wellbeing of the child? That history should be known to the court rather than having the requirement removed. To me, this seems to be a reckless revision that will weaken the capacity of the court to say, "There has been a longstanding historical problem here." Evidence is in court and history is important for the safety of children, and it should be relevant to the decision of the Children's Court. We do not do this in other areas. As I understand it, we are not going to do it for non-Aboriginal child custody cases. Why is it being done here when one can clearly see it is an irresponsible measure that will add to repeat mistakes, repeat offenders and repeat abuse?

Mr DAVID SHOEBRIDGE (17:34): I think the Hon. Mark Latham has misunderstood the schedule. The schedule actually gives more information to the Children's Court. It actually allows for information that would not otherwise be able to be admitted in the court, including information from coronial proceedings, which may be critical to identifying the safety needs of a child. The schedule permits for the first time much of that evidence to be before the Children's Court. If somebody has been adversely named in coronial proceedings or similar, that information for the first time will be before the Children's Court so it can make a decision with all the evidence to hand. I think it is a misunderstanding of the nature of the schedule. For those reasons, The Greens oppose the amendment.

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (17:34): The Government does not support the amendment.

The TEMPORARY CHAIR (Ms Abigail Boyd): The Hon. Mark Latham has moved One Nation amendment No. 5 on sheet 1.1. The question is that the amendment be agreed to.

Amendment negatived.

Mr DAVID SHOEBRIDGE (17:35): I move The Greens amendment No. 1 on sheet c2022-016A:

No. 1 **Statutory review**

Page 11, Schedule 1. Insert after line 2—

[20A] Section 263A

Insert after section 263—

263A Review of provisions inserted by Children and Young Persons (Care and Protection) Amendment (Family is Culture review) Act 2022

(1) The Minister is to review the amendments made to this Act by the *Children and Young Persons (Care and Protection) Amendment (Family is Culture review) Act 2022* to determine whether the policy objectives of the amendments remain valid and whether the amended provisions of this Act remain appropriate for securing those objectives.

(2) The review is to be undertaken as soon as possible after the period of 2 years from the date of commencement of the *Children and Young Persons (Care and Protection) Amendment (Family is Culture review) Act 2022.*

(3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 2 years.

This amendment puts in place a ministerial review of the amendments made by the bill two years after the date of commencement and then requires a report on the review to be tabled in Parliament 12 months after that. I credit Reverend the Hon. Fred Nile for the idea of the review. He indicated that he thought it was important that there be a review of the amendments in the bill, that it be done in a reasonable time after their commencement and that Parliament be advised of the outcome of that report. The Greens agree with him, and for those reasons I commend the amendment to the Committee.

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (17:36): The Government does not support the amendment. Consistent with my previous comments, there has not been proper consultation, but more importantly there is also a scheduled review in 2024 of the care Act and this would be more appropriately dealt with at that time rather than having duplication.

The Hon. PENNY SHARPE (17:36): Labor sees no problem with a review given the complexities of what we have been discussing all afternoon. We think that is fair and reasonable.

The TEMPORARY CHAIR (Ms Abigail Boyd): Mr David Shoebridge has moved The Greens amendment No. 1 on sheet c2022-016A. The question is that the amendment be agreed to.

Amendment agreed to.

The TEMPORARY CHAIR (Ms Abigail Boyd): The question is that the bill as amended, including an amendment to the long title of the bill, be agreed to.

Motion agreed to.

Mr DAVID SHOEBRIDGE: I move:

That the Chair do now leave the chair and report the bill to the House with amendments, including an amendment to the long title of the bill.

Motion agreed to.

Adoption of Report

Mr DAVID SHOEBRIDGE: I move:

That the report be adopted.

Motion agreed to.

Third Reading

Mr DAVID SHOEBRIDGE: I move:

That this bill be now read a third time.

The House divided.

Ayes 20
Noes 14
Majority.....6

AYES

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

NOES

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

Motion agreed to.

PUBLIC HEALTH AMENDMENT (VACCINATION COMPENSATION) BILL 2021

Second Reading Debate

Debate resumed from 17 February 2021.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (17:51): I speak on behalf of the Government in debate on the Public Health Amendment (Vaccination Compensation) Bill 2021. The bill seeks to make an employer liable to pay compensation to a worker until the worker's death if the employer requires the worker to be vaccinated against a prescribed disease, and if the employee suffers any injury, loss or damage as a result of the vaccination. The Government does not support the bill for public health reasons and due to the availability of existing compensation mechanisms. The Government is concerned that the bill would undermine public confidence in vaccination and reduce the number of employer-based vaccination programs. In addition, the existing workers compensation scheme in New South Wales provides protection for workers who suffer adverse events following vaccination.

Vaccination has been shown time and time again to be a safe and effective way of preventing a wide range of infectious diseases. It is so effective in fact that we sometimes forget how serious those diseases can be. Population-based vaccination programs are one of the safest and most effective public health measures available to protect the community from disease. Serious adverse effects following vaccination are rare. Any side effects following vaccination are usually mild and short-lived, including fever, pain or redness at the injection site. In a very small number of cases there may be more serious side effects following vaccination.

The New South Wales Government recognises how important it is that people feel confident that vaccines are safe and effective. In Australia there are well-established regulatory mechanisms to ensure that all vaccines administered in this country are safe and effective. In New South Wales and Australia, there are also highly developed systems for monitoring, investigating and responding to adverse events following vaccination. There is high community trust and confidence in vaccination, with over 94 per cent of children in New South Wales recorded as fully immunised at one year and five years of age.

In fact, this week marks the one-year anniversary of the New South Wales COVID-19 vaccination program, with more than 16.6 million doses delivered to the people of New South Wales over the past 12 months. Today, more than 95 per cent of people aged 16 and over in New South Wales have received a first dose of a COVID-19 vaccine, and over 94 per cent have received two doses. Given the proven safety and effectiveness of vaccines, the Government has a range of public health policies and programs to improve vaccine coverage, including the Save the Date to Vaccinate campaign. The Government is concerned that the bill may undermine the community's support for vaccination because it may create unjustified fear of it.

The backdrop to the bill, which was first introduced a year ago, was the rapid, widespread and essential rollout of COVID-19 vaccines. Today we see just how important that rollout was and is, and how the COVID-19 vaccine has been essential to New South Wales being in the strong position that it is in now. The rollout followed the application of Australia's strict vaccine approval processes, which is designed to ensure that the relevant vaccines are safe and effective. The Omicron outbreak demonstrated how the course of the COVID-19 pandemic can change rapidly and requires the health response to adapt accordingly. For example, it demonstrated the important role of a booster vaccine.

As we continue to navigate COVID-19, a bill such as this has the potential to create unnecessary and unhelpful fear in the community about the risks associated with vaccines, particularly the COVID-19 vaccines. Instead, we need to continue working with the community as we move into the next phase of opening up our economy and our country. The bill may undermine current or planned employment-based vaccination programs. Some workers are at increased risk of vaccine-preventable diseases because of the nature of their work. For example, healthcare workers and emergency services workers who may be exposed to blood and bodily fluids as part of their work are routinely vaccinated against hepatitis B. Similarly, Q fever vaccination can reduce the risk of that debilitating disease among people who work in the meat and livestock industry.

Importantly, employment-based vaccination may also benefit others. For example, the annual influenza vaccination of healthcare workers reduces the chance that they will pass the condition on to the vulnerable people they are caring for. Employer-based vaccination also increases the overall proportion of people vaccinated in the community, which provides a general public health benefit. The New South Wales Government is concerned that the bill may undermine current or planned employment-based vaccination programs due to concerns of employers about liability and increased associated costs. There is a serious risk that the bill could lead to fewer workers in high-risk occupations being vaccinated over time, increasing the public health risk of disease transmission in the broader community.

Finally, the New South Wales Government is of the view that the existing workers compensation system already provides protection for injured workers, including those who suffer adverse effects from vaccines. The New South Wales workers compensation system clearly provides protection for workers who suffer an injury as a result of being directed by their employers to be vaccinated. The bill makes no reference to that existing scheme and the associated legislation. It is not clear how it would operate alongside the workers compensation system.

The provisions in the bill are very broad, with no limits about what injury, loss or damage creates the liability and what compensation is payable, except that compensation is payable until the worker's death. Bringing an action under the provisions of the bill may be costly for workers and for employers to defend. There is no administrative mechanism in the bill to monitor the payment of compensation to ensure that workers are protected as intended. In summary, the bill is not necessary and may have a detrimental effect on public health. For those reasons, the New South Wales Government does not support the bill.

The Hon. DANIEL MOOKHEY (17:58): I contribute to debate on the Public Health Amendment (Vaccination Compensation) Bill 2021. I am unlikely to detain the House for longer than a minute—

The Hon. Mark Latham: Point of order: Reverend the Hon. Fred Nile has informed me that he is yet to give his second reading speech on the bill. It is his bill. He is saying that the Government has introduced the bill while opposing it, so I am seeking clarification on behalf of the Reverend.

The PRESIDENT: My advice is that Reverend the Hon. Fred Nile introduced the bill some time ago. He has a right of reply at the end of the debate, which will be afforded to him in due course.

The Hon. DANIEL MOOKHEY: I do not intend to detain the House for ideally longer than an additional 50 seconds, but I wish to express the Opposition's view on the bill. We do not support the bill in large part for the reasons given by the Minister, but we disagree with one point that the Minister makes. The Minister makes the point that we have a workers compensation system that is in a position to otherwise offer protection to people who suffer an injury as a result of a direction to become vaccinated as part of their employment. That is true. But I note that the Government is actively trying to weaken the workers compensation system insofar as it applies to COVID.

Whilst this is not the space to have that debate, I make the point that the Government cannot on the one hand nominate the workers compensation system as its line of defence on this particular issue and simultaneously attempt to weaken it elsewhere. Having said that, with that one exception, the Opposition relies on the assessment of the Government in the other points it made in opposing the bill. Therefore, we associate ourselves with the remarks made by the Minister about the bill's deleterious effects and poor design. For that reason, the Opposition will not be supporting the bill.

The Hon. MARK LATHAM (18:00): One Nation supports the Public Health Amendment (Vaccination Compensation) Bill 2021. We commend Reverend the Hon. Fred Nile for bringing forward the bill, which seeks to amend the Public Health Act 2010 to provide for the payment of compensation to workers who suffer injury, loss or damages as a result of a requirement to be vaccinated. The truth is that if government launches a massive coercion program for people to be vaccinated and it causes adverse consequences for the health of the general public, and workers in particular, then compensation should be paid. That is a basic principle of fairness.

The truth of the vaccination program is that it was massively coercive. People were locked in their homes in New South Wales for months on end, and they were told that the only route to freedom was vaccination. Moreover, through employment workplace vaccination mandates, people were told, "You'll lose your job unless you undertake this particular health procedure." That, of course, wiped what had been one of the enduring hard-fought-for principles of the labour movement that workers—not bosses, but workers—are in charge of their own health choices. I still cannot quite believe that the union movement in New South Wales and the Australian Labor Party rolled over and surrendered that principle and have not done anything to help the workers who have been sacked for not being vaccinated.

My office received umpteen cases, many hundreds of cases, of workers who have been sacked for not following the vaccination mandates. Those workers paid their union fees and they received no representation whatsoever in losing their employment. We know for a fact that vaccinations can cause adverse consequences.

That is a fact of medical science for all vaccines. But we know that the consequences and adverse reactions of this particular vaccination program have been real. A number of members of Parliament, even at the top of the Government, have had adverse reactions. Given the level of coercion, I would have thought that compensation is a fair provision. It certainly makes a lot more sense than the workers compensation amendment the Government adopted a few years ago when it adopted the presumption that every worker who got COVID got it at work. That never made any sense, and the Government is trying to unscramble that provision with legislation that will be debated in this session.

It makes a lot more sense to say the level of coercion is such that if a worker had an adverse reaction to the vaccine, particularly at work, then compensation should be paid as a consequence. One Nation supports the fairness that the Reverend the Hon. Fred Nile's bill is trying to achieve. I draw the House's attention to some of the case studies of workers who have been tossed out, sacked, in the most extraordinary, unfair circumstances. Teachers in New South Wales have been stood down or sacked while on maternity leave, on workers compensation, on annual leave.

The Hon. Daniel Mookhey: For not getting vaccinated?

The Hon. MARK LATHAM: Yes, for not being vaccinated.

The Hon. Daniel Mookhey: Then it wouldn't be covered by this bill.

The Hon. MARK LATHAM: For not being vaccinated. The work of the Professional and Ethics Standards unit in the Department of Education in that regard has been draconian, unfair and appalling. I will be raising many of those case studies at the budget estimates hearings next week. The mandates are being counterproductive. All they have done is trigger labour shortages in areas where we could least afford them—in hospitals, firefighting, schools. When private companies used the mandates, it created labour shortages in the supply chain. There is no evidence that the mandates have been successful. In fact, there are two great untold stories of the COVID response by this Government.

One of course is the horrendous impact of Sydney's 107-day lockdown on young people—the two-week lockdown that went for 107 days. The second untold story is the underperformance of the vaccination program. Everyone in my family is fully vaccinated, but we have to look closely at the data. Former Premier Berejiklian said, "Everyone in New South Wales should get vaccinated. It's the path to freedom." We reached a very high vaccination rate of 95 per cent in the community, and then the COVID numbers went through the roof. It was like the flu vaccine and getting vaccinated for the strain from last winter. When Omicron hit, we moved to tens of thousands of cases. Herd immunity was impossible. The vaccine was not killing the virus.

While it has to be acknowledged the data shows that the vaccine has held down hospitalisation and numbers in the intensive care unit, I have calculated a surprising statistic that 72 per cent of the deaths with COVID in New South Wales this year have been people fully vaccinated. The expectation in the community would have been for that number to be about 20 per cent—20 per cent of people fully vaccinated passing away with COVID and those unvaccinated in the other 80 per cent in a pandemic of the unvaccinated. The numbers have been the other way around—72 per cent of people who passed away with COVID in New South Wales this year were fully vaccinated. It again demonstrates what we knew two years ago—effectively, that the clearest, best indicator of death with COVID was old age and pre-existing medical conditions. The vaccination program has not changed that reality. Those are the facts. It is incumbent upon the Parliament to support the bill and ask questions at budget estimates to get more data and more reliable figures.

In question time I raised the very unusual circumstance where until recently the health department was counting people who had COVID up to 28 days ago in COVID hospitalisation numbers. Those people had gotten over COVID and come into hospitals for other reasons. The health department has now reduced the 28 days to 14 days. That must have led to an explosion, a complete overestimation of what the COVID hospitalisation numbers actually were. There is no COVID strain on the hospital system if you had COVID 28 days ago, recovered and, in the example that was used by Susan Pearce, broke your arm more recently and went into hospital to get care for the arm. You will be looked after for your arm but certainly not COVID, because you have recovered from COVID. Why was the Government artificially inflating the COVID numbers? That is a question that needs to be answered. I asked it of the new Minister for Regional Health, and I am anticipating the answer. Why was the Government seemingly deliberately inflating the COVID hospitalisation numbers? Was it part of a campaign, adding to the media scare machine, to add to the coercion for the vaccine mandates?

Those are matters that need to be examined. The data needs to be made available, and the bill attempts to add to our understanding of what has gone on. There have been adverse reactions and compensation should be paid in the extraordinary circumstances. We have never seen a level of coercion like this for health procedures, particularly for workers who have always exercised their own private health choice. We have never seen this level

of coercion that locks people in their homes, threatens them with the sack and manipulates the data to provide a level of fear in the community that is not supported by a rational assessment of the evidence. I make those points in supporting the bill because they are related to the legislation. I hope the Parliament can give Reverend the Hon. Fred Nile support for the bill.

Reverend the Hon. FRED NILE (18:08): In reply: When I first introduced the Public Health Amendment (Vaccination Compensation) Bill 2021 it was scorned for daring to suggest that employers would mandate vaccines for their workers. How things have changed. Mandatory or coerced vaccinations have become the norm for many, if not all sectors. Many thousands of doctors, nurses, firefighters, real estate workers, teachers and many others have lost their lives as a result. In the time between then and now, the Federal Government introduced the No Fault COVID-19 Indemnity Scheme. This scheme provided a degree of financial support to those adversely affected by taking a COVID-19 vaccine they were forced to have by their employer. This support was limited to between $5,000 and $20,000 and required at least one night of hospitalisation as a result.

The reality is that the vast majority of COVID-19 infected do not require hospitalisation. The Therapeutic Goods Administration [TGA] publishes a weekly safety report on COVID-19 vaccines. To date, there are 11 confirmed deaths as a result of COVID-19 vaccines; 1,071 suspected myocarditis cases from the Pfizer vaccine and 132 from the Moderna vaccine; and 2,287 suspected pericarditis cases from the Pfizer vaccine and 214 from the Moderna vaccine. These serious health conditions make functioning as a worker extremely difficult.

The bill provides for necessary and appropriate compensation so as to ensure a healthy return to work. Compensation being payable by the relevant body means the body that employs or otherwise engages the worker. Further, the relevant body continues to be liable to pay compensation to the worker until the worker's death, even if the worker ceases to be employed or otherwise engaged by the relevant body. As I have previously noted, the TGA has only confirmed 11 cases of deaths in Australia linked to COVID-19 vaccination. There are many more instances of serious health issues as a result of vaccination. If the matter of choice is taken away from the worker by their employer with regards to personal medical choices, then liability for any and all damages caused must rest with the employer. I commend the bill to the House and hope to have the support of all members.

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

Motion negatived.

COVID-19 AND OTHER LEGISLATION AMENDMENT (REGULATORY REFORMS) BILL 2022

First Reading

Bill received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Sarah Mitchell.

The Hon. SARAH MITCHELL: I move:

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

Motion agreed to.

The Hon. SARAH MITCHELL: I move:

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

Motion agreed to.

Documents

HEALTH FUNDING AND HEALTH INFRASTRUCTURE

Production of Documents: Order

The Hon. WALT SECORD: I move:

That private members' business item No. 1618 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. WALT SECORD (18:14): 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 or modified since 1 January 2019, in the possession, custody or control of the Minister for Health, Ministry of Health, Health Infrastructure, Minister for Infrastructure or Infrastructure NSW relating to health funding and health infrastructure commitments:

(a) all progress updates on the funding, timeline and status of partially-funded and unfunded 2019 election health and health infrastructure commitments;

(b) the most recent copy of the asset management plan, or a similar document by another name for the Ministry of Health or Health Infrastructure and each of their organisational units;

(c) all reports, analysis, modelling, or briefings relating to health workforce projections, health workforce planning, or current or future health workforce supply; and

(d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I will be very brief because it has been a long day. From memory this is only the fifth item of private members' business, so things are moving at a snail's pace. There are many Standing Order 52 motions that members want to get through so I will take that into consideration. I move this motion in cooperation with the shadow health Minister, Ryan Park, and as Labor's health representative in this Chamber. The motion is very straightforward. We seek documents created or modified since 1 January 2019 in the custody, possession or control of the Minister for Health, Ministry of Health, Health Infrastructure, the Minister for Infrastructure or Infrastructure NSW relating to health infrastructure and health funding projects.

We are trying to find out the progress made—or lack of progress—involving the funding, time line and status of partially funded or unfunded 2019 health funding and health infrastructure projects. In summary, we want to find out if in fact this Government is on track in honouring its commitments. It makes big claims but delivers very little. To suit the convenience of the House I will end my remarks there.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (18:15): The Government opposes this Standing Order 52 motion. The motion is in line with the Opposition's stated policy for 2022 to cause chaos. Causing chaos is the stated policy of the Labor Party and the union movement, the confederacy that has been inflicted upon this State. That confederacy only has one name: chaos. That is its objective.

The Hon. Walt Secord: Point of order: To the Leader of the Government it is chaos, but to the Opposition it is accountability.

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

The Hon. DAMIEN TUDEHOPE: There is a really serious side to this. There are 17 of these Standing Order 52 motions on the *Notice Paper* today. Labor wants the State's public servants to be doing nothing but producing papers for those members opposite. Those papers would demonstrate, as they always do, the competence of this Government. It is a Standing Order 52 to tell us how good we are. This is what this is about.

The Hon. Walt Secord: Then you should give it to us. You should be proud. Hand it over!

The Hon. DAMIEN TUDEHOPE: I say to the Hon. Walt Secord that we have better things for the health bureaucrats of this State to be doing than spending time producing documents to satisfy the chaos that those members opposite want to inflict on the people of this State. They and their union mates have done it in relation to the train sector this week. They now want to do it to the health bureaucrats. Government members have to point it out to the people of New South Wales every single time: There is only one strategy, which is not only to inconvenience the people of New South Wales but also to create chaos in the way that the State is being run. That is the decision of those opposite. We will keep telling people exactly what they are up to. The Hon. Walt Secord is a member of Portfolio Committee No. 2 – Health, which has every opportunity to question exactly this, but it is not good enough for that. We oppose this motion. It is a fishing expedition.

The Hon. MARK LATHAM (18:18): I am supporting the motion and I have no union mates. I cannot be implicated by the scurrilous allegations made by the Leader of the Government in this place.

The Hon. Daniel Mookhey: That's not true. They really miss you.

The Hon. MARK LATHAM: If I have any union mates there, they have fizzled away because of their pathetic performance on the vaccine. I have no union mates but I support the Standing Order 52 motion.

The Hon. Walt Secord: You want this information.

The Hon. MARK LATHAM: The information is valuable, but the main point of my contribution is that this is the first Standing Order 52 motion since the extraordinary whingeing, whining, pathetic letter from Michael Coutts-Trotter who tried to lay it on the Chamber that somehow we are the problem in New South Wales in requesting information. What about the Government actually solving problems by properly answering questions on notice? Then maybe we would not need so many calls for documents under Standing Order 52. I have had an extraordinary experience, which I have relayed to you, Mr President—and I hope you will take action—in which

the Premier of New South Wales, who is worse than Berejiklian—Bin Chicken—decided he would not answer my questions on notice because he thought they contravened a standing order of this place.

He wanted to write my questions before he would provide an answer. What a disgraceful show of disrespect to the Legislative Council, the oldest democratic Chamber in Australia. The new Premier is worse than Bin Chicken in his refusal to answer the question with that pathetic excuse. He was saying the question was not according to our standing orders. He is in the scummy other place, the bearpit. We know our standing orders and he should answer questions. Then we come to the Government Information (Public Access) Act, or GIPAA, which is a complete and utter fiasco. The cover-ups I have experienced from Matt Green Kean and the energy department have been absolutely appalling.

Then we come to the Government's refusal to genuinely answer questions in this place, it does not make announcements in question time, and I have been told it does not make policy announcements in response to questions on notice. If only the Government had a skerrick of respect for the forums of the Parliament. It is a government that has obviously been in too long—11 years. It is growing tired, arrogant and complacent, literally asleep at night when big decisions are being made for the people of New South Wales—sleeping through a crisis. This is a government that is not treating the Chamber properly. I have to say, having set out parameters early on as to how One Nation would handle calls for papers under Standing Order 52, we are supporting them all, we are supporting the whole lot. I take pause for a moment and grapple with the fact—am I really saying this?—that we will even support those from The Greens. That is how serious the situation has become.

The Hon. Taylor Martin: Sellout!

The Hon. MARK LATHAM: Sellout? Don't you start me on that. The green Liberals, how modern they are. They belong over in that corner with the loopy Left. That is where the green Liberals belong. Don't start me on that. Then we go to the National Party's Net Zero 2050, selling out mining and agriculture. Don't start me on that. The situation is dire. If the Government actually respected the Chamber, we would not have too many of these motions. [*Time expired.*]

The Hon. WALT SECORD (18:22): In reply: I will be very brief. I want to correct the record. I do not move Standing Order 52 motions lightly. Look at my record. When I move them it is with purpose; it is about accountability. I take up a point made by the Hon. Mark Latham about Government Information (Public Access) Act [GIPAA] applications. Yesterday I met a member of the community who put in a GIPAA request, was charged several hundred dollars and then received pages and pages of blacked out text. He showed me the front of the document, which contained his name. He was inquiring into a Government appointment and why he did not get an interview when he had been approached by a Minister to apply for a position. The Hon. Mark Latham also raised the ping-ponging of answers. If you put a question on notice, the Minister will refer you to another Minister. If you lodge a question with that Minister, he will refer you to the Minister who refused you. Then, if you lodge a third question to someone else just in case, they will say, "The material is contained in the annual report." But if you go to the annual report, it is not there.

[*Government members interjected.*]

The PRESIDENT: Order!

The Hon. WALT SECORD: So you put in a GIPAA request and you pay your $30, but then you receive a letter telling you that the estimated cost is $1,100, and before the request can be processed you must make a down payment of half that cost—and they are still not going to process it! The Government is addicted to a cloak of cover-up, a cloak of conspiracy, and I welcome the Hon. Mark Latham and his push for transparency. I commend the motion to the House.

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

The House divided.

Ayes 19
Noes 13
Majority.....6

AYES

Banasiak	Hurst	Pearson
Borsak	Jackson	Primrose
Boyd	Latham	Searle
Buttigieg (teller)	Mookhey	Secord
D'Adam (teller)	Moriarty	Sharpe

AYES

Faehrmann	Moselmane	Veitch
Graham		

NOES

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

PAIRS

Donnelly	Fang
Houssos	Poulos

Motion agreed to.

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

WESTERN SYDNEY UNIVERSITY MILPERRA CAMPUS

Production of Documents: Order

The Hon. ANTHONY D'ADAM: I move:

That private members' business item No. 1631 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. ANTHONY D'ADAM (20:05): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2017 in the possession, custody or control of the Department of Premier and Cabinet, the Department of Education, the Premier, the Minister for Education and Early Learning, or the Minister for Skills and Training, and Minister for Science, Innovation and Technology, relating to the redevelopment of the Western Sydney University Milperra campus:

(a) all documents, including correspondence, submissions, and proposals, relating to negotiations between the Government and Mirvac Group, including Mirvac Limited and its controlled entities and Mirvac Property Trust and its controlled entities;

(b) all documents, including correspondence, submissions and proposals, relating to negotiations between the Government and Western Sydney University;

(c) all documents, including correspondence, submissions and proposals, received from, or prepared by or for Mount St Joseph's Secondary College Milperra;

(d) all documents, including correspondence, submissions and proposals, received from, or prepared by or for Catholic Schools NSW;

(e) all briefing notes provided to:

  (i) the Minister for Education and Early Learning;

  (ii) the Minister for Skills and Training, and Minister for Science, Innovation and Technology; and

  (iii) the Premier.

(f) all correspondence with the member for East Hills, Ms Wendy Lindsay, MP; and

(g) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This motion is a call for papers in relation to the Government's involvement in a redevelopment project at the Western Sydney University Milperra campus. The redevelopment agreement creates a partnership between the university and Mirvac. The Government has facilitated a transfer of land, zoning changes and an assessment by the south district planning panel. The rezoning and associated master plan proposes 430 dwellings consisting of low-rise, attached, semidetached and freestanding homes, with an expected population of just over 1,000. The Government has rejected calls for the site to be retained for a public education purpose. However, over 36,800 square metres of Western Sydney University campus land has been allocated to Mount St Joseph Catholic College, and the future of this land is yet to be determined.

There are a number of aspects of this transaction that warrant deeper scrutiny by this House. First, I raise the question around the assessment that has been done by School Infrastructure NSW into the future educational needs of the site and the area. We know from bitter experience that School Infrastructure NSW often gets its assessments of projected needs wrong. Clearly it has made an assessment—the details of which are unclear—in the process of the Government considering green-lighting the transaction that is being pursued by Western Sydney University.

Second, we should always be particularly cautious, and have a special degree of oversight, where public land is being used for development for private profit, because we know that this Government has a somewhat dubious record when it comes to the influence of developers on its agenda. The final issue that needs appropriate consideration is whether the Minister engaged in the appropriate due diligence around the decision to green-light the Western Sydney University project and the transfer of land from a public to a private purpose. This is public land that was given to the university for an educational purpose that is now being monetised for the benefit of other projects that the university wishes to pursue, and that is to the detriment of the communities in Milperra and East Hills. Given our experience with the former member for Wagga Wagga, it is appropriate that we examine the role that local members play in these kinds of transactions, and they should be given appropriate scrutiny. On that basis, I believe the motion should be supported.

The Hon. SCOTT FARLOW (20:08): After the contribution of the Hon. Anthony D'Adam, the Government will not oppose the motion.

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

Motion agreed to.

Bills

ANTI-DISCRIMINATION AMENDMENT (RELIGIOUS FREEDOMS AND EQUALITY) BILL 2020

Second Reading Debate

Debate resumed from 13 May 2020.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (20:10): I make a contribution on behalf of the Government. The Government opposes the private member's bill and has committed to amending the Anti-Discrimination Act 1977 to protect against discrimination on the grounds of religion. It intends to do that following the passage of Commonwealth religious discrimination legislation and following a process of consultation. On 13 May 2020 the private member's bill was referred to a joint select committee for inquiry and report. The terms of reference required the committee to inquire into and report on the private member's bill, including whether its objectives are valid and, if so, whether its terms are appropriate for securing its objectives.

The inquiry received 192 submissions from a wide range of stakeholders and heard evidence from 57 witnesses across 47 organisations at the public hearings. In its report the committee noted that it received 19,502 responses to an online questionnaire and that "there was robust debate within the committee membership which represented a broad cross section of views." We acknowledge the contributions and constructive engagement by community members and stakeholders to the important work of this inquiry and thank them for taking time to share their insights and concerns on this important and complex issue. The committee's report states:

> The Committee acknowledges that the issues raised by the Bill are wide ranging, important and sensitive to stakeholders. Religion is substantially different to the other protected attributes in the Anti-Discrimination Act 1977 (NSW) (the Act). For many people, religion provides a whole-of-life moral code and religious organisations in NSW have a long and meritorious commitment to providing education, health, welfare, charitable and other community services across the State.

After considering the evidence before it, the committee formed the view that there is a strong need to protect people from discrimination on the grounds of religious belief and activity. The committee's report was tabled on 30 March 2021. The committee did not recommend that the private member's bill as drafted should proceed. Instead, the committee recommended that the New South Wales Government introduce a government bill to make discrimination on the grounds of religious belief or activity, where that activity is lawful, a protected ground under the Anti-Discrimination Act.

The Government is committed to providing effective remedies for people who experience discrimination in New South Wales. The government response to the committee report was tabled on 7 September last year and commits to supporting the committee's key recommendation to insert religion as a ground of discrimination in the Anti-Discrimination Act. That is consistent with recommendation 16 of the *Religious Freedom Review: Report of the Expert Panel*, otherwise known as the Ruddock review, which is that New South Wales amend the Anti-Discrimination Act to make it unlawful to discriminate on the basis of a person's religious belief or activity,

including on the basis that a person does not hold any religious belief. Introducing religion as a ground of discrimination would provide additional protections under the Anti-Discrimination Act to the right to be free of discrimination on the basis of religion, which is an important element of freedom of religion. Adding religion as a ground of discrimination would make New South Wales consistent with all other Australian jurisdictions' discrimination legislation with the exception of the Commonwealth and South Australia.

The government response to the committee report provides that the New South Wales Government will implement its commitment to amend the Anti-Discrimination Act following the passage of the Commonwealth Religious Discrimination Bill 2021 through the Commonwealth Parliament. Last year the New South Wales Government announced we would amend the Anti-Discrimination Act to make discrimination on the grounds of religion unlawful. However, in doing so we indicated we would await the passage of the Commonwealth legislation before finalising details of New South Wales reforms.

That will allow the Government to closely consider the Commonwealth legislation to ensure that its interaction with New South Wales legislation can be fully understood and that constitutional inconsistency is avoided. There is no current change to that plan. Under section 109 of the Australian Constitution, where State and Commonwealth laws are inconsistent, the Commonwealth law prevails to the extent of any inconsistency, acting to invalidate part or all of the State law. There is a risk that moving ahead of, or parallel to, the Commonwealth process may mean that provisions introduced in the Anti-Discrimination Act for religious discrimination are directly inconsistent with Commonwealth legislation under section 109 of the Australian Constitution and are therefore inoperative.

In its submission to the inquiry, the New South Wales Bar Association noted its concern that the bill would "potentially result in disharmonies between the protection of religious rights at a State and at a Federal level, as there is a significant risk that the bill's provisions could be inconsistent with the Commonwealth religious freedom bills". The association recommended that the bill as currently drafted should not be enacted, and should not be further considered by the New South Wales Parliament until the Commonwealth Parliament has determined the terms of its legislation. The Law Society of New South Wales did not support the passage of the bill in its current form either, and likewise emphasised the importance of promoting harmonisation with Commonwealth law and reducing complexity. Similarly, Anti-Discrimination NSW raised concern in its submission. It stated:

> … the changes proposed by the bill may be premature, as the proposed changes may turn out to be inconsistent with the Commonwealth framework of protections.

The submission further stated:

> Allowing these Commonwealth processes to run their course would enable their results to inform the NSW government for future law reform in this area. If the Commonwealth Bill does not eventuate, consideration could be given to amending the Act to include the ground of religion as a protected attribute.

I note that the Commonwealth Government introduced the Commonwealth Religious Discrimination Bill 2022 into the Commonwealth Parliament on 25 November 2021. The Commonwealth bill was subsequently referred to the Parliamentary Joint Committee on Human Rights and the Senate Standing Committee on Legal and Constitutional Affairs for inquiry and report by 4 February 2022. Both committees recommended that the Commonwealth bill be passed, subject to consideration of amendments identified by those committees. Since then the Commonwealth bill was passed by the House of Representatives, with amendment, on 10 February 2022. The bill has not yet been debated by the Senate.

When asked in Parliament on 10 February whether the bill had been shelved, the Commonwealth Attorney-General responded, "We made a commitment to the Australian people that we would address this issue at the last election and we are progressing that commitment." The Commonwealth Attorney-General reiterated that in a radio interview on 11 February 2022 with 2GB. When it was said to Senator Cash, "The bottom line is it's on hold now. It's highly unlikely this will be passed before the election. Do you agree?", the Attorney-General said, "No, not at all. We are committed to delivering on this bill for the Australian people." Awaiting the Commonwealth process will allow the Government to closely consider the Commonwealth legislation to ensure that its interaction with New South Wales legislation can be fully understood, and that constitutional inconsistency is avoided.

Under section 109 of the Australian Constitution, where State and Commonwealth laws are inconsistent, the Commonwealth law prevails to the extent of any inconsistency, acting to invalidate part or all of the State law. Inconsistency under section 109 can occur where a Commonwealth law is intended to comprehensively regulate a particular area, where a State law removes a right conferred by a Commonwealth law, or where simultaneous compliance with a State law and a Commonwealth law is not possible. Commonwealth anti-discrimination laws contain a provision stipulating that the Commonwealth law is not intended to exclude or limit the operation of a law of a State or Territory that is capable of operating concurrently with the Commonwealth law. That makes it

clear that the Commonwealth law is not intended to comprehensively regulate the relevant area, so that section 109 inconsistency does not invalidate the whole of the relevant State or Territory law.

The Commonwealth Religious Discrimination Bill also contains such a provision. While such provisions enable State and Territory laws to operate concurrently with Commonwealth laws, they do not cure direct inconsistencies with Commonwealth law. As a result, if a State or Territory law allows discriminatory conduct that a Commonwealth law does not allow, it may be inconsistent with the Commonwealth law. For example, where Commonwealth and State anti-discrimination laws protect the same or similar attributes, but the State law provides for wider or different exemptions, the State law arguably removes a right conferred by Commonwealth law. Or, if a State or Territory law prohibits discriminatory conduct that a Commonwealth law allows, it may be inconsistent with the Commonwealth law. This form of inconsistency may arise where a State or Territory anti-discrimination law removes or diminishes an exemption contained in a Commonwealth law.

The Commonwealth bill makes discrimination on the grounds of religion unlawful. However, it also contains provisions that would interact with New South Wales laws, in particular, the Anti-Discrimination Act. For instance, clause 11 provides that, despite any prescribed State or Territory law, it is not unlawful for a religious body that is an educational institution, when engaging in conduct in relation to employment, to give preference, in good faith, to persons who hold or engage in a particular religious belief or activity, if certain conditions are complied with. Clause 12 of the Commonwealth bill provides that a statement of religious belief in and of itself does not constitute discrimination for the purposes of State and Territory anti-discrimination legislation, including the Anti-Discrimination Act. Provisions such as these require close consideration to understand the interaction between them and any proposed New South Wales law. Careful consideration is also required more generally to ensure that any New South Wales legislation dealing with the same subject matter does not run the risk of being constitutionally inconsistent with the Commonwealth provisions.

Introducing a Government bill to amend the Anti-Discrimination Act is consistent with the central recommendation of the committee report and will provide New South Wales with the opportunity to consider and consult on the content and details of the bill. In the meantime, there are some existing protections for religious freedoms in the Anti-Discrimination Act that will continue to operate. While there are no explicit protections against discrimination on the grounds of religious belief, religious bodies currently receive the benefit of general exceptions that apply to all grounds under the Anti-Discrimination Act in relation to three aspects: first, the ordination or appointment of, or the training or education of, priests, ministers of religion or members of any religious order; second, the appointment of any other person in any capacity by a body established to propagate religion; or, third, any other act or practice of a body established to propagate religion that conforms to the doctrines of that religion or is necessary to avoid injury to the religious susceptibilities of the adherents of that religion. These exceptions are intended to guarantee the rights of religious groups to practise their religious beliefs in certain circumstances where the practice is relevant to their religion.

Exceptions also apply to private educational authorities, which include faith-based schools, so that they may discriminate against an employee, prospective employee, student or prospective student on all protected grounds with the exception of race. It is against the law in New South Wales to discriminate against someone on the basis of age, carer's responsibilities, disability, homosexuality, marital status, race, sex or transgender identity. In 2018 the New South Wales Government amended the Crimes Act 1900 to make it a criminal offence to publicly threaten or incite violence towards people based on their race, religion, sexual orientation, gender identity, intersex or HIV/AIDS status. This replaced four serious vilification offences in the Anti-Discrimination Act with a single indictable offence.

There is no doubt the issues the subject of this bill are important and have received careful attention from a number of members in this place. However, as the committee report identified, this bill is not the vehicle to address them or to progress reform in this complex area. The committee's inquiry heard evidence—and I quote from the committee's report—that "some of the terms of the bill were not appropriate to securing its objectives, that it was not compatible with the Act's framework and that it preferenced religious beliefs and activities". The report stated that "some community members also wanted to ensure that the Government bill does not have the unintended consequence of creating discrimination on the basis of other protected attributes in the Act". The report also acknowledged that "there were diverse reasons for stakeholders opposing certain aspects of the bill, ranging from legal and medical issues to concerns about inclusiveness and equality", and that "online survey responses opposed to the bill considered that it failed to adequately balance protection from religious discrimination and its impact on other members of the community". Anti-Discrimination NSW [ADNSW] raised the following concerns in its submission:

> In principle, ADNSW would have no objection to the introduction of religion as a protected ground under the Act, however ADNSW has significant concerns about the manner in which religious freedoms and protection from religious discrimination are set out in the Bill. ADNSW's primary concern is that the scope of religious freedom in the Bill could be used as a "sword" against others, rather than as a "shield" protecting religious people from discrimination. Anti-discrimination legislation is beneficial legislation providing

> protections for those who experience discrimination in society. The proposed changes could weaken existing protections, which would be inconsistent with the purpose of the Act.

In its submission to the inquiry, Rape and Domestic Violence Services Australia stated that it did not support the bill because "it goes too far in prioritising religious freedom over the right to protection from discrimination based on other attributes such as sex, marital status, sexual orientation and gender identity." The Kingsford Legal Centre stated in its submission that it had "long supported the need for protection from religious discrimination for people of diverse religions and no religion." However, the centre was concerned that the bill would create what it described as "a complex, new legal regime that fails to appropriately address the problem of religious discrimination and is inconsistent with existing discrimination protections for diverse groups of marginalised people." The further stated:

> The Bill selectively denies protection and creates a right to engage in religious discrimination, undermining its stated purpose. It is likely to have a negative overall impact on people who hold minority religious beliefs, especially in parts of NSW where job opportunities, educational opportunities and access to services are more limited.

The Kingsford Legal Centre recommended that the bill should not be passed in its current form. Another aspect of the private member's bill that attracted significant comment is its provisions that would provide additional protection to the expression of religious speech or activities. The private member's bill provides a definition of a "protected activity" as a religious activity that occurs at a time and place other than when the person is performing work and does not criticise or attack the employer, qualifying body or educational authority, or cause any direct or material financial detriment to them.

The bill provides that it is unlawful for an employer, a qualifying body or an educational authority to restrict, limit, prohibit or otherwise prevent a person, including employees and students, from engaging in a protected activity, or from punishing or sanctioning a person for engaging in a protected activity, or because an associate of the person engaged in a protected activity. Employer groups have raised concerns about those provisions. For example, the Australian Industry Group submitted that the protected activity provisions would unfairly restrict the legitimate and necessary operating policies and procedures of businesses, including in circumstances where such policies are needed to manage obligations under current employment laws.

Providing additional protection to the expression of religious speech or activities would be a significant departure from the standard approach to discrimination in all other Australian discrimination laws. Whether to provide those additional protections and the form that could take requires further detailed consideration and consultation with affected stakeholders, including religious organisations and peak employment bodies. These submissions are but a small handful of submissions that were received by the committee. However, they highlight some of the issues with the bill and the reasons it should not proceed as drafted. It is not clear it will achieve its intended purpose and, despite the best endeavours of the committee, it may have damaging unintended, adverse consequences.

Other concerns include how, or indeed if, international law should be referred to in the Anti-Discrimination Act and, if so, which international instruments. That should be subject to further thought. The definitions of "religious beliefs" and "religious activities" also need careful consideration. These are a sample of the issues and complex considerations that are necessary to be worked through in drafting a fresh approach. For the reasons I have outlined, the Government opposes the private member's bill.

Reverend the Hon. FRED NILE (20:28): On behalf of the Christian Democratic Party, I speak in support of the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020, which was introduced by the Hon. Mark Latham. I do not wish to embarrass the honourable member, but it is interesting that a secular former leader of the Labor Party, who does not claim to be a Christian, has introduced a bill to protect those of faith in New South Wales.

The Hon. Shaoquett Moselmane: It's called politics.

Reverend the Hon. FRED NILE: It is not politics. I believe it is something that he feels very genuine about. It is not solely any political motive. However, just in comparison, the Leader of the Liberal Party in the Federal Parliament, Mr Morrison, has failed to introduce a similar bill, which is very disappointing and hopefully he will succeed in the future. The Hon. Mark Latham's bill is badly needed and I look forward to it being passed by the House. Discrimination on the grounds of a person's religious beliefs or activities should be unlawful, yet sadly it is not. Faith-based organisations exist for a reason. There is a demand in the community for them. Equity Australia is a peak LGBTIQ+ advocacy group, which has reacted with horror to the bill. I read its stated reasons behind their opposition. It objects that religion overrides government rules. Point 1 states:

> Religion overrides government rules: Faith-based organisations and commercial bodies which define themselves as religious will be able to challenge NSW government programs, policies, contracts and decisions which contradict their particular religion.

I believe that stated concern is exaggerated. Faith-based organisations should be able to challenge New South Wales Government programs, policies, contracts and decisions. Are they not taxpayers as well, or are they not able to have a say in decisions which impact on them? Point 2 states:

> No consequences for conduct: It will be almost impossible for government and non-government employers, educators and professional and licensing bodies to foster inclusive cultures, or meet shareholder, customer or community expectations, when their employees or members use their religion privately to hurt others.

Obviously, neither the Hon. Mark Latham nor I would propose to use religion to hurt others. It is well known that the phrase "inclusive cultures" does not mean mutual respect and diversity. Inclusive cultures is a coded term for silencing people of faith and conservatives. Inclusive cultures often means an end to "merry Christmas" and the start of "happy holidays". It means that the LGBTIQ+ community in its campaign may be succeeding. It means individuals concerned about their agenda can use the opposite sex bathroom, regardless of how the inhabitants feel about their own personal safety and privacy. Point 3 states:

> Double standards in employment, education and service delivery—

this is a criticism; it continues—

> Faith-based organisations will be able to discriminate on the grounds of religion in employment, education and service delivery, even when receiving public funding.

I reject that criticism. Faith-based schools especially are specifically oriented to raise students in a manner that meets the values, standards and teachings of their relevant faith. As part of this requirement, students must follow the rules, learn their lessons and be educated by school staff that are exemplars of that faith. Faith-based schools should be able to remove those who do not meet their standards; like wearing a school uniform, it is part of the requirements for that school. For a government or any other body to overrule the rights of that faith-based school to enforce their own standards is nothing short of secular dictatorship. Recently we had this happen in Queensland with a Christian school that publicised its own statement of faith, which received quite a negative backlash. The school was forced to rewrite its statement of faith. There are numerous secular offerings in the education sector, and students and staff who seek education or employment are free to attend those institutions.

Point four of Equality Australia's opposition to the bill states, "religion above the law". I emphasis the Christian biblical basis of this bill. In Luke 6:31 Christ gave us the commandment, "Love one another. As I have loved you, so you also must love one another." The same theme is repeated in Matthew 7:12, "In everything, do to others as you would have them do to you, for this is the essence of the Law and the Prophets." Christianity's beliefs, philosophy and law is to treat everyone with love and respect. There is no room or allowance for hatred or disorder in this faith. Point five of the Equality Australia opposition to the bill states:

> **religion above human rights:**—

this is a criticism of this bill—

> the freedom of religion will be prioritised above all other rights and freedoms when applying NSW's anti-discrimination laws.

I reject that. Religion has defined human rights, not just in Australian society but as a part of all successful societies. We do not have the freedom or the democracy we have today without Christian philosophy. Even in civilised ancient Greece, the only people who had true freedoms were of the upper class. It was Christ's teachings that brought equity and freedom to all—to women, children, slaves, the elderly, the sick and the disabled. The highest power of authority is not government but God. Is it not great that we have another check and balance that is incorruptible, immortal and eternal? I urge all members to support this bill.

The Hon. PENNY SHARPE (20:37): On behalf of the Labor Opposition I contribute to debate on the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020 before the House tonight. I indicate that Labor believes it is extremely important for religion to be a protected attribute within the Anti-Discrimination Act 1977 [ADA]; however, the way this bill chooses to do so is not a way that we are able to support tonight. We have a much bigger view of the need for the Anti-Discrimination Act to be fully reformed, as it is very old. The Act was groundbreaking legislation when introduced by the Wran Government in 1977. It came just two years after the Racial Discrimination Act 1975, and the New South Wales Anti-Discrimination Act prohibited racial discrimination for the first time.

New South Wales was also the first State or Territory to cover sex and marital status. In 1982 the New South Wales Parliament included homosexuality as a protected attribute. We became the first jurisdiction in Australia to pass such a law. We were also the first to prohibit racial vilification in 1989. This Parliament has a proud history when it comes to anti-discrimination law, but it is unfortunately not our recent history. The Anti-Discrimination Act has now fallen behind best practice when compared with Commonwealth and other State and Territory anti-discrimination laws. It is now out of step with community standards and expectations, as well as with a lot of the language that is used within our community. The Act is long and complex, and it has structural

issues because of certain amendments and the addition of new attributes. Labor makes no criticism about that. The bill has been in place since 1977, but things have been added into it over time. It is now a pretty big hodgepodge and really does need some work. We note the comments of the Public Interest Advocacy Centre, which remarked:

> This has made it very difficult for people affected by discrimination to understand and use the ADA to protect their rights. It also makes it difficult for organisations such as small businesses to know their obligations and ensure they are complying with them.

That is not where we want to be in 2022. The last comprehensive review of the Anti-Discrimination Act was conducted by the NSW Law Reform Commission more than 20 years ago, and the majority of the commission's recommendations were never implemented. The Anti-Discrimination Act requires a broad-ranging review. It requires careful and respectful consideration that takes into account wide-ranging community views with a view to making it contemporary and modern, not more piecemeal changes that will simply add to the complexity of the Act. That is the Opposition's view, but Opposition members also support the recommendation made by the joint standing committee that the bill in its current form has issues that need to be corrected. We believe that there is some guidance there for how we could make religion a protected attribute in the future.

I thank those who were involved in the inquiry into the bill. It is a long bill; it was a long and very thorough inquiry. There were over 192 submissions and 19,502 responses to the online questionnaire. Evidence was taken from 57 witnesses across 47 organisations. Everyone on the committee took it very seriously and wanted to give everyone with a view the ability to have their say on the best way through. While there was not consensus on all of the aspects of the bill, it is important to recognise that work. I particularly thank my Labor colleagues who worked on the bill—member for Bankstown Tania Mihailuk, member for Lakemba Jihad Dib, the Hon. Greg Donnelly and member for Liverpool Paul Lynch—as well as all the other members who have worked on it.

I listened very carefully to the Government's response. It was a very lengthy response, but I think I can probably distil it down to this: They, too, believe that religion should be a protected attribute within the Anti-Discrimination Act. They believe there are concerns regarding the interaction between Commonwealth and State law in relation to this matter, and the commitment from the New South Wales Government is to progress it when the Federal Government sorts it out. The Minister glossed over the fact that it has basically fallen apart at the Commonwealth level and there will not be anything happening in relation to this matter before the next Federal election, which as members know is in the coming months. We will have to look at that issue over time, but if the Government is serious about bringing a bill to the House then Labor members are very serious about considering it. We intend to do that, but I flag that at this point we do not support the bill.

Secondly, I make the point that we cannot keep ducking the fact that our Anti-Discrimination Act is not fit for purpose—that it is very higgledy-piggledy, with lots of issues that compete with each other, cause difficulties and make complaints-handling really difficult. We have not come to grips with all the issues around vilification, and there is a lot to be done. One of the absolute commitments from Labor if we are elected in March next year is that we will do that review properly. I thank everyone for their work in relation to the bill, but Labor does not support it.

Ms ABIGAIL BOYD (20:43): In the latest desperate bid for relevancy, Pauline Hanson's One Nation has resurrected its harmful "right to discriminate" legislation and imposed it upon us. While the rest of us are still reeling from the harmful behaviour of the Federal attempt to ram through a similar religious discrimination bill, Pauline Hanson's One Nation members saw the news coverage and thought to themselves, "Ooh, I'll have some of that attention too, please." Unfortunately, they do not appear to have read past the headlines to see that provisions that grant a positive right to discriminate against already vulnerable communities are rejected by, and have no place in, our modern society. The New South Wales Anti-Discrimination Act is well overdue for review, but the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020 does not offer the necessary solutions. Instead, it elevates religious expression above other human rights, allowing people to use religion to hurt others. The impact of the bill on the LGBTQI+ community, women, people with a disability and other people of faith would be significant.

In New South Wales, faith-based organisations are routinely given government contracts and funding to deliver education, housing, childcare, medical services, aged care, adoption and other essential services. Broadening the ability of those organisations to discriminate against people they do not feel share their beliefs would be disastrous. If adopted, the bill would allow faith-based organisations and commercial bodies the ability to challenge government programs, policies, contracts and decisions that contradict their religion; it would make it very difficult for government and non-government employers to take action against an employee or member who uses their religion privately to hurt others; it would give faith-based organisations the ability to discriminate on the grounds of religion in employment, education and service delivery, even when receiving public funding; it would give protection to religious activities that may be unlawful, such as those that vilify others or breach civil

obligations; and it would prioritise freedom of religion above all other rights and freedoms under New South Wales anti-discrimination laws.

The manner in which the inquiry process—the hearings and the deliberatives—was conducted was an absolute disgrace. The committee was stacked with members of the Parliamentary Friends of Religious Freedoms, making it clear that no genuine inquiry would be taking place. I thank my colleague the member of Newtown, Jenny Leong, for her patience and courage during that inquiry, throughout which members showed a complete disregard for committee processes, voting together as a bloc to exclude witnesses who opposed their views and removing references to evidence from the final report that they did not agree with. There is broad recognition across society, which The Greens endorse, that there is a need to protect people from discrimination on the basis of their religious beliefs. But by giving one protected attribute supremacy over another, the bill would create more discrimination in our society, not less. The Greens oppose the bill.

The Hon. SCOTT FARLOW (20:46): I do not speak in favour of Mark Latham's Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill, but in favour of the need for religious freedom in New South Wales and of the need for legislation such as this, though not in this form. As the Minister outlined, the New South Wales Government is committed to that. Indeed, on 7 September 2021 the then multiculturalism Minister, the Hon. Natalie Ward, and Attorney General Mr Mark Speakman outlined that religious discrimination will be outlawed in New South Wales. That was part of the Government's commitment. I served as a member of the committee that looked into this legislation. The committee found that there was a need for religious freedom legislation in New South Wales and for it to be protected under the Anti-Discrimination Act in New South Wales. That is not new.

In 2017 the then Prime Minister, Malcolm Turnbull, commissioned the Hon. Philip Ruddock amongst others to conduct an inquiry into religious freedoms. That inquiry found that not only did the Federal Government need to protect religious freedom and prevent religious discrimination but also that New South Wales, along with South Australia, had a deficiency in that our Anti-Discrimination Act does not cover religious discrimination. That was not raised by Christian groups; it was raised by Muslim, Jewish, Hindu and Sikh groups in the inquiry. In fact, in the inquiry the Australian National Imams Council on behalf of the Muslim community talked about how vilification proposals could be afforded to individuals on the basis of their gender and sexuality but not on the basis of religion. In contrast, two ethno-religious groups are covered: the Jewish group and the Sikh group. Sikh witnesses to the inquiry said that those protections should be afforded to other groups as well. There is certainly a need for this. We heard, particularly from the Muslim groups that were before the committee, that they had faced religious discrimination. We also heard the same from Christian, Jewish, Hindu and Sikh groups.

We know that this is a difficult area of public policy to navigate, and I think that every member in this Chamber has acknowledged that tonight in the debate. With religious discrimination, particularly with organisations such as churches or temples, there is an attachment that is different to what is in the Anti-Discrimination Act at the moment. With that comes a right to discriminate, effectively. That is a challenge that needs to be navigated. We saw what happened in Canberra recently and how there can be unintended consequences in the public debate that may erode the confidence for such legislation. We have also seen how certain changes can be considered by those who are advocates, such as religious groups, to be detrimental to their needs as well. We heard from many groups during the inquiry about why it was important for them to be able to maintain some form of exclusivity when it comes to their religious practices, whether that be in churches and ensuring that people subscribe to their faith or in organisations that might be attached to faith groups, such as care organisations.

This is a very difficult area of law, where we are creating rights but also effectively creating rights to enable some form of exclusivity. That is why the committee, in its deliberations, found that it was something that the Attorney General should conduct and that he should take the significant riding orders from the committee about how the legislation should be drafted, but that it should be a government bill and should seek the support of the whole House and all parties. I acknowledge, in particular, the comments of the Leader of the Opposition in this place as to the Opposition's willingness to work with the Government on this, and I note the contributions of many Opposition members who were part of that inquiry. It was not something that necessarily broke along party lines during the inquiry. I do not know how many times we met, but they were very long meetings and, at times, we had very long deliberative meetings about how the inquiry should be conducted. There was a fair hearing to many organisations.

As much as I agree with the sentiment of this bill, that we need protections from religious discrimination in the Anti-Discrimination Act and that it has been proven, in recent times, that there is a need for protection from religious discrimination in New South Wales, if this bill were to pass through this House tonight, it would be doomed to fail. It would not pass through the other place. For the cause of religious freedom in New South Wales and across Australia, the passage of this bill here tonight would be detrimental. This is a good opportunity for the

House to remind the Government of the commitment that was made on 7 December to ensure that we tackle the issue of religious discrimination in the Anti-Discrimination Act in New South Wales and to focus our effort on making this something that we can all come together on, agree on and work in good faith to achieve.

Mr DAVID SHOEBRIDGE (20:53): I endorse the words of my colleague Ms Abigail Boyd and confirm that The Greens strongly oppose the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020. I do not believe that the most pressing need for religious people in Australia is the right to discriminate against LGBTI people, yet that is what Pauline Hanson's One Nation is hoping to achieve with this bill. That is a goal that is not shared by the wide range of religious people that I work with. They are concerned about police profiling, structural injustices, saving the climate, authoritarian violence that is pushed by nationalist regimes, feeding their communities and ensuring that everyone has a roof over their head. At a time when the Federal Government's attempt to make very similar laws rightly failed, it is wholly predictable that Pauline Hanson's One Nation would want to push this bill today.

The bill seeks to limit the Anti-Discrimination Act 1977 to privilege religion over other protected attributes, including race, sex, sexuality, gender and disability. It is not designed as a shield to protect religious people from discrimination; rather, it is designed to be a sword to actively harm others based on a person's religious beliefs. Under this bill, what can be considered a religious belief is not limited. The party moving this bill clearly intends it to include hateful and discriminatory attitudes against gay and lesbian, transgender and intersex citizens of our community—people who deserve the right to be protected. Let us be clear, the report of the inquiry into the bill was not reflective of the community. It was not reflective of expert evidence from a wide range of legal scholars and a large number of religious people who do not consider that the bill gets it right.

As my colleague in the other place Jenny Leong said, "We would all agree that it is totally inappropriate for somebody to be discriminated against based on their religious beliefs, but that should not be a free-for-all, opening up the idea that any person or organisation that claims to have a religious belief has the right to discriminate against others as they choose." What is needed is for the Attorney General to step up and to commit to making laws that achieve the necessary goal of ensuring people are not discriminated against for their religious belief, which they represent in a manner that does no harm to others. We need a level-headed, evidence-based and rational law that we can all rally around.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (20:56): I thank members for their contributions to debate on the Anti-Discrimination Amendment (Religious Freedoms and Equality) Bill 2020, but I find the contributions from the two Greens members deeply troubling and deeply offensive. What we have heard from them is a diminution of the profile of people in this country who have beliefs. I do not support the bill, and the Hon. Scott Farlow has articulated the Government's position. One of the great tragedies in the way that we have become as lawmakers and have developed our processes is that, in many respects, we have committed to the degradation of Western civilisation. What we just heard from Mr David Shoebridge and Ms Abigail Boyd is symptomatic of the manner in which that degradation is entrenched—

Mr David Shoebridge: Point of order: I do not mind if the Minister wants to have a go at me but if he wants to attack my colleague he should do it by substantive motion.

The PRESIDENT: A substantive attack on a member should be done by way of substantive motion, but a member can debate a view that is put. Nonetheless, I will be cognisant of what the Minister is saying. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: I was debating the issue. One of the complete misunderstandings is the suggestion that the bill is designed to suppress and traumatise LGBTIQ people. That was effectively at the heart of what Mr David Shoebridge was saying. Nothing can be further from the truth. In fact, many aspects of the bill are eminently supportable in terms of articulating the way that religion ought to be protected. It appears to me that there is a general consensus in the Chamber that we need legislation to protect people with religious beliefs. Those who are articulating the argument against the bill seem to be portraying it as allowing religion to be used as a vehicle to traumatise other people and minority groups.

Nothing can be further from the truth. Anyone who has religious principles knows that absolutely fundamental to the holding of those religious principles is that they do not traumatise other people. As the Hon. Scott Farlow said, we need legislation like this. Maybe we should be improving this bill. The Government gave a commitment to review this issue after the Commonwealth Government had an opportunity to introduce legislation that covered the field. In many respects there is an obligation to harmonise legislation with the Commonwealth in relation to these issues. The Hon. Natalie Ward made that point and we have given the Commonwealth that opportunity. It was not achieved at the Commonwealth level and so there is room now for this Parliament to look at how we should be doing it. This bill represents a model of where we should be going.

But in many respects it was a bipartisan report that this bill was predicated on, and we should not be dismissing it out of hand with a glib comment that these people are all from a religious freedom group or are in the Parliamentary Friends of Religious Freedom. Let us look at the content of what the recommendations were and if, in fact, the recommendations can be improved on. There was a recommendation that we do proceed with legislation of this form. We ought to be actually doing that sort of stuff, because that is what we as a Parliament are asked to do. It is hard stuff. But we ought to be prepared to actually have the debate and get it right, because people with religious beliefs should be protected, just as many other people seek protections. One basis upon which those opposite oppose the bill is that "people will be downtrodden". They seem to misunderstand the notion that the bill gives absolute priority to concepts like the Siracusa Principles, which, in fact, prioritise the manner and the order in which human rights ought to be respected. When those opposite choose to ignore the components of the bill that address the very failing they say the bill has, they diminish the argument they seek to rely on.

So although the Government will be opposing the bill, let us be under no misapprehension. This is an issue that this Government, or any other government, must deal with at some stage. We cannot allow this issue to be lost in the ether. The Attorney General ought to be meeting with the mover of this bill to say, "This is the way I would like to get this bill right, these are the amendments I think that we can make, and this is the way the Government can do it better." That is the sort of conversation that needs to be had. Hopefully, at the end of the day, a bill can be produced that will get bipartisan support from this Chamber to ensure that the rights of people who have religious belief are properly protected.

The Hon. MARK LATHAM (21:03): In reply: I thank all contributors to the debate from around the Chamber. In particular I thank the Reverend the Hon. Fred Nile for his support for the bill. There were some positive comments from the Government, but in general there was negativity and, I think, alibis for not proceeding with any form of protection against religious discrimination in New South Wales. The Government's alibi was to say that it is still waiting for the Commonwealth bill. Well, that is the one that fell over in spectacular fashion. Clearly, when Minister Ward mentions the Commonwealth process, that process is to go to a federal election. It is very unlikely—I think impossible—that there will be Commonwealth legislation in our term of Parliament, no matter who wins the federal election in May.

The Labor Opposition supports the principle of protecting this attribute in the Anti-Discrimination Act, but wants a comprehensive review of the entire Act. That will take 10 years and it will not be seen in my time in this place. It is a big, big, mammoth task. The Hon. Penny Sharpe would know the magnitude of what is involved and how much time it would take—certainly more than the four years of the first Minns Government, if there ever is such an administration. Then The Greens came up with the falsehood that this bill would enable discrimination against other groups that are currently protected under the Anti-Discrimination Act.

I was very disappointed to see Minister Ward joining in that sort of critique with her 30 minutes of negativity while reading out a speech from the Attorney General's office, because she failed to mention some of the very important evidence that came before the committee. She quoted a lot of fringe leftist publicly-funded so-called advocacy groups but missed the most important evidence that we received, which is that on 31 August 2020 legal experts from the New South Wales justice department—her department, the department of the Attorney General—briefed the committee on this subject of whether the bill prioritises freedom of religion over other attributes in the Anti-Discrimination Act.

They made it very clear that the bill "does not create a hierarchy of protections where religious freedoms are placed above other protected attributes within the Act". It could not be any clearer: "Other rights and protections, such as for women, gays, transgender and the aged are not affected. The bill does not prioritise religion but it does recognise that religion is different to other personal attributes in that for many people it provides a moral, cultural and spiritual code, guiding their entire life; thus, by necessity, effective protections against religious discrimination will be somewhat different to other parts of the New South Wales Anti-Discrimination Act."

There was also a claim made and echoed in this debate that the bill encourages and allows new areas of discrimination against vulnerable groups in New South Wales. At that briefing from the justice department, the officials made it clear that the bill adds new protections under the Anti-Discrimination Act and does not take away any protections. The bill does affect protections and provisions elsewhere in the Act. In terms of the Siracusa Principles that the Hon. Damien Tudehope mentioned, why would I, as the author of the bill, include the Siracusa Principles as recommended by the Ruddock review years ago, if I had any intention of emboldening religious rights over the rights of any other group protected in the Anti-Discrimination Act?

If you know the detail of the Siracusa Principles, it allows extinguishment of religious rights and religious capacity to meet the public order, public health and other public interest considerations set out in the Siracusa Principles. It is a balancing or mediating mechanism where these rights and attributes may well clash and it allows for religious rights to be wiped to one side to protect the sort of groups that you, Deputy President

Boyd, and the other speaker from The Greens are so worried about. So why would I include that mediating or balancing item that allows extinguishment of religious rights if I was only wanting to embolden and empower those religious rights? It makes no sense.

I urge the members making that claim to read the legislation, read the committee report and, most importantly, read the Ruddock review and the Siracusa Principles. The truth is that a power of detailed work has gone into the drafting of this bill—not perfect. There was also a power of work by the joint select committee. The conclusion, as mentioned by the Hon. Scott Farlow, was that the bill was seen as a pretty handy template for going forward—a lot of good material and good research as well as a lot of thoughtful legislative components to actually get this right. I do not believe the speech from Minister Ward did justice to that work, and the intent and the motivation behind this bill. One of the speakers asked why it has come forward. The Government has consistently said that it is waiting for the Commonwealth provisions. We know that Western Australia did not wait and got protections against religious discrimination and that Queensland, Victoria and Tasmania have standalone provisions. People of faith in those States have protections not enjoyed in New South Wales and also South Australia.

The Commonwealth provisions fell over. I was sceptical about the Porter bill going forward and I was sceptical about the Cash bill going forward, mainly for the reason that they opened up fronts that are not included in this particular bill. They opened up the front on speech vilifying. That was not our consideration. They opened up the front on questions around the Sex Discrimination Act and removing exemptions for religious schools. That was not a consideration of the bill or the joint select committee. We have avoided those minefields in this process. The quality of the work that has gone into it deserves stronger recognition than we got from the Minister this evening. What's more, it would have been very handy for the Minister, as she quoted from recommendation 1 of the joint select committee, to move to the second part of that recommendation, which states:

> … the Committee recommends using this Bill's definitions of 'religious beliefs' and 'religious activities', the associated definition of 'genuinely believes' in section 22K and the associated interpretive provisions in section 22KA and section 22KB.

Furthermore, recommendation 2, (a) to (g), states that the Government should pick up provisions that are reflected in my bill. So I am very disappointed with the negativity of the Government. In many ways, the Government is wiping some of the outstanding work of the members of the joint select committee chaired by the member for Vaucluse, Gabrielle Upton. I thank her for her guidance on the committee and, from this place, the Hon. Scott Farlow, the Hon. Greg Donnelly, the Hon. Sam Farraway and the Hon. Catherine Cusack. The Government in some part is wiping the contribution of its own people with the negativity we heard from Minister Ward.

The truth is that there is a way forward. This bill received good support from members of the public. There were over 19,000 submissions of an opinion about the bill in the online survey. That is very good engagement. The public had 68 per cent support for the bill. The work of the committee was detailed and useful. The recommendation was finally for the Government to bring forward a bill but using the bill that we are debating this evening as a very good, thoughtful, researched template for a way forward. I would have thought the Labor Party might get serious about this. There are certainly very strong traditional Labor electorates in western Sydney where people of faith are very worried about the level of public sneering, discrimination and some of the things they hear.

As a public representative, I get many migrants coming to me saying, "We moved here to Australia to get away from religious discrimination in our home country. How has it followed us here? How has this sort of language and new public attitude followed us here to Australia? Where is the protection against it?" That is the sort of thing we are trying to answer. That is the sort of problem we are trying to overcome. The bill avoids all the problems that they had in Canberra. The bill, while not perfect—the committee recommended some very useful areas of improvement—does point the way forward. Having put so much work into it, I wanted to bring it to finality. I wanted to bring it to a parliamentary judgement.

While I am not expecting to be successful on the second reading this evening, at least it gives the Parliament a chance to articulate points of view and, hopefully, understand a lot more about the nature of the bill and the processes we have been through. At the end of the day, the Parliament does rush certain provisions that, in hindsight, it must go back to and try to improve. I believe I showed a degree of legislative integrity in saying, "Here's a bill that brought in a lot of experts, had roundtable discussions." I put it off to a joint select committee with the support of the Government. Members from both sides of the political fence concluded that the bill had a lot going for it and we should move forward in that regard, having seen all this work and productive process undertaken.

I mention in conclusion that I am very disappointed with the views of the new Premier, who, when he saw the spectacular destruction of the bill in Canberra, was asked about it and said, "Well, you know, these issues have been around a long while. I don't see the need for any such bill in Canberra." I think, by inference, he was talking

about his own jurisdiction in New South Wales. That is not what he said to me last year or the year before. It is not what he said to other members of the committee last year or the year before. I know this guy is flip-flopping like a circus acrobat on many of these issues. But if he is scared off by some of the leftist critique early in his premiership that he is too Catholic and too conservative, what will he stand for in public life? Why do you get up in the morning and work long hours away from family, putting in the toil and the effort to do good things, if you are not true to some core beliefs?

One of the beliefs for people in this Government, and I believe those in the right wing of the Labor Party, should be that protection against religious discrimination is essential in New South Wales. Discrimination against people of any kind is abhorrent. This is a big gap that we can fill in the statute books of New South Wales without opening up new forms of discrimination, without creating a hierarchy of attributes and without doing any of the things that the critics claim, because it has not been proven in the long, exhaustive, successful process of the joint select committee. I thank all the participants. This is only the beginning of this process. There is a long way to go, but I know the bill before the Chamber is essential in getting it right for the people of New South Wales. I commend the bill to the House.

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

The House divided.

Ayes 4
Noes 29
Majority.....25

AYES

Banasiak	Latham (teller)	Nile
Borsak (teller)		

NOES

Amato	Hurst	Primrose
Boyd	Jackson	Searle
Buttigieg	Maclaren-Jones	Secord
Cusack	Mallard (teller)	Sharpe
D'Adam	Martin	Shoebridge
Faehrmann	Mitchell	Taylor
Farlow (teller)	Mookhey	Tudehope
Farraway	Moriarty	Veitch
Franklin	Moselmane	Ward
Graham	Pearson	

Motion negatived.

Documents

DUNGOWAN DAM, WYANGALA DAM AND MOLE RIVER DAM

Production of Documents: Order

Ms CATE FAEHRMANN: I move:

That private members' business item No. 1649 outside the order of precedence be considered in a short form format.

Motion agreed to.

Ms CATE FAEHRMANN (21:26): I move:

(1) That, under Standing Order 52, there be laid upon the table of the House within five days of the date of the passing of this resolution the following documents in the possession, custody or control of the Minister for Lands and Water, and Minister for Hospitality and Racing; the Department of Planning and Environment; the Department of Enterprise, Investment and Trade; WaterNSW; Infrastructure NSW; or Water Infrastructure NSW relating to dam business cases:

(a) the latest draft or final business case for the Dungowan Dam;

(b) the latest draft or final business case for the Wyangala Dam; 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.

(2) That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of the passing of this resolution the following documents created since 1 August 2021 in the possession, custody or control of the Minister for Lands and Water, and Minister for Hospitality and Racing; the Department of Planning and Environment; the Department of Enterprise, Investment and Trade; WaterNSW; Water Infrastructure NSW; Infrastructure NSW; the Treasurer; and Minister for Energy and Treasury relating to dam business cases and floodplain harvesting:

(a) all documents, correspondence and advice received from or sent to Infrastructure NSW;

(b) all documents, correspondence and advice relating to any draft or final business cases for the Dungowan Dam, Wyangala Dam and Mole River Dam;

(c) all documents, correspondence and advice relating to the funding and projected costs of the Dungowan Dam, Wyangala Dam and Mole River Dam;

(d) all documents, correspondence and advice related to the issuing of floodplain harvesting entitlements and licences;

(e) all documents, correspondence and advice related to the modelling of floodplain harvesting entitlements; and

(f) 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 seeks an order for production of documents relating to, once again, Dungowan Dam and Wyangala Dam. I acknowledge that the House has agreed to orders for papers on these dams previously. However, this motion is calling for more recent documents—in particular, documents in relation to dam business cases, including draft and final business cases, for the Dungowan Dam and the Wyangala Dam, among other things.

Those documents are required because of recent statements made about Dungowan Dam by the new Nationals water Minister. Essentially, as reported in *The Northern Daily Leader* on the 3 February 2022, the Minister has said that the entire business case for Dungowan Dam, which has not been released publicly—including the project's final cost and an estimate of its benefits—has been sent to Infrastructure NSW and Infrastructure Australia. The article reports that the water Minister, The Nationals' Kevin Anderson, said the business case might be kept secret forever. That is concerning. Portfolio Committee No. 7 - Planning and Environment inquired into the new dam infrastructure projects in New South Wales, including the Dungowan Dam project. The committee said that the Government should look seriously at all the environmental impact concerns that were raised during the inquiry and whether the dam, as a means of shoring up Tamworth water security, was value for money.

In its *National Water Reform 2020* draft report, the Productivity Commission was scathing when it came to the Dungowan Dam. In fact, it said that Dungowan Dam was a result of flawed decision-making. The Productivity Commission chose to highlight the Dungowan Dam, saying that the dam had poor project selection and funding decisions, and a business case that was not sufficiently long term or comprehensive. Essentially, it concluded that the Dungowan Dam project was a classic example of a project that was completely opaque, having not released any information to the public about why it was chosen and, importantly, that it was not good value for money for the taxpayer. But Minister Kevin Anderson is suggesting that it is. This call for papers under Standing Order 52 is in the public interest because the community needs to know if there is going to be in excess of potentially $1 billion of taxpayer money spent in shoring up this National Party promise and commitment before the last election, which is what it is. It is basically nothing else but a National Party commitment to shore up the seat of Tamworth and others—

The Hon. Sam Farraway: It is about water security. It is about the dam.

Ms CATE FAEHRMANN: Let's talk about water security. The Productivity Commission found it is not about water security, as did the upper House inquiry. If it is about water security, let's bring it out and have a look at it. If the Government is so confident in this project, it will support the Standing Order 52 because it has nothing to hide and the business case will say, "Dungowan Dam is going to be incredible bang for buck for the taxpayer. Let's spend it. Let's get some water security for Tamworth. It's going to be amazing." We want the business case to be revealed. I commend the motion to the House.

The DEPUTY PRESIDENT (Ms Abigail Boyd): I remind members that there are only two more days of the current health orders for masks. I see a number of members wearing them as a chin nappy and I see someone wearing one as an earring. I ask all members to please comply with the health orders for the next two days. Anything to the contrary will be ruled disorderly.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (21:30): Regardless of political party, all members in this place want clean drinking water and healthy river systems for all regional communities. The debate should be about the best policy settings to achieve those goals. I am sure all members agree. The New South Wales Government is committed to delivering water security for regional New South Wales. The last drought clearly demonstrated that we need to store more water when it is wet to get through drier times. It is not that difficult to understand. That is even more apparent for the regional populations that are growing

faster than ever before. The data is there. More people are moving from the city to the bush than ever before in history. More water will be required to support that.

The New South Wales Legislative Council has already received a number of orders for papers relating to dam projects the Government is delivering. The intention of this further motion is unclear. There are concerns that there should be an opportunity to raise this directly with the new Minister, Kevin Anderson. I question whether Ms Cate Faehrmann has even approached him or spoke to his office. I am sure he would be happy to organise a briefing and meet with her. The Government made resources available to members of the Legislative Council to answer any questions on the Government's plan to licence and meter floodplain harvesting. That is clear and the offer was made.

The fact remains: If you cannot measure it, you cannot manage it. To measure it under the Water Management Act you need a licence. While we continue to discuss the issues around the basin plan, the cap and how water is allocated, the New South Wales Government is only licensing what is being taken under cap conditions through works that were declared eligible as at 3 July 2008. That is not new. I sat on the same committees as Ms Cate Faehrmann. It is not rocket science. The fact that the Government is returning 100 gigalitres to the environment through licensing floodplain harvesting is not new either. It is all par for the course. Budget estimates is a fortnight away. Perhaps the member moving the Standing Order 52 motion could have considered asking for the information then. The Government opposes the motion because there are alternative means for members to be briefed on those matters.

The Hon. ROSE JACKSON (21:33): Labor will be supporting the motion of Ms Cate Faehrmann. Similar to Minister Farraway, who spoke before me, we think that these matters should be considered in the public interest and in the full light of day. The reality is that since Minister Kevin Anderson stood up with Deputy Prime Minister Barnaby Joyce and the full press gallery to make an announcement that a business case is ready for this project, it is not unreasonable for people to ask, "Could we have a look at it?" That is what happened here. The Minister and the Federal Minister, the Deputy Prime Minister, called a press conference to announce the existence of this business case, and all we want to do is have a look at it so that we can assess whether the claims that they have made in the public domain are fair or not.

I want to push back on the suggestion that budget estimates or other mechanisms are ways that we can access information. I wish that were true. But every single example we have of putting in an application under the Government Information (Public Access) Act, putting a question on notice, asking a question at budget estimates or asking a supplementary question at budget estimates has shown that, unfortunately, information is not forthcoming through those means. So I support the member in saying that this is information that is in the public interest and that has been brought into the public domain by the Minister. We simply want to have a look at it, because this is a lot of money.

This is an important issue. There was a whole parliamentary inquiry on this that made a range of recommendations. Were they considered? Were some of the alternative water security options for the Peel Valley considered in the development of the business case? I don't know. We looked at them in the parliamentary inquiry. Were they considered as part of the business case? Let's have a look; let's see whether they were.

I support the call for papers. I want this information so that we can make informed decisions about these extremely expensive projects going forward. I say to the Government on this issue, as I have when I have spoken on other motions under Standing Order 52, that if the Government made information readily, easily and publicly available it could avoid some of this, but it does not. This is the only mechanism that is left to us to access this useful information that should be in the public domain.

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

Motion agreed to.

FIREARMS REGISTRY CONSULTATIVE COUNCIL APPOINTMENTS

Production of Documents: Further Order

The Hon. MARK BANASIAK: I move:

That private members' business item No. 1630 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK BANASIAK (21:37): I seek leave to amend private members' business item No. 1630 outside the order of precedence for today of which I have given notice by omitting the words "seven days" and inserting instead "21 days".

Leave granted.

The Hon. MARK BANASIAK: Accordingly, I move:

(1) That this House notes that:

(a) on 24 November 2021 this House ordered the production of documents relating to the appointment of Professor Joel Negin to the Firearms Registry Consultative Council;

(b) in response to the order, on 2 February 2022 a return was received from the Department of Premier and Cabinet which:

(i) included a certification letter dated 17 December 2021 from the Deputy Commissioner Investigations & Counter Terrorism NSW Police Force stating, "I am satisfied, to the best of my knowledge, that all documents held by the NSWPF that are covered by the terms of the SO52 Appointment of Professor Negin to the FRCC Resolution and are lawfully required to be provided have been provided"; and

(ii) included a certification letter dated 8 December 2021 from the Chief of Staff, Minister for Police and Emergency Services, stating that "to the best of my knowledge that no documents covered by the terms of the resolution and lawfully required to be provided are held by the Office of the Minister for Police and Emergency Services";

(c) the return to the order did not produce the expression of interest or application submitted by Professor Negin when applying for appointment to the Firearms Registry Consultative Council or accompanying documents.

(2) That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, excluding any documents previously returned under an order of the House, in the possession, custody or control of the Minister for Police or the NSW Police Force (NSW Firearms Registry or the Police Prosecutions and Licensing Enforcement Command) relating to the appointment of Professor Joel Negin to the Firearms Registry Consultative Council:

(a) the completed expression of interest form submitted by Professor Negin applying for appointment to the Firearms Registry Consultative Council;

(b) all documents accompanying the completed expression of interest form, including all résumé or curriculum vitae, written responses demonstrating suitability as per membership selection criteria, or published papers and articles; and

(c) all correspondence or communications, including phone call records, text messages or emails, sent or received between 1 January 2021 and 10 December 2021, by Professor Joel Negin and each of the following employees of the NSW Police Force:

(i) Ms Georgina Gold, NSW Firearms Registry;

(ii) Ms Catherine Mackson, Legislation and Policy Branch, Office of the Commissioner;

(iii) Mr Victor Chang, Legislation and Policy Branch, Office of the Commissioner;

(iv) Assistant Commissioner Scott Cook, Police Prosecutions and Licensing Enforcement Command; and

(v) Acting Assistant Commissioner Kirsty Heyward, Police Prosecutions and Licensing Enforcement Command;

(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.

(3) That, should the Leader of the Government fail to table documents in compliance with this resolution, it is open to this House to take all necessary action, including censuring the Leader of the Government, adjudging the Leader of the Government guilty of contempt, and suspending the Leader of the Government for whatever period necessary, to cause compliance with this order of the House.

Yesterday afternoon I sat in this Chamber and shook my head in disbelief when the President called upon the Leader of the Government to once again explain continued noncompliance with a response to a call for papers, and I suspect it is a similar arrogant attitude by this Government that has prompted the need for this further order for papers regarding the appointment of Professor Joel Negin to the Firearms Registry Consultative Council. In response to the earlier order for papers, it was clear that not all relevant documents had been returned. Absent from the returned documents were Professor Negin's expression of interest form—that is, his application for appointment to the council, his curriculum vitae or résumé and his written response demonstrating suitability for the position as per selection criteria.

Let's be clear: They were essential requirements from all applicants to be considered for all positions, originally. The absence of these documents has prompted me to think, "Why were these documents missing? What is the Government, particularly the NSW Police Force and/or the Firearms Registry, trying to hide? Did Professor Negin even submit an application, or was he simply anointed without actually applying?"

The Hon. Robert Borsak: He was anointed.

The Hon. MARK BANASIAK: I think so. The second troubling aspect of Professor Negin's appointment was that he was notified of his appointment to the council the day before the official notification email was sent to him by the council secretariat on 12 November 2021. The returned documents reveal that a senior employee at

the Firearms Registry, a member of the council who I will not name, had called Professor Negin on 11 November 2021 and left a message on his phone with the news of his successful appointment. Clearly that was a breach of the professional conduct standards expected from employees of the NSW Police Force, as well as a breach of the council's own code of conduct. I could call for the breach to be investigated, but realistically why would I bother when history tells us that when police investigate their own it goes nowhere?

Once again, it appears that the New South Wales Government has withheld documents under an order from this House. Was it deliberate, or was it simply bureaucratic ineptitude by the NSW Police Force? We need to know, not just this House but the 200,000-plus licensed firearm owners who are up in arms about an adjunct professor who studies infectious diseases being appointed to a Firearms Registry consultative council. We need to know. I urge members to support the further order for papers so that we may see exactly how Professor Negin's spurious appointment was made and whether anything improper occurred in that process. I commend the motion to the House.

The Hon. WALT SECORD (21:41): I am very surprised that no-one from the Government is speaking.

The Hon. Damien Tudehope: No, we're just waiting for you.

The Hon. WALT SECORD: As the shadow Minister for Police and the shadow Minister for the North Coast, I make a contribution to debate on the motion. The Firearms Registry is an operation that everyone on the North Coast is familiar with. As a matter of principle, Labor will be supporting the further order for papers as moved by the Hon. Mark Banasiak. Prior to this debate, I read the related documentation and I was lukewarm. I thought long and hard about it and I listened to the Hon. Mark Banasiak's speech. I also did a bit of research this afternoon. This is symptomatic of this Government—not complying with calls for papers under Standing Order 52 and denying information to the community, whether it is a dam or an application for a position.

Earlier in another debate involving a separate matter about a Government Information (Public Access) Act [GIPAA] application, a freedom of information request, I spoke about a person who had been encouraged by a Minister to apply for a position, who applied for the position and who was rejected. They then put in a freedom of information request to find out—in fact, they paid for the GIPAA. They received pages and pages blacked out, and the only thing that was not blacked out was their name. That just gives an indication of how this Government treats the release of information. Not complying with a call for papers under Standing Order 52 is extraordinary. I commend the motion to the House. I hope that this Government learns its lesson, that it will keep getting orders for the production of documents under Standing Order 52, and that not complying with such orders and withholding documentation is a serious matter.

The Hon. SCOTT FARLOW (21:43): As the motion has been amended to allow for more time for compliance, the Government does not oppose the motion as moved by the Hon. Mark Banasiak.

Mr DAVID SHOEBRIDGE (21:43): The Greens support the further order for the production of documents under Standing Order 52. We are deeply troubled by what on the face of it is the Government's noncompliance. It is fair to say that the mover of the motion, the Hon. Mark Banasiak, and The Greens have little in common on firearms, but I hope we share a common position on upholding the powers of the House and upholding transparency against this Government. It is a government that just cannot understand the obligation to be transparent with the House and with the public. Until it learns that lesson, it will keep getting these kinds of motions, with overwhelming support in the House against the Government's non-transparent position.

The Hon. ROBERT BORSAK (21:44): I support my colleague the Hon. Mark Banasiak. What we see here is not only a cavalier attitude by the Government to producing documents under Standing Order 52 applications—and all good members in this place would understand that that has become a habit with this Government; it does not supply—but also it demonstrates a cavalier attitude to the administration of justice through the Firearms Registry, as administered by the previous police Minister, Mr Elliott, in the other place and the previous Commissioner of Police. He thought that he could do anything he liked to any citizen in this State, especially in the last two years of COVID repression. We have seen a very heavy-handed approach being taken in this State, especially since 2019, and shooters are copping it all the time.

This consultative committee is meant to be representative of all the various organisations of legally licensed shooters in this State. What does it do? One representative leaves, so it goes off and finds someone who has no relevant skill, knowledge or experience and appoints that person to the committee. The lady who did that and did all the informing was Ms Gold. She needs to be named because she, along with a couple of others in that place, are liable for all sorts of terrible things that they have done to shooters in this State. They are liable for the production of documents that seek to victimise and destroy the lives of ordinary citizens who legally hold and use firearms in this State. I say here and now that the Shooters, Fishers and Farmers Party will not cop that any longer. If individuals want to play politics with firearms, we will play politics with them in this place.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (21:46): I address one issue. The mover of the motion suggested that there was a level of arrogance in the response I gave yesterday about a report which I was required to bring back to the House about an alleged noncompliance. I assure the member there was no arrogance about it. There was nothing further to report. I had relied on the fact that nothing had changed since the previous report back, except that we were going to deliver a report and our position had always been that we would address the issue. I assure the member that I was not, in fact, being arrogant in giving that response. I acknowledge the obligation on the Government to provide a proper response once the report is available and to ensure that this Chamber is properly advised of the steps the Government is taking.

To that end, the Hon. Walt Secord in his speech on this call for papers seemed to conflate Government Information (Public Access) Act [GIPAA] applications with Standing Order 52 applications. He asserts that there is regular noncompliance with Standing Order 52 applications. As part of demonstrating that noncompliance, he relies upon an application by way of a GIPAA application. I point out to the member that the example he uses is not a good example of the assertion that there is noncompliance with Standing Order 52 applications. The Government consistently says in this place that the level and volume of Standing Order 52 applications is disrespectful of the public servants who provide such a great service to the Government and the people of this State.

The Hon. Robert Borsak: Sorry, they have to work, do they? Gee whiz, the Government has to fund that work.

The Hon. DAMIEN TUDEHOPE: The public servants of this State have worked hard during the pandemic to protect the health of the people of this State. We have kept businesses in operation to ensure that the State runs well. The time spent in complying with the Standing Order 52 applications is by and large unreasonable in terms of the expectation and the burden of work that it places on the good public servants of this State. I urge those opposite to be much more cognisant of that in the way they draft the Standing Order 52 applications to ensure that they are reasonable in the circumstances.

The Hon. MARK BANASIAK (21:49): In reply: I thank all members for their contributions to debate on this motion. I pick up on the comments of the Hon. Damien Tudehope. My comments on the "arrogant attitude" were not necessarily reflective of his attitude but more of his Government's attitude. I know he is in a difficult position where he has to bear the brunt of poor decisions made by other Ministers who do not comply with orders for papers. I echo the words of my colleague the Hon. Robert Borsak. Law-abiding firearm owners in this State have had enough. We have had enough of being unfairly targeted in this game of "stacks on the shooters". The Government cannot be bothered to target the actual criminals so it targets us because we are easier. We have had enough. We have tried to act in good faith with the Firearms Registry and its senior staff. That is over. They have shown such a level of disrespect and they have not returned that good faith. If they want to play political games, this is what they cop. Game on.

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

Motion agreed to.

Motions

BALLINA SHIRE ANNUAL AUSTRALIA DAY CEREMONY

The Hon. SCOTT FARLOW: On behalf of the Hon. Catherine Cusack: I move:

That private members' business item No. 1632 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. SCOTT FARLOW (21:51): On behalf of the Hon. Catherine Cusack: I move:

(1) This House notes that:

(a) the Ballina Shire Annual Australia Day Ceremony held at Lennox Head Community Centre was conducted by Mayor Sharon Cadwallader, with special guest Liz Ellis and master of ceremonies Sandra Jackson;

(b) eleven Ballina residents from Canada, Vietnam, Philippines, the United Kingdom, India and South Africa swore allegiance to Australia and were warmly welcomed as new citizens;

(c) Maria Matthes, Ballina koala rescuer and advocate, was announced Ballina Citizen of the Year. Maria has been a threatened species ecologist for more than 30 years, with a particular interest in koalas, their habitat, fire ecology, recovery planning and education;

(d) Ballina's Sporting Achievement Award was jointly won by 13-year-old Tyler Dogan, who became National under-15s 2,000 metre steeplechase champion at the Australian Athletics Championship, and Veronica Silver, who has served 19 years as Alstonville Water Polo Club Secretary;

(e) Ballina Arts/Cultural Award was jointly won by Ballina and District Historical Society for the establishment of Ballina District Museum at Pimlico, and Sue Belsham, who has directed more than 35 community theatrical productions at Ballina Players and Supa North, a company she co-founded with her husband;

(f) Young Citizen of the Year was Eli Carr of Lennox Head;

(g) Senior Citizen of the Year was Barry Fiedler of Alstonville;

(h) Volunteer of the Year was Jo Parker of Northern Rivers Animal Rescue Service;

(i) Community Event of the Year Award was to the COVID Crisis Meal Centre operated at the Ballina Masonic Centre by Ballina Hot Meal Service, Cherry Street Sports Club, Ballina Masonic Centre, and Rotary Club of Ballina-on-Richmond; and

(j) the Environment Award was won by Ballina Shire Kerbside Garbage Collectors, who had been nominated by local residents for doing "an amazing job".

(2) This House congratulates Mayor Cadwallader and Ballina Shire Council on a successful Australia Day Awards Ceremony, thanks all the winners for their services over many years, and warmly welcomes new Australian citizens who took their oaths on Australia Day in Ballina and other shires across the State.

Australia Day is celebrated with such aplomb all across the nation, and nowhere more so than in Ballina. The Ballina Shire Annual Australia Day Ceremony was held at Lennox Head Community Centre and conducted by Mayor Sharon Cadwallader. The special guest was Liz Ellis and the master of ceremonies was Sandra Jackson. Eleven Ballina residents swore allegiance to Australia and were warmly welcomed as new citizens. That is one of the great parts of Australia Day.

In my time as a mayor, new citizenship ceremonies were something that I always appreciated and enjoyed. One of the great highlights of my mayoral career was somebody coming up to me afterwards to show me a photo of them and me that had pride of place on their wall because they were so proud to be an Australian. Those of us who are born Australians do not necessarily appreciate how lucky we are to have that position. People drawn from all across the world now call Australia home. One of the great parts of Australia Day is when we can celebrate in such a way.

Ballina koala rescuer and advocate Maria Matthes was announced as Ballina Citizen of the Year. Maria has been a threatened species ecologist for more than 30 years and has a particular interest in koalas, their habitat, fire ecology, recovery planning and education. I know there is much more to be said on this topic by other members, so I will move on from talking about the substantive part of the motion. However, I will contribute more broadly on the subject of Australia Day, which many members of this House appreciate and can come together on.

It is a shame that our national day is not celebrated and embraced in the way that I feel it should be. It can still unite us as Australians. As the Australia Day Council says, it is a day for reflection and remembrance and a day to bring us together to move forward as a nation. It is a day when we can celebrate our part in the Australian story—whether it is a very new part of the Australian story, as it is for those 11 Ballina residents; a story of thousands of years, as it is for our Indigenous brethren in this country; or a story like mine, which traces back about 230 years to the Second Fleet. We all have a part to play in that story, and that is what is great about Australia Day. I commend the Hon. Catherine Cusack for bringing the motion to the House, and I am very grateful for the opportunity to move it on her behalf.

The Hon. CATHERINE CUSACK (21:55): I thank the Hon. Scott Farlow for his assistance in moving the motion on my behalf. It was a privilege to attend the Ballina Shire Australia Day ceremony at Lennox Head Community Centre on Wednesday 26 January 2022. It was the first major council community event following the recent local government elections, and so it was quite special to watch my friend Sharon Cadwallader preside as Ballina's newly minted mayor. Sharon is a long-serving councillor, and this was the fourth time she had sought the mayoralty. She is an inspiration, and I congratulate her and all the other councillors who won that election.

In addition to Councillor Cadwallader, I acknowledge guest Liz Ellis, who is Australia's most successful netballer and a Ballina shire resident. She was the co-master of ceremonies at the event with Sandra Jackson from the council, who did an amazing job and I thank her for it. The event was constrained by the need for a COVID plan, and so the citizenship ceremony was capped at 11 people. But, of course, nothing could cap the pride and joy of our newest Australians taking the oath. The council organised the event to be live streamed, and members can still access a full video on the Ballina council website. That enabled friends and family of our new citizens, as well as award nominees and winners, to witness their loved ones' special moments.

There was a very special moment when Sue Besham took the microphone. Sue was the joint winner of the Arts/Cultural Award in recognition of her contribution to local theatre over two decades. She directed 35 local productions with the Ballina Players and Supa North, which she co-founded with her husband, Paul. They included sold-out productions such as *Mary Poppins* and *The Boy from Oz*. She is a passionate supporter of promoting

performing arts to local youth, each year presenting drama awards to schools in Ballina. In recent years Sue has suffered significant health issues, and that makes her resilience even more heroic.

It put a tear in everyone's eye when this dedicated, beautiful woman, who is so graceful in every way, took the opportunity to say hello to her two daughters who live in New Zealand with their families and have not been able to see her or assist her for two years. They were able to share that special moment by watching the council's live stream, and that brought great joy to Sue—and, indeed, to all of us. It made us all reflect on our own stories of loss during the COVID pandemic. I say to Ballina council, what a wonderful innovation, and I hope it can continue. In total, 30 nominations were acknowledged across the award categories of sporting achievement, young citizen, senior citizen, environmental, community event, arts/cultural and volunteer of the year. It is humbling listening to those citations, and it is a heart-swelling event as a local. I have listed the winners in the motion, and I congratulate and thank all of them.

The Hon. JOHN GRAHAM (21:58): I speak for the Opposition on the motion, and I thank the Hon. Catherine Cusack and the Government Whip for moving it. I particularly liked when the Government Whip informed us about his relatives on the Second Fleet and glanced up to the clock just before he told us it was 230 years ago, to precisely calibrate the time. It was admirable precision in that instance. This lovely motion recognises this one event and this one story on one Australia Day. I too congratulate Mayor Sharon Cadwallader. I have found her to be an outstanding local government participant and good human. I was very pleased to see that she is now the Mayor of Ballina. I add my congratulations and those of the Opposition.

I recognise all the award recipients, but in particular I recognise Ballina Shire Citizen of the Year Maria Matthes—who has already been thanked specifically in the Chamber—for her work as a Ballina koala rescuer and advocate. It is such important work. Those issues have occupied much of the time of this Chamber. It is great to see someone recognised for the work they are doing on the ground. We have had many debates on policy around protecting koalas and I recognise the Hon. Catherine Cusack has been crucially involved in some of the very good results that have come out of this Chamber. But it is fantastic to see a citizen of Ballina being recognised for that important work on the ground.

There is one final story; it is a single Australia Day award ceremony at a single council for a single group of citizens who are a part of our nation. But in a lot of ways it is a remarkable gathering. Eleven residents were welcomed as new citizens. They came together from right around the world, from Canada, Vietnam, the Philippines, the United Kingdom, India and South Africa. That underlines how remarkable this country is and how many migrants make up the Australian story.

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 Hon. Damien Tudehope: I would if there was someone from the Opposition who would support it. I will not move the motion for the adjournment.

The House continued to sit.

The Hon. JOHN GRAHAM: I might have considered it but I was yet to finish my remarks. If the Minister had tried 20 seconds later I would have been very happy to support him. That is just a reminder of what a remarkable migrant nation we are. These are the figures: In 2020 the Australian Bureau of Statistics says 29.8 per cent of the population of this country were born overseas. Compare that with the United States—this figure comes from the Congressional Research Service for the previous year, 2019—where just 13.7 per cent of the population of that country were born overseas. The United States thinks of itself as an immigrant nation, but in fact the story of Ballina shows how remarkable Australia is.

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (22:01): It will not come as a shock to anyone in the Chamber to know that I will contribute to debate on the motion. I thank the mover of the motion for bringing it to the House. I also join with other members of the House in congratulating my friend Councillor Sharon Cadwallader on achieving the mayoralty, which she has sought for many years. She will be utterly outstanding. I am thrilled that she has the opportunity to serve in that role. I reinforce the comments of the Hon. Catherine Cusack in congratulating Sue Belsham, who is an icon in the artistic world in Ballina. She has been a critical stalwart of the Ballina Players Theatre for many years. She is amazing. She has directed more than 35 productions, including one that I saw in 2020 called *Downtown*, which was absolutely outstanding.

The person I will focus on in my role as Minister for Regional Youth is the Ballina Young Citizen of the Year, an extraordinary young man called Eli Carr. He is a Lennox Head local, a full-time paramedic student at Griffith University and a part-time baker at Lennox Head IGA. But what makes him extraordinary is his utter commitment to his community. Eli ran 200 kilometres in a month to raise $8,000 for the Healthy Minds Club.

The club was started by a group of friends including Eli, Jackson Connellan, Jack Douglas Brown, Harry Fettell and Lachlan Jones. They kickstarted the club in the middle of 2020, bound together by a string of suicides that occurred across their friendship circle over a number of years. They started a private page on Facebook where young men could come together in a safe place and share their troubles and concerns and discuss overcoming mental health challenges. Sometimes it is challenging to get young men to talk about those things, but he led that.

He was also part of a team that raised $45,000 for the 2021 Starlight Super Swim Challenge, has collected surfboards to donate to children in Vanuatu and is a member of the Lennox Head Trojans. He is an extraordinary human being. As the Minister for Regional Youth, I think it is really important to highlight young people who are genuinely delivering for their community. Sometimes young people get a bad rap, but Eli is an ambassador and a model for what young people should be in the State. He shows that we should have absolute faith, trust and confidence in the next generation because, if they live up to the standard that Eli is setting, we know that the future will be very bright.

The Hon. CATHERINE CUSACK (22:05): In reply: I thank the members who have spoken on the motion. I particularly thank the Hon. Ben Franklin for mentioning Eli Carr, who comes from my own village of Lennox Head and is a local icon. The Hon. Ben Franklin omitted the most important thing about Eli, which is that he is a member of the Trojans rugby club. That is an essential part of him being an icon. My own son, Lachlan, played for the Trojans. I am famous in Lennox Head for only one thing, which is for being Lachlan Crawford's mother.

We have an embarrassment of riches in those awards, and I could not get started on all of the other nominees. I am shamelessly going to use my adjournment speech later this evening to highlight more of those stories, in particular that of Maria Matthes and her advocacy for koalas. Liz Ellis said that she was getting the award in part for her work with koalas but also for her work on Twitter, where her advocacy is continuous all day and is very effective. Her Twitter circle is doing amazing things, in addition to her work as a rescuer and volunteer.

There is a great story that I have to share later about the hot meals service provided during COVID, particularly to our elderly citizens. Many people have moved to Ballina, away from family and support. The service, which was run by four local organisations, got a joint award. I am so proud of my community and the spirit and humility of its people. The awards ceremonies hosted by the Ballina shire are important because otherwise those stories would not be known. You see the humility of those people when they accept their awards. As the Hon. Ben Franklin said, it is particularly great to hear the stories of young people and to realise how amazing they are. One young man is the Australian steeplechase champion. At the age of 13, he won the under-16 event at the Australian Athletics Championships. The stories from my community warm my heart. I thank and congratulate the awards winners, and I thank members for their endorsement of this motion.

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

Motion agreed to.

Documents

RAIL SERVICES DISRUPTION

Production of Documents: Order

The Hon. MARK BUTTIGIEG: I move:

That private members' business item No. 1627 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK BUTTIGIEG (22:08): I seek leave to amend private members' business item No. 1627 outside the order of precedence standing in my name on the *Notice Paper* for today as follows:

(1) Insert "Premier, Department of Premier and Cabinet" after "Minister for Transport"

(2) Insert after paragraph (a):

"(b) all documents referred to in media reports on 22 and 23 February 2022 as the "dossier" provided to the Premier or Department of Premier and Cabinet relating to the disruption to rail services, or industrial action;

(c) all documents referred to in media reports on 21, 22 and 23 February 2022 as "risk assessment" or "safety risk assessment" relating to the disruption to rail services or industrial action; and"

Leave granted.

The Hon. MARK BUTTIGIEG: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents, in electronic format if possible, created since 18 February 2022 in the possession, custody or control of the

> Minister for Transport, Premier, Department of Premier and Cabinet, Transport for NSW, NSW TrainLink, or Sydney Trains, relating to the disruption to rail services and industrial action in New South Wales:
>
> (a) all documents, including correspondence, communication, emails, messages, draft documents, reports, briefs, briefings, policy documents, safety risk assessments, meeting papers, memorandums, or minutes, sent or received by the Secretary of Transport for NSW relating to the disruption to rail services or industrial action;
>
> (b) all documents referred to in media reports on 22 and 23 February 2022 as the "dossier" provided to the Premier or Department of Premier and Cabinet relating to the disruption to rail services, or industrial action;
>
> (c) all documents referred to in media reports on 21, 22 and 23 February as "risk assessment" or "safety risk assessment" relating to the disruption to rail services or industrial action; and
>
> (d) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This call for papers under Standing Order 52 is essential for our residents because they deserve answers. We need answers on why over a million of our State's residents were inconvenienced by the sudden shutdown of our trains and the Government is refusing to provide a straight answer. Premier Perrottet is the first Premier to allow the entire shutdown of our rail network when there was not even a strike. Our train system is integral to our city and regions and people rely on it. People want and deserve answers to why they were left on platforms and could not get to work, school, TAFE, university and doctors' appointments. We know that workers lost wages, small businesses lost much-needed income, classes were cancelled and people paid exorbitant prices for Ubers.

Our roads have been congested with commuters stuck in traffic jams for hours on end. It was meant to be the day we were welcoming tourists to our city and instead they were met with a system that was completely shut down. The Government blaming this on essential workers is absolutely disgraceful as rail workers turned up for work only to find they were locked out without reason and the Government was missing in action. Footage and photos are everywhere of those workers waiting to get on with their jobs. It is especially insulting to blame those workers when they have been trying to get the Government to agree to ensuring there are adequate safety conditions and hygiene standards, which makes things safer for both workers and the public.

The Minister for Transport's story on what happened keeps changing. He said he did not know about the shutdown before he went to bed, then he had an inkling and then we hear his office knew on Sunday night at 10:43 p.m. That is why we need to see the information and obtain answers. The Minister said it was an operational decision made by Transport for NSW based on a safety assessment, but then the Minister said he had not seen the information. Where is the assessment? The Government has not been forthcoming with it. If it uses it as a basis for shutting down an entire network, the public should be able to see it. Today *The Sydney Morning Herald* reported the following:

> One minister, who spoke on the condition of anonymity, said "it was pretty obvious that Elliott had completely messed the whole thing up", while another said his position as transport minister was "surely untenable".

That is yet another reason we need to see the information.

The Hon. Damien Tudehope: Point of order: I am prepared to give the member a fair bit of latitude but this is supposed to be a speech in support of why it is necessary to call for these documents under Standing Order 52. The member is effectively engaging in a political speech about Minister Elliott's behaviour, which does not demonstrate why the motion is necessary.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): There is no point of order. The Hon. Mark Buttigieg has the call.

The Hon. MARK BUTTIGIEG: Cabinet Ministers saying that their colleagues caused Monday's events is yet another reason we need to see the information. It is extremely serious and we need the information from the Government urgently. Taxpayer money funds our rail system and the Government is accountable to taxpayers who want the answers. This motion is not asking for a large time frame of information. It is simply asking for information from 18 February, so there can be no excuses for not providing it. I am asking for the safety assessment and the information that was sent to and from the Transport secretary, which is extremely reasonable. It lists the dossier that was provided to the Premier. It has already been prepared for the Premier so it should not take long to make that available to the Parliament. It is essential to find out exactly what happened with the Government shutting down our train network so we can ensure that it does not happen again in Transport or other portfolios.

The Premier and his Government have demonstrated that they are more interested in playing politics than in ensuring our train system is running, or providing the public with answers as to what actually happened. It is crucial that we get to the bottom of the reasons behind the shutdown, as our residents were completely abandoned on Monday. The Government is accountable to the people of this State and it cannot simply shut down our rail

network, leaving people stranded, and then expect to hide the reason behind what it did. This Standing Order 52 motion goes directly to communications that belied the Government's decision, which should be disclosed.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (22:15): The Government opposes the Standing Order 52 motion. The member already knows this information. The former representative of the Electrical Trades Union and his Labor colleagues are in this place only to represent the union movement. They know all the information in relation to how this application was conducted. If they had bothered to attend at the Fair Work Commission—and they certainly did not attend on Sunday night—they would know that this was a union-inspired shutdown. Labor knows it, the Government knows it and the commuters of New South Wales know it.

Those opposite want to paint it that the Government shut the network down. There is no doubt that when the application was filed in the Fair Work Commission, it was done on the basis that there was a threat to the rail system, notification of which was given on 9 February, that industrial action was going to be taken relating to the rostering of trains in New South Wales from 21 February onwards. The application was predicated on the basis that that industrial action posed a threat to the safety and reliability of the train services in New South Wales, and so action was taken to prevent that from taking place. Those opposite know it.

The great tragedy of this Standing Order 52 motion is that the Opposition is seeking information from the Government. How about a Standing Order 52 motion for information to be provided by the unions in respect of correspondence between Mark Morey and members of the Labor Party—what would that show? It would no doubt show who gave the order that "we are going to shut down the system and create a stunt where we are going to turn up for work for a roster that doesn't exist." The roster did not exist. It is great that they turned up for work, but it would be like me turning up to work when nobody was in the building.

That is what they did and Labor knew about it. They knew it on Sunday night, because they flagged the action. The leader of the union group, Mark Morey, told the people of the State that industrial chaos would come, and industrial chaos was delivered. What will be demonstrated when the member gets the papers he seeks will be the circumstances under which the unions reneged on the agreement to make the trains run. The unions reneged on the agreement. Those opposite know it and I know it. This Standing Order 52 motion will demonstrate the manner in which the unions made the concerted decision that the people of this State would not have trains on Monday. The Government opposes the motion.

The Hon. MARK BUTTIGIEG (22:18): In reply: The Leader of the Government says that Labor members know what the documents are. *The Sydney Morning Herald* referred to a dossier in which the Premier has been availed of all the communications that pertained to this decision. We are not asking for much. The Opposition is not privy to that dossier, despite the Leader of the Government claiming that we are in possession of the documents. I do not think that the Leader of the Government understands how the industrial relations system works. Everyone knows how this works. The union ballots its members for what we call protected industrial action—legal action. There might be a suite of 20, 30 or 40 actions that people can take.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): The Minister will cease interjecting and the Hon. Mark Buttigieg will direct his attention to the Chair.

The Hon. MARK BUTTIGIEG: The employer, in this case Sydney Trains, knows very well what actions are planned. It is incumbent on the union to notify the employer of the actions they are taking, and that is exactly what the union did. The idea that Sydney Trains and the Minister would not have known weeks in advance what was happening beggars belief. This stinks to high heaven because the only way that the rail network could have been shut down, when workers were turning up for work in the morning to personnel those trains and get the system going, is that the Government was not happy with the suite of industrial actions previously agreed to and decided to withdraw the capital from those workers so that they could not personnel the trains and to turn the blame on them.

That is what this is all about. We want to get to the bottom of it by finding out the communications that occurred between the secretary, the ministerial staff and the agencies to find out the origin of the decision-making and why the decision was taken. The people deserve to know. Over a million people were inconvenienced. The idea that the Government would hold them to ransom to try to bash unions, as you always do, as you are designed to do—

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): Order! The member will address his remarks through the Chair.

The Hon. MARK BUTTIGIEG: —turning its back on the workers and trying to hoodwink the public into believing that it was the workers' fault, when we know very well that this was a conscious manipulation on behalf of the Minister or the senior staff to try to turn this around. We are not going to cop it. In order to find out

exactly what happened, I think the public deserves to have these communications so that we can see the reasoning behind the decision-making.

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

Motion agreed to.

RAIL SERVICES DISRUPTION

Production of Documents: Further Order

The Hon. DANIEL MOOKHEY: I move:

That private members' business item No. 1638 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. DANIEL MOOKHEY (22:21): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, in electronic format if possible, in the possession, custody or control of the Premier, Department of Premier and Cabinet, Minister for Finance, Minister for Employee Relations, Treasurer, Treasury, Minister for Transport, Transport for NSW, NSW Trainlink, or Sydney Trains relating to the disruption to rail services and industrial action in New South Wales on 21 February 2022:

(a) all documents relating to the disruption to rail services, or industrial action, that took place on 21 February 2022;

(b) all legal advice obtained in relation to the disruption to rail services, or industrial action, that took place on 21 February 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 do not intend to detain the House especially long in addressing this motion, mainly because I adopt the reasons given by my colleague the Hon. Mark Buttigieg in the previous debate. The House may well see a nexus between this call for papers under Standing Order 52 and the previous motion the House has just agreed to. It arises out of particular circumstances. The first is that the Hon. Mark Buttigieg's motion was targeted at a specific form of communication that took place between the secretary, the Ministers and others, which was then amended to include some of the new information that came out this morning. The Hon. Mark Buttigieg's call for papers under Standing Order 52 is returnable within seven days. This call for papers is returnable within 21 days.

The reason for that is, in the wake of what must be one of the most aggressive industrial actions taken by an employer in New South Wales in the past decade, it is appropriate that we, as a House of review, have requisite and minimum levels of information required to properly question transport officials, Ministers and others who may be appearing before budget estimates in a week or two weeks' time. Our responsibility as a House of review certainly extends to budget estimates, but it goes beyond that to look at the wider circumstances that led to the lockout that took place on Monday and the disruption that it caused. In respect to the Government and the public service, my colleague and I felt it was appropriate that we would seek separate orders for papers, so it is possible that the House will get the level of information required for the questioning of Ministers next week. Then we can resume our scrutiny of this aggressive Government's aggressive industrial action.

I note that the Leader of the Government is undertaking his first day of private members' business as the Leader of the Government, and I congratulate him on his position. I hope that the attitude he has displayed so far of unremitting hostility towards scrutiny comes to an end soon and that the opportunities presented by my motion, to which he could happily agree, will put to bed any idea that the Government has anything to hide. Can I say that the Leader of the Government is performing valiantly to defend quite a difficult position. There is a parallel here. The Leader of the Government, in his valiant defence of the actions the Government took on Monday, is starting to resemble the Black Knight of industrial relations. It is just a flesh wound when you put an application before the Fair Work Commission and you lose it. It is just a flesh wound when you lock out thousands of workers who are happy to work today.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): Order! The Hon. Daniel Mookhey will confine his remarks to the terms of the motion.

The Hon. DANIEL MOOKHEY: But I return now to the call for papers under Standing Order 52, Madam Deputy President, as wise advice that you give. Put it this way: If we are to believe everything that the Leader of the Government has said today and yesterday about this then there is absolutely no reason why he should object to the production of these documents, because they should substantiate his position. The extent to which Government members oppose this motion is reflective of the fear that they have that either one of two things are going to be revealed by this call for papers under Standing Order 52. Either this was a premeditated plan to

undertake one of the most aggressive lockouts in New South Wales in the past decade, or it is a stunning act of incompetence by a Government responsible for transporting hundreds of thousands of people. That is what will come through in return to this order for papers under Standing Order 52. I promised not to detain the House too long. I have detained the House long enough. I commend the motion to the House.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (22:25): Unsurprisingly, I might have a bit to say about this. Those opposite could probably already have a look at the documents that are sought if they went and got them from their legal colleagues down at the Fair Work Commission. There were documents filed there. There were documents in support of the application, which demonstrate exactly what occurred and why the action was taken in the Fair Work Commission, and why the action was taken to try to prevent what happened on Monday morning. The application was made to make sure that what happened on Monday did not happen. The Government was not trying to make this happen. The Government was trying to stop it from happening. So who made it happen? It was those who breached an agreement to make the trains run on Monday morning.

Last Saturday night the Government and the union movement came to an agreement so that the trains would run on Monday. One party breached that agreement and walked away from it. To the additional work which they were asked to do, and which they signed up for, they said no, they were not going to do it. So the roster that was set for Monday morning could not be worked to, thereby placing the reliability and safety of the whole train network in danger. They knew it, because the application was predicated on trying to prevent exactly what occurred. To suggest in this place that this was a shutdown caused by the Government is just plain ridiculous.

The Hon. Mark Buttigieg: So why did you withdraw the application?

The Hon. DAMIEN TUDEHOPE: Ask me that in question time if you like.

The Hon. Mark Buttigieg: No.

The Hon. DAMIEN TUDEHOPE: You did not ask me a question today, and do you know why you did not ask me a question today in question time? It was because you knew that what I would have to say about that in question time would expose exactly what took place.

Mr David Shoebridge: Point of order—

The Hon. DAMIEN TUDEHOPE: Can we stop the clock?

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): The Clerk will stop the clock.

Mr David Shoebridge: My point of order is on two bases. Firstly, the member should address the Chair and not point across the Chamber. Secondly, it is 10.28 p.m. and it is Minister Elliott's bedtime.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): I ask that Opposition members who are interjecting and provoking—

The Hon. Mark Buttigieg: Point of order—

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): The Hon. Mark Buttigieg will resume his seat. I am still dealing with the original point of order. I ask that he cease interjecting and provoking the Minister. I ask the Minister not to respond to interjections. The clock is still stopped. Is there a new point of order?

The Hon. Mark Buttigieg: Yes, on the matter of the clock, when I was speaking and there were interjections, the clock kept going. You have stopped the clock for the Minister—

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): In relation to the Hon. Mark Buttigieg's point of order, I was calling members to order. There was no formal point of order before the House. I concede that the clock was not stopped, but the member will note that I asked the Minister to resume his seat very quickly by ruling against his point of order. Other members wanted to speak to the point of order, but I made a fast ruling in the interests of the member's time limit. However, I considered that other members would want to speak to this point of order. The Minister has 36 seconds remaining, so it was pointless to do anything other than to have the clock stopped.

The Hon. DAMIEN TUDEHOPE: The fact that point of order was taken demonstrates that the Opposition does not want to hear what I have got to say, because it does not want to answer—

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): I ask the Minister to not make this more difficult. The Minister will speak only to the point of order.

The Hon. DAMIEN TUDEHOPE: I am sorry, I thought I was resuming.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): No.

The Hon. DAMIEN TUDEHOPE: Madam Deputy President, I thought you had ruled on the point of order. In fact, you invited me to continue, and the 36 seconds that I had have now diminished.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): The Clerk will start the clock.

The Hon. DAMIEN TUDEHOPE: It is clear that they do not want to answer. I seek an extension of one minute.

Leave not granted.

The Hon. DANIEL MOOKHEY (22:30): In reply: I am shocked and disappointed by the opposition of the Leader of the Government to my order for the production of documents. I genuinely held hopes that I would have persuaded him to support it, but he has not been persuaded. In objecting again, he continues to—for want of a better term—gaslight this Parliament and gaslight the public in his description of the events of Monday. Nothing that he said resembles any of the other revelations. The only person who seems to be holding the position that he continues to repeat is himself. Even the Premier and the Minister for Transport have distanced themselves from the narrative that the Leader of the Government is peddling in this debate.

The Minister for Transport and the Premier both substantially walked back their positions from Monday, yet the Leader of the Government persists in peddling the same arguments, which suggests that the confusion inside the Government is worse than we thought, and to be fair we thought it was pretty bad. Again, the fact that the Government is opposing the motion reveals its fear that the order for the production of documents will reveal either a premeditated plan on the Government's part to undertake one of the most aggressive forms of employer actions, a lockout, on the biggest scale any State government has undertaken in the country, or that an act of immense incompetence led to the shutdown of the State's rail network. Either way, we will find out. I commend the motion to the House.

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

Motion agreed to.

RESOURCES FOR REGIONS PROGRAM

Production of Documents: Further Order

Ms ABIGAIL BOYD: I move:

That private members' business item No. 1623 outside the order of precedence be considered in a short form format.

Motion agreed to.

Ms ABIGAIL BOYD (22:32): I seek leave to amend private members' business item No. 1623 outside the order of the precedence standing in my name on the *Notice Paper* for today as follows:

(1) Omit "14 days" and insert instead "21 days".

(2) Omit "Premier", "Department of Premier and Cabinet", "Deputy Premier", "Minister for Regional New South Wales", "Minister for Local Government", "Minister for Transport" and "the Minister for Regional Transport and Roads".

(3) Omit "Department of Transport" and insert instead "Transport for NSW".

(4) Omit "Office of Local Government" and insert instead "Department of Planning and Environment (Office of Local Government)".

(5) Insert "Infrastructure NSW" before "relating to the Resources for Regions".

Leave granted.

Ms ABIGAIL BOYD: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 July 2012, and in electronic form if possible, in the possession, custody or control of the Department of Regional NSW, Department of Planning and Environment (Office of Local Government), Transport for NSW, or Infrastructure NSW, relating to the Resources for Regions program:

(a) all documents relating to the eligibility criteria and official guidelines for each round of the program, including all reports and correspondence;

(b) all documents concerning the assessment and approval process for determining funding allocations, including records of who was responsible for final approval;

(c) all documents relating to all audits of the program, including audits, draft audits, briefs, memorandums or contracts for audits and communications regarding any audit;

(d) all documents relating to the application, assessment or approval of funding, or the reporting of outcomes and acquittal of funds, including:

(i) the applications submitted for each round of funding;

(ii) all correspondence about the assessment, allocation and determination of individual grants including notification of recipients and media; and

(iii) all documents relating to the rejected applications or projects, including email correspondence.

(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 will be brief. This motion is almost identical to an order for the production of documents that was moved last year in November. At that time, the motion referred to the departments that we thought were responsible for the Resources for Regions program, but we received almost zero documents on the basis that those documents had been moved to another department. After speaking with the Deputy Premier's office, I understand that we have now located where these documents should be and the terms of the motion will capture the documents that The Greens are after. I thank the Deputy Premier's office for its cooperation. As a show of good faith, we have extended the period for the return of the documents from 14 to 21 days.

The Hon. TAYLOR MARTIN (22:35): Ms Abigail Boyd wants to divert vital government resources away from delivering important projects in rural and regional communities throughout New South Wales and instead redirect them towards printing and boxing up documents that were dealt with last year. This motion places an unnecessary impost on our hardworking agencies. I will elaborate on why that is. Requesting documents that date back more than a decade for production in just a few weeks will take departmental staff away from their valuable work helping communities across regional New South Wales.

As members on this side know well, the Resources for Regions fund supports the ongoing prosperity of mining communities in regional New South Wales by providing economic opportunities and improved local amenities. Our mining towns make a huge contribution to the New South Wales economy year after year, and we need to recognise that this success often puts extra pressure on local community programs, infrastructure and roads. That is why the Government is continuing to fund this fantastic program. We are listening to the needs of mining communities.

From rounds one to eight of the fund, the Government has delivered 242 projects worth $420 million. For example, last year the member for Upper Hunter announced $1.345 million for the enhancement of the Singleton United Rugby League Football Club clubhouse. This funding will deliver new female amenities and a new function area to boost wellbeing and encourage increased participation in sport in the community. This welcome project will provide a modern sporting facility for Singleton and will encourage the community to come together to enjoy rugby league.

Recently, I joined the Labor mayor of Lake Macquarie City Council, Councillor Kay Fraser, at Rathmines Park, which has benefited from the Resources for Regions program to the tune of $470,000 for a planned skate park and a further $350,000 for car parking nearby. Many Opposition members in this House and in the other place have regional constituencies that have benefited greatly from this fund. All of the 242 projects represent the Government's commitment to providing continued support to mining towns. I cannot wait to see future rounds benefit more communities. I inform the House that in July 2021, the New South Wales Government released the *Future of Gas Statement* to ensure that communities where gas exploration occurs will receive their fair share of this fund. The Government asks the Opposition and The Greens to put the needs of regional communities first by getting on with the job of delivering these important projects and not shuffling through paperwork.

The Hon. MICK VEITCH (22:37): I indicate that the Opposition will support the motion of Ms Abigail Boyd. I will pick up on a couple of things from the Parliamentary Secretary's riveting contribution. During this term of Parliament a number of upper House committees have worked their way through the grants allocation process, and I am a bit cynical about the way funds from some of these programs have been allocated. If there is nothing to hide and if the processes are being followed, why would the Government not provide the documents? The allocation processes that have been followed or that may not have been followed—as Mr David Shoebridge's committee determined in some cases—may well be the problem. If there is nothing to hide in the Resources for Regions program, this call for papers should not be a problem at all.

Ms ABIGAIL BOYD (22:39): In reply: I thank members for their contributions. In debating the motion, we have largely rehashed the arguments put this time last year on exactly the same motion, except for the listed departments. As I said then, of course there is a question mark over many of the Government's grants programs. This Government is plagued by an obsession with keeping things secret. In the case of the Resources for Regions program, if the information had been disclosed on the website, as it was supposed to be, we would never have had to go down the Standing Order 52 route.

But because the information that was supposed to be on the website was not there, and after giving adequate notice and being very reasonable in our negotiations with the Government—had the Government come to The Greens in December and told us that it had moved those documents off to another department and asked us if we would work with it to amend the motion, we would have been open to that. Instead, here we are. Again we have worked with the Government to narrow the motion, but we are absolutely justified in seeking Government accountability over these grants programs. I commend the motion to the House.

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

Motion agreed to.

COVID-19 HEALTH ADVICE

Production of Documents: Order

The Hon. JOHN GRAHAM: I move:

That private members' business item No. 1610 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. JOHN GRAHAM (22:41): 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 edited since 10 October 2021, in the possession, custody or control of the Department of Premier and Cabinet, Ministry of Health, Minister for Health and Medical Research, or Premier relating to advice provided by either the Chief Health Officer or NSW Health, relating to advice on COVID-19 restrictions:

(a) all documents, including briefs and correspondence, containing advice or options, or disclosing details of the same, regarding restrictions or other measures, to contain the outbreak of COVID-19;

(b) all documents containing or disclosing details of options or advice provided by the 12 public health teams to the Chief Medical Officer regarding restrictions or other measures to contain the outbreak of COVID-19; 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.

Again, this motion is similar to an earlier motion under Standing Order 52 agreed to by the House. It refers to the health advice that is presented to the Government. This call for papers seeks to update the previous order. I refer members to my earlier speech for a more lengthy dissertation about what we are seeking. I simply say two things. First, given the events of the past two years, there could not be a more important matter for the House to ask for information about. The Government's reliance on health advice has been fundamental to what has been going on in the lives of our citizens over that time, so it is very important.

I congratulate the Leader of the Government on his first private members' day in his new role. I think he was reasonably agreeable overall, other than during the last item of business. I put this call for papers in context. The Government could not have a more constructive and responsible Opposition on the matter of the health advice. This Opposition has taken the view that it will back the Government when the Government backs the health advice. However, we have also said that it is appropriate for us and the public to know what that health advice is. That has been the balance we have sought. The Opposition has been supportive of the Government and happy to back its calls, not second-guess them. We have been the most responsible Opposition—State or Federal—in the country. I welcome the Government expressing a view on that. With those two observations, I will retire.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (22:43): The Government opposes the motion. NSW Health already publishes a significant amount of information on the COVID-19 pandemic on a regular basis. Weekly COVID-19 surveillance reports include detailed information about the COVID-19 pandemic, including the total number of cases and tests, hospitalisations, intensive care unit admissions and vaccination rates. NSW Health also publicly releases demand and capacity modelling information, with a comparison of COVID-19 ward and intensive care unit hospitalisation prediction scenarios. In addition, the COVID-19 Critical Intelligence Unit publishes a significant amount of information and evidence-based insights, including a risk-monitoring dashboard, daily evidence digest and COVID-19 monitor. The motion is also unreasonable in its scope in that it seeks the following documents created since 10 October 2021 relating to advice provided by the Chief Health Officer or NSW Health about COVID-19 restrictions. The motion states:

(a) all documents, including briefs and correspondence, containing advice or options, or disclosing details of the same, regarding restrictions or other measures, to contain the outbreak of COVID-19;

(b) all documents containing or disclosing details of options or advice provided by the 12 public health teams to the Chief Medical Officer regarding restrictions or other measures to contain the outbreak of COVID-19;

The time incurred by agencies to identify, copy, review, index and produce documents in response to the order for papers will divert resources from other important work of the public service and, in particular, the ongoing and crucial work of the Ministry of Health in responding to the COVID-19 pandemic. Given that those opposite say they are a great Opposition, I would have thought that they understood that the most important thing for our health public servants to be doing at the moment is looking after people in hospital and making sure that the health system is running properly. To conduct this campaign and expect more from our public health servants under these circumstances certainly diminishes any claims they have to be the best Opposition in the country. No Opposition should seek this sort of material in the current times. Rather, it should be saying to healthcare workers, "What a great job you are doing. We back you. We want you to keep doing the work you are doing for the people of New South Wales."

The Hon. JOHN GRAHAM (22:46): In reply: Firstly, I will deal with the issue that the Leader of the Government raised about the scope of the call for papers. The House usually deals with that by the Government indicating to the mover of the motion ahead of time that perhaps the scope is too wide and the net has been cast too broadly. As the mover, there was no such approach from the Government to me. I place that on the record. There would have been the usual discussion had that request been made. I say to the Leader of the Government that it is not too late. If there is a concern in casting the net, the Opposition will deal with that in retrospect and in a constructive manner. But we will not accept that none of this advice is published. We will not accept that we keep secret the advice that has turned people's lives upside down, put businesses out of business, put people out of work and had police choppers overhead as people struggled to cope with the pandemic.

It is reasonable for us to ask to see the public health advice that we have all tried to follow. Frankly, this would have been less of a question under the former Premier than it is under this Premier. That is a question on the public's mind. As a responsible Opposition, we need to satisfy ourselves. Finally, on the claim that perhaps this is the most responsible Opposition in the country, I note that the Minister did not argue the toss. He said that our action here in casting the net too wide might have diminished the claim, but he certainly did not dispute it. I welcome his constructive approach on the question. This Opposition, the most responsible in the country, stands ready to work with him on the precise scope of this call for papers. But we insist that the public know what is in that public health advice.

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

The House divided.

Ayes 20
Noes 13
Majority.....7

AYES

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

NOES

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

PAIRS

Donnelly	Fang
Houssos	Poulos

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. SCOTT FARLOW: On behalf of Mr Justin Field: I move:

That private members' business item No. 1634 outside the order of precedence be postponed until the next sitting day.

Motion agreed to.

Documents

ANIMAL WELFARE REFORM – ISSUES PAPER

Production of Documents: Order

The Hon. ROBERT BORSAK: I move:

That private members' business item No. 1331 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. ROBERT BORSAK (23:00): 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 submissions to the New South Wales Animal Welfare Reform – Issues Paper of February 2020 in the possession, custody or control of the Department of Agriculture and Western Sydney and any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

The Animal Welfare Action Plan released in 2018 set out the list of goals to reform and modernise the policy and legislative framework surrounding animal welfare. From this action plan stemmed multiple policy reform papers outlining the direction in which the Government was headed in the animal welfare space. Two of those policy papers, the *NSW Animal Welfare Reform – Issues Paper* and the *NSW Animal Welfare Reform Discussion Paper* sought public feedback. This would be the community consultation process that would eventually lead to the draft bill. These processes are nothing new to governments wishing to reform. However, the processes should be transparent, and generally they are.

The Department of Primary Industries website on the draft Animal Welfare Bill states that 6,000 submissions were received in two rounds of consultation, with around 480 received through the *NSW Animal Welfare Reform Discussion Paper* and the remaining received through the issues paper. Submissions should be available publicly so that the community and those who represent the community who are not in the Government can judge for themselves if due process has been followed and if the subsequent reform is reflective of community expectations. The Standing Order 52 application seeks those submissions. The draft bill is not reflective of community expectations. It shows a clear shift away from animal welfare towards animal rights and is certainly not what farmers, breeders, hunters or fishers would expect to see in the animal welfare space.

The Hon. TAYLOR MARTIN (23:02): The Government opposes the motion. Not only does the motion divert important resources away from undertaking the critically important work of reforming animal welfare laws in New South Wales but also it fails to recognise the commitment to transparency in consultation embodied in the Government's reform process. The New South Wales Government is modernising the animal welfare policy legislative framework. The existing framework is over 40 years old and is being reformed to reflect the latest science and community expectations. This process has been underpinned by consultation with the community every step of the way.

From 3 August 2021 to 17 September 2021 the *NSW Animal Welfare Reform Discussion Paper* was published, seeking community feedback. The discussion paper provided an outline of proposed changes to the laws, explained their intended effect, sought feedback on the proposed changes, and provided the opportunity for the community to have its say on the shape of the new animal welfare laws. The New South Wales Government has published the draft Animal Welfare Bill 2022, which aims to streamline the laws to make them easier to understand and follow. The draft bill sets out an improved approach to penalties, building on the amendments made by the Prevention of Cruelty to Animals Amendment Act 2021 to establish a consistent penalties framework that provides a clear escalation as the severity of offending increases.

The draft bill also ensures that the new laws are fit for purpose for everyone who works with animals by providing certainty to people undertaking normal, lawful activities involving animals—like fishing and hunting—that these activities are not cruel when they are performed appropriately. These are only some examples. The draft bill has been developed based on around 6,000 responses from the New South Wales community received over two rounds of public consultation.

The draft bill is now being considered by the Standing Committee on State Development as part of its inquiry into animal welfare policy in New South Wales. This provides another opportunity for the community to have its say. As we continue to work with the community and key stakeholders, this Government will ensure that New South Wales animal welfare legislation keeps pace with the latest animal welfare science, community expectations, industry practices and technology. It is for these reasons that the Government opposes this motion.

The Hon. MICK VEITCH (23:05): Members would be aware that there are currently a number of upper House inquiries in this space. The submissions sought by the motion before the House would actually assist the members of those committees in that work. I suggest the motion is worthy of support.

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

The House divided.

Ayes 20
Noes 13
Majority.....7

AYES

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

NOES

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

PAIRS

Donnelly	Fang
Houssos	Poulos

Motion agreed to.

ANIMAL RESEARCH

Production of Documents: Further Order

The Hon. EMMA HURST: I move:

That private members' business item No. 1626 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. EMMA HURST (23:16): 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 12 May 2021 in the possession, custody or control of Regional NSW or the Minister for Agriculture, and Minister for Western New South Wales relating to animals used in research:

(a) all documents, including correspondence and complaints, relating to welfare concerns about animals being used in research in New South Wales, received or investigated by the Department of Primary Industries [DPI] or Animal Research Review Panel [ARRP];

(b) all documents recording actions taken by DPI or ARRP in response to welfare concerns about animals being used in research in New South Wales, including documents recording the investigation and determination of the issue;

(c) all documents relating to swimming procedures, including forced swim tests, Morris water maze tests and endurance swimming;

(d) all documents relating to smoke inhalation experiments, including smoking mice experiments; 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.

Last year the House passed a call for papers seeking complaints made to the Animal Research Review Panel [ARRP] in respect of animal experiments occurring in New South Wales. The call for papers revealed that truly shocking animal research experiments are occurring in our State behind closed doors. It also revealed that the Animal Research Review Panel is taking a closer look at two particularly controversial types of experiments that cause significant animal cruelty. The first is forced swim tests, also known as near-drowning experiments, where animals are dropped into beakers filled with water and are timed to see how long they frantically swim and try to survive. The validity of those cruel experiments has come under scrutiny from the research community, and that has led ARRP to undertake consultation to determine how commonly they are occurring in New South Wales.

The second is known as a smoking experiment, in which an animal is forced into a tiny plastic tube so that cigarette smoke can be pumped directly into its nostrils. Many animals die of asphyxiation or experience hypothermia during the experiment. If they survive the repeated smoke inhalation, their bodies will often be opened up to see the impact on their organs. The motion calls for documents that relate to smoke inhalation and swimming procedures for a period of nine months, from May 2021 to the present. As I have said previously in this House, there is a serious lack of transparency and oversight in the animal experimentation industry. Despite many of those experiments being funded by taxpayer dollars, the industry is shrouded in secrecy with very little information disclosed to the public. That is why calls for papers such as this are so important. They shed light on the industry and what is going on behind closed doors. The Government will move an amendment to the call for papers motion, which I do no oppose. I urge all members to support the motion.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (23:18): The Government will not oppose the motion, but an agreement has been reached on an amendment to the motion. I move that the motion be amended as follows:

(1) Omit paragraphs (a) and (b).

(2) Insert in paragraphs (c) and (d) "including correspondence" after "all documents".

On that basis, the Government will not oppose the motion.

The Hon. MICK VEITCH (23:18): Following that compelling contribution from the Leader of the Government in this place, Labor will support the amendment and the motion as amended.

The PRESIDENT: The Hon. Emma Hurst 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.

GOVERNMENT GRANTS

Production of Documents: Order

The Hon. JOHN GRAHAM: I move:

That private members' business item No. 1609 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. JOHN GRAHAM (23:20): 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 Department of Planning and Environment, the Department of Enterprise, Investment and Trade, the Department of Premier and Cabinet, Treasury, the Department of Regional NSW, Liquor and Gaming NSW, Create NSW, the Department of Communities and Justice (Office of Sport), Premier, Deputy Premier, Minister for Regional New South Wales, and Minister for Police, Minister for Customer Service and Digital Government, Treasurer, and Minister for Energy, Minister for Lands and Water, and Minister for Hospitality and Racing, and Minister for Enterprise, Investment and Trade, Minister for Tourism and Sport, and Minister for Western Sydney, relating to miscellaneous grants or related matters:

(a) for the ClubGrants Category 3 Fund, the following documents, created since 1 January 2013:

(i) all documents concerning the final approval paperwork;

(ii) all declarations of conflicts of interest, including all related documents; and

(iii) all correspondence and briefings, including incoming ministerial briefs, relating to variations to recommendations of funding approvals.

(b) for the Connecting Country Communities Fund, the following documents, created since 1 July 2016:

(i) all documents concerning the final approval paperwork;

(ii) all declarations of conflicts of interest, including all related documents; and

(iii) all correspondence and briefings, including incoming ministerial briefs, relating to variations to recommendations of funding approvals.

(c) for the Crown Reserves Improvement Fund, the following documents, created since 1 July 2011:

(i) all documents concerning the final approval paperwork;

(ii) all declarations of conflicts of interest, including all related documents; and

(iii) all correspondence and briefings, including incoming ministerial briefs, relating to variations to recommendations of funding approvals.

(d) for the Greater Sydney Crown Land Open Spaces Activation Program, the following documents, created since 1 July 2019:

(i) all correspondence and briefings related to the creation of the Greater Sydney Crown Land Open Spaces Activation Program;

(ii) all documents concerning the final approval paperwork;

(iii) all declarations of conflicts of interest, including all related documents; and

(iv) all correspondence and briefings, including incoming ministerial briefs, relating to variations to recommendations of funding approvals.

(e) for the Showground Stimulus Funding Program, the following documents, created since 1 July 2019:

(i) all correspondence and briefings related to the creation of the Showground Stimulus Funding Program;

(ii) all documents concerning the final approval paperwork;

(iii) all declarations of conflicts of interest, including all related documents; and

(iv) all correspondence and briefings, including incoming ministerial briefs, relating to variations to recommendations of funding approvals.

(f) for the Crown Land Manager Recovery Support Program, the following documents, created since 1 July 2019:

(i) all correspondence and briefings related to the creation of the Crown Land Manager Recovery Support Program;

(ii) all documents concerning the final approval paperwork;

(iii) all declarations of conflicts of interest, including all related documents; and

(iv) all correspondence and briefings, including incoming ministerial briefs, relating to variations to recommendations of funding approvals.

(g) for the Regional Job Creation Fund, the following documents, created since 1 January 2021:

(i) all documents concerning the final approval paperwork;

(ii) all declarations of conflicts of interest, including all related documents; and

(iii) all correspondence and briefings, including incoming ministerial briefs, relating to variations to recommendations of funding approvals.

(h) for the Regional Sport Facility Fund, the following documents, created since 1 July 2019:

(i) all documents concerning the final approval paperwork;

(ii) all declarations of conflicts of interest, including all related documents; and

(iii) all correspondence and briefings, including incoming ministerial briefs, relating to variations to recommendations of funding approvals.

(i) 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 call for papers relating to a series of grants given by the Government. I report to the House that the grants inquiry will deliver its report very shortly, as early as tomorrow. That will be the final report of the grants inquiry because the Government has upheld its response to many of the calls of that first, quite serious look at the problems in the administration of the grants processes. I thank the Leader of the Government for the clarification he made to the House tonight while speaking on another item, saying that he takes the obligation to report and respond to the second report seriously. That is very welcome, and we are looking forward to coming back with a set of views about some of the structural suggestions that have been made to change how grants are given.

The Government's opportunity will start this week when that inquiry report drops. It is then in a position to respond and plug some of the gaps. Without changes occurring—and there have been no changes to date—there are still major loopholes and problems, as significant amounts of money, far more than was allocated by the previous government, go out the door. There are more grants going out across government. They are increasingly

used, particularly in regional New South Wales, as a mechanism for government funding. Not a single change has occurred.

The Hon. Mark Latham: Where's the review?

The Hon. JOHN GRAHAM: The review is due in April, and we are waiting to hear that. It will obviously shape the Government's response. As we stand here today, there has been no change to the administration of grants. They do not have to reverse all of the problems we had—I will not do that to the Government—but, while that is the case, the Opposition will continue to request the details of those grants. That is simply what we do today, and the work will continue. We have slimmed down what we are looking for. We are not focusing on a broad call for papers but on the specific areas of the grants programs that have caused problems. I commend the motion to the House.

The Hon. SCOTT FARLOW (22:23): The Government opposes the motion. There is no enthusiastic support for it. We have a responsible Opposition in this State: It is responsible for adding to the workload of public servants time and time again when it comes to calls for papers under Standing Order 52. The Hon. John Graham has outlined all the processes that have gone into looking at the grants. Of course, the Public Accountability Committee handed down not just one report but two reports. Another report on the matter is coming tomorrow.

The Hon. John Graham also reflected on the review being conducted by the Productivity Commissioner, Peter Achterstraat, which the Premier announced on 3 November last year. That is the Department of Premier and Cabinet, in partnership with the Productivity Commissioner. It is looking at all grant procedures and systems across New South Wales, including an update to the 2010 *Good Practice Guide to Grants Administration*. The Hon. John Graham is well aware of that work because Mr Peter Achterstraat has made himself available to the Public Accountability Committee to discuss that process and his report.

The Hon. John Graham: Twice.

The Hon. SCOTT FARLOW: Yes, on two occasions, one last year and one this year. He is taking feedback from members in order to produce his report, so he is consulting across the Parliament. The purpose of the review is to deliver value for money for New South Wales taxpayers by ensuring that the administration, assessment and assurance of grants programs in New South Wales are in line with best practice. The objectives of that review are:

To ensure that all grants programs administered by the NSW Government:

- deliver value for public money in achieving their stated purpose or purposes;
- are robust in their planning and design;
- adopt key principles of transparency, accountability and probity; and
- deliver a high-quality customer experience.

The *Good Practice Guide to Grants Administration* reflects the recommendations of the Auditor-General's performance audit on grants administration handed down in May 2009, and the *Non-Government Organisation Red Tape Reduction* report of December 2009. It is attached to the DPP circular C2010-16, and was developed to assist New South Wales government grant-giving departments to apply consistent practices for grants programs. We have already discussed the work of the Public Accountability Committee and its report to be handed down tomorrow, which I am sure will make for interesting reading for all members of this Chamber.

The terms of reference for the review of grants administration in New South Wales provide that the review will have regard to recommendations made in the parliamentary integrity and oversight bodies, and any recommendations of the committee to the Auditor-General in relation to those matters will be considered as part of the review. This House has moved 11 previous orders for papers concerning grants funding programs, which have resulted in enormous volumes of material being produced that likely have not even been read. That is why the Government opposes the motion.

The Hon. JOHN GRAHAM (23:26): In reply: I respond to just two points raised by the Government Whip. The first was that the *Good Practice Guide to Grants Administration* and the May 2009 report that he referred to were conducted by the then Auditor-General Peter Achterstraat. I welcome him returning to the fray on this question with the wisdom of those many years of experience. He conducted a study then of grants administration in that period of government. It was a stunning conclusion. He looked at whether grants were being skewed for Government and Opposition electorates and whether that practice was continuing. When he looked at grants administration at that time, he concluded that almost none of that was occurring. A small amount of money, I think about 12 per cent of Government administration at that time, was occurring in what he defined as grants. But he found none of the skew that we see now.

It is a particularly important report and I draw members' attention to it. I note the concerns of the Government Whip, and it is for that reason that we have restricted what we are asking for in each of the grants programs. I again place that on record. We are insisting because with all of that activity and effort, not a single extra check or balance is in place after the grants rorts happened under the former administration of this Government. As a member of this Chamber, I do not think any of us should be walking down 52 Martin Place having to cock our ears to see whether we can hear the sound of shredders from upstairs. The concern is that no more checks or balances are in place than there were when those events occurred. Until that happens, we will continue to pursue these matters.

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

The House divided.

Ayes 20
Noes 13
Majority.....7

AYES

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

NOES

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

PAIRS

Donnelly	Fang
Houssos	Poulos

Motion agreed to.

RAPID ANTIGEN TESTS

Production of Documents: Order

The Hon. DANIEL MOOKHEY: On behalf of the Hon. Courtney Houssos: I move:

That private members' business item No. 1643 outside the order of precedence be considered in a short form format.

The Hon. DANIEL MOOKHEY (23:38): On behalf of the Hon. Courtney Houssos: I seek leave to amend private members' business item No. 1643 outside the order of precedence as follows:

(1) Omit "28 days" and insert instead "35 days".

(2) Insert ", the Treasurer and Minister for Energy, Treasury" after "Department of Education".

Leave granted.

The Hon. DANIEL MOOKHEY: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 35 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 Premier, Department of Premier and Cabinet, Minister for Education and Early Learning, Department of Education, the Treasurer, and Minister for Energy, Treasury, Minister for Health and Medical Research or the Ministry of Health relating to procuring rapid antigen tests for COVID-19 and their use in schools and hospitals:

(a) all reports, briefings, memoranda, emails, email attachments and correspondence between the New South Wales Government and any part of the Federal Government, relating to procuring rapid antigen tests for COVID-19;

(b) all reports, briefings, memoranda, emails, email attachments and correspondence between the New South Wales Government and any part of the Federal Government relating to the use of rapid antigen tests in New South Wales schools and hospitals;

(c) any emails, email attachments, correspondence and drafted answers relating to questions on notice Nos 8,112, 8,109 and 8,106;

(d) the contract details of any rapid antigen test purchases, including amount, cost, provider and location of manufacturer; 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.

As tempted as I am to do my best impersonation of the Hon. Courtney Houssos, I will avoid that. I accede to the will of the House in that respect. This is an important motion under Standing Order 52. It is to do with an issue that created great concern in New South Wales, and that is about how we were procuring rapid antigen tests. The motion seeks all reports, briefings, memoranda, emails, email attachments and correspondence between the New South Wales Government and any part of the Federal Government relating to the use of rapid antigen tests in New South Wales schools and hospitals, which I am sure the House has a great interest in. Personally, I have a great interest in the contract details of any rapid antigen tests purchases.

The PRESIDENT: Order! I am having trouble hearing the member. The microphone is a little quiet. Members will keep the background noise to a minimum.

The Hon. DANIEL MOOKHEY: My interest includes the amount, cost, provider and location of manufacturer. I am sure all of the motion is important, but subparagraph (d) is particularly pertinent. It is the case that, as a result of a failure of multiple governments, both Federal and State, the State Government and other governments were in the market, desperately trying to procure rapid antigen tests. Of course, it was important that the State had a supply, that the supply was adequately distributed and that everywhere from our schools to our hospitals had access to a steady supply of rapid antigen tests. But how the State did that, whether we got value for money, whether we inadvertently bid up the price and whether we caused one part of government to bid against another part of government still requires scrutiny by this House. That is especially so if there is any concern around the efficacy of the purchase and whether it complied with New South Wales Government procurement rules and procurement standards, which is the responsibility of the finance Minister at least insofar as he is responsible for procurement. Those are the reasons why the Hon. Courtney Houssos has moved the motion, and they are the reasons why the House ought to pass it.

Rapid antigen tests are necessary for our society to function right now. There is a very good chance that the Government will have to stay in this particular market and continue to purchase. How well it purchases affects the State's bottom line. Over the course of the summer, it came to light that two years ago, when the State went to buy masks—again for the very best of reasons—it bought the wrong ones. It bought masks that were not approved by the Therapeutic Goods Administration. We are not talking about a small amount of them. Some $259 million worth of personal protective equipment [PPE] purchased at that time never met requirements to enable it to be used in a New South Wales hospital, which is remarkable to find out. Equally, since that purchase, $759 million worth of PPE equipment in general has been found to be impaired. It is a huge amount of money that we have lost. Almost half the emergency appropriation to manage the COVID pandemic in that year was frittered away by bad procurement. So, when it comes to something like rapid antigen tests, it is not a small issue. It is a big issue. Therefore, the House should scrutinise it. I commend the motion to the House.

The Hon. SCOTT FARLOW (23:43): After that moving contribution by the Hon. Daniel Mookhey doing his best impersonation of the Hon. Courtney Houssos, the Government is so moved as to not oppose the motion.

The Hon. DANIEL MOOKHEY (23:43): On behalf of the Hon. Courtney Houssos: In reply: Thank you.

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

Motion agreed to.

Motions

SURF LIFE SAVING NSW AWARDS OF EXCELLENCE

The Hon. TAYLOR MARTIN: I move:

That private members' business item No. 1362 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. TAYLOR MARTIN (23:44): I move:

(1) That this House notes that:

(a) on 28 August 2021, the 2021 Surf Life Saving NSW Awards of Excellence were held;

(b) the awards were presented online due to the COVID-19 pandemic restrictions;

(c) the awards recognise members of the 129 Surf Life Saving clubs and support operations that have excelled in junior development, surf lifesaving, education, surf sports and support operations; and

(d) the following awards were presented:

(i) Trainer of the Year: Tim Pittolo, Terrigal SLSC;

(ii) Assessor of the Year: Phillip Carter, Maroubra SLSC;

(iii) Facilitator of the Year: Doug Hawkins, Coogee SLSC;

(iv) Community Education Program of the Year: Welcome to the Beach Program, Cooks Hill SLSC;

(v) Administrator of the Year: Ian Latham, Wauchope-Bonny Hills SLSC;

(vi) Youth Volunteer of the Year: Imogen Barham, Clovelly SLSC;

(vii) Services Team of the Year: Maroon & White Silver Salties, Wollongong City SLSC;

(viii) Innovation of the Year: Learn to Surf Program, Sandon Point SLSC;

(ix) Official of the Year: Ken Sellers, The Entrance SLSC;

(x) Coach of the Year: Mick Lang, Tacking Point SLSC;

(xi) Surf Sports Team of the Year: Open 6 Person R&R, Freshwater SLSC;

(xii) Youth Athlete of the Year: Dominique Melbourn, North Curl SLSC;

(xiii) Masters Athlete of the Year: Scott Thomson, North Bondi SLSC;

(xiv) Athlete of the Year: Ali Najem, Wanda SLSC;

(xv) Lifeguard of the Year: Amber Whipple, Byron;

(xvi) Youth Surf Lifesaver of the Year: Liam Drake, Ocean Beach SLSC;

(xvii) Patrol Captain of the Year: Michael Pontefract, Evans Head Casino SLSC;

(xviii) Support Operations Member of the Year: Garry Meredith, Evans Head Casino SLSC;

(xix) Rescue of the Year: The Lakes SLSC, Central Coast;

(xx) Presidents Medal: Darren Moore, Ocean Beach SLSC;

(xxi) Branch of the Year: Sydney Branch;

(xxii) Club of the Year: Helensburgh-Stanwell Park SLSC;

(xxiii) Volunteer of the Year: Harold Marshall, Umina SLSC; and

(xxiv) Surf Lifesaver of the Year: Paul Sharpe, Umina SLSC.

(2) That this House congratulates:

(a) award recipients for their dedication and commitment to the community and the safety of New South Wales' beaches; and

(b) Surf Life Saving NSW, its 75,000 members, and Surf Life Saving clubs for a successful 2020-21 season.

On 28 August 2021 Surf Life Saving NSW held its annual Awards of Excellence. The awards recognise the valuable contributions made by members, clubs and branches to keeping the public safe on New South Wales beaches and celebrate our most outstanding surf lifesavers, administrators, educators and athletes. I will highlight the contributions of some of the award winners. The Trainer of the Year was Tim Pittolo from my surf club, Terrigal. I am pleased to call Tim a friend. During this season, Tim volunteered in excess of 1,000 hours to educate lifesavers and helped 102 club members complete their surf rescue certificate and bronze medallions, as well as helping 52 members from neighbouring clubs that were short on trainers. The Community Education Program of the Year was the Welcome to the Beach Program run by Cooks Hill Surf Life Saving Club [SLSC] in the Hunter. The program assists immigrants and refugees, many of whom have never even stepped onto a beach before, to visit the beach safely. All safety aspects are covered, from entering the water to identifying individuals such as surf lifesavers and council lifeguards.

The Official of the Year was Ken Sellers from The Entrance SLSC. Ken officiated a variety of events at branch, State and national carnivals during the season and took on the role of officials mentor. Ken's professionalism in officiating spans across all surf lifesaving disciplines, and he did that in addition to completing 200 patrol hours at The Entrance Beach. The Youth Surf Lifesaver of the Year was Liam Drake from Ocean Beach SLSC on the Central Coast. It would take me some time to go through all the roles that Liam took on this past year; however, at his club he holds a variety of positions including water safety coordinator as part of the junior

activities committee, radio and communications officer on the board of lifesaving, and patrol vice-captain. Liam is also part of the club education team as a probationary trainer, having helped train two Bronze Medallion courses this season.

Rescue of the Year was awarded to a group of surf lifesavers from The Lakes SLSC on the Central Coast. On Friday 27 November 2020 at 6.30 p.m., 14-year-old nipper Ben McCulkin, who had only just recently completed his surf rescue certificate, was going for a swim at Soldiers Beach when he noticed a group of people caught in a fast-moving rip that was sweeping them out to sea. It was outside normal lifeguard patrol hours, so Ben raced down the beach to assist. The group, who were aged between 12 and 15, were shouting for help and struggling in the three-foot swell. The rip was pulling them out into deep water and close to rocks. Ben had no rescue equipment available. Nonetheless, he swam out and assisted three of the group back to the beach before swimming back out to help another four people.

Brayden Hawkins and Johnny Walker from The Lakes surf club made their way to the rocks to help several members of the group who had been washed up onto the rock platform. Meanwhile, another member of the club, Dave Solman, had a board and paddled out to assist four other swimmers in distress. Miraculously, he managed to return all four safely to shore. Still, there were two more people who had been swept more than 150 metres from the shore. Ben, for the third time, and Dave, for the second time, returned to the surf to rescue them and once again brought them safely back to shore. I congratulate and thank Ben, Brayden, Johnny and Dave on their swift action to rescue 18 people in total that day, no doubt saving lives in the process.

Volunteer of the Year was Harold Marshall from Umina SLSC. Harold has been a passionate and committed volunteer at Umina for 12 years. He has a 100 per cent patrol attendance rate for the past six years, which is a very difficult feat. Harold is best known for his social media presence and his skill at being an emcee. Surf Lifesaver of the Year was Paul Sharpe, also from Umina SLSC. Paul is the director of lifesaving at Umina. Over the past year he has patrolled for 242 hours on the beach. In addition to being a patrol captain at Umina, Paul has also volunteered at The Entrance Surf Club. He identified the lack of young people and women in surf lifesaving leadership roles, and has made it his mission to increase gender and age equity across patrols. He actively identifies potential and mentors people to become leaders in the organisation. Unfortunately, I do not have time to go into detail about every award winner. I thank the House for allowing me to move this motion to recognise each of them. I commend the motion to the House.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (23:50): I thank the Hon. Taylor Martin for moving this motion because the Surf Life Saving NSW Awards of Excellence are important. Surf lifesaving clubs are the beating heart of our communities, especially for the thousands of volunteer surf lifesavers who selflessly and diligently patrol our beaches. That is why, as the former sports Minister, I announced funding of $4 million under the Surf Club Facility Program to increase the standard and quality of the clubs for the benefit of their members and the wider community throughout New South Wales. The provision of fit-for-purpose facilities is vital for our volunteer surf lifesavers to help them continue to undertake their important work. These facilities also ensure that essential surf rescue equipment is correctly stored and readily available in the event of an emergency.

In 2021 surf lifesavers and lifeguards rescued 3,768 people, treated 11,784 people for injuries or medical complaints, and performed 705,898 preventative actions. In addition, the Surf Emergency Response System responded to 783 activations, which resulted in 246 lives being saved. I was so pleased that my second ever press conference as sports Minister, as I was shaking in my bare feet, was on a magnificent day at Warriewood Surf Life Saving Club. There is nothing better than standing on a beach announcing funding for wonderful clubs like that.

Surf lifesaving clubs across New South Wales will benefit from the budget announcement that included $16 million in funding for the Surf Club Facility Program over four years. That is a total of $32 million that has been allocated exclusively to New South Wales surf lifesaving clubs under this grant program. There are 129 surf lifesaving clubs across New South Wales, and this continued significant investment will fund major upgrades to those important clubs. For the more than 75,000 members, including around 30,000 nippers, volunteering in surf lifesaving provides skills for life, health, social inclusion and intergenerational interaction. There is nothing like getting some sand between your toes to get you grounded. I particularly mention my staff member Sarah Durham, who is currently undertaking her Bronze Medallion course. Go, Sarah! All power to her for going out there and getting that done. I thank all the volunteers, from the nippers to the patrol captains to the competitive teams, from every surf club across New South Wales—those iconic, inclusive, healthy places where good is done. I thank them for their service.

The Hon. JOHN GRAHAM (23:52): I speak for the Opposition on this motion. I thank the member for moving it forward again and I encourage his enthusiasm.

The Hon. Bronnie Taylor: Persistence pays off.

The Hon. JOHN GRAHAM: I was pleased the first time. I think there is something to say for the persistence with which he has moved these motions. I thank him for that, and particularly for some of the stories he has told. We have heard both the stories and statistics about what has being going on over this past year on the surf lifesaving front. I speak for the Opposition in recognising the awards for the 129 surf lifesaving clubs and their 75,000 volunteers. The situation that those clubs have been facing recently is quite different to the last time we debated this in the House. At that time we were in the middle of COVID, which had a really significant impact on the clubs. Gatherings were smaller, a lot of nippers intakes had been reduced and the social gatherings that these clubs rely on for their volunteers to work together were extremely restricted.

Our beaches have been a key way for people to cope with COVID. People are back on the beach and a lot of events are starting back up again. It has been a much more optimistic time for beaches and surf clubs as they go on doing their work keeping people safe. It is a pleasure to reflect on those things. Over the course of this summer I have seen more of our beaches than usual. Like many citizens, being restricted to local travel I have hit many of the beaches up and down the North Coast of New South Wales, and a few on the South Coast also. I was reminded of just how beautiful those South Coast beaches are. I thank all the clubs and volunteers, and commend the motion to the House.

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (23:54): It is a highlight for me every time my friend the Hon. Taylor Martin introduces a motion in this Chamber to acknowledge Surf Life Saving Awards of Excellence, and today is no exception. I am delighted to join other members in this place to speak in passionate support of surf lifesavers across the State and the extraordinary work they do at the coalface to keep our community safe. Since surf lifesaving began in Australia in 1907 in Sydney, this honourable volunteer work has spread up and down the coasts of New South Wales. The Surf Life Saving Awards of Excellence acknowledge just how hard surf lifesavers work to keep us safe in and around the water.

I congratulate each and every award recipient named in the motion, but as a proud resident of the far North Coast of New South Wales I draw particular attention to three award winners. Amber Whipple of Byron Bay and Michael Pontefract and Garry Meredith of Evans Head-Casino have represented the Northern Rivers outstandingly in this year's awards. I am delighted to recognise the three of them in Parliament today. At only 23 years of age, Amber took out the prestigious Lifeguard of the Year Award and is leading the way for other young women and men to follow in her footsteps. As Minister for Regional Youth, I am particularly proud of Amber. She is a genuine leader and incredibly well respected in my local community. Amber tore her Achilles last year, and I trust she recovered and was able to rejoin her fellow lifeguards on the beach in 2022.

I am also proud that the Evans Head-Casino branch has taken out two of the top awards. Michael Pontefract won Patrol Captain of the Year and Garry Meredith won Support Operations Member of the Year. I know Garry personally. He is an extraordinary community leader and an outstanding public servant. He was also a first responder to some of the most difficult incidents we have had on the North Coast of New South Wales. Michael and Garry are both incredibly dedicated surf lifesavers and community members, and are well known throughout the region. Between them, they have given decades to surf lifesaving and their recognition through these awards is well and truly deserved.

I acknowledge the following local clubs who had representatives in the finals for the 2021 awards: Cudgen Headland, Cabarita Beach, Lennox Head, Ballina Lighthouse & Lismore, Fingal Rovers, Far North Coast and Byron Bay. I thank all the NSW Surf Life Saving clubs for all their work over the past season. I also acknowledge the 25 new lifeguards who have been on patrol on the far North Coast beaches this summer and thank them for their service.

The Hon. DANIEL MOOKHEY (23:57): I commend the motion to the House and congratulate the Hon. Taylor Martin for moving it. Dare I say, in my life I have had little to do with surf lifesaving, but recently I have come to appreciate it for two reasons. First, my son has taken an interest in it and is seeking to join a nippers club in order to develop beach skills. He harbours fantasies of one day starring in *Baywatch*, which he has seen, ironically, with his uncle. As a result, he has developed an interest in the ocean. As a person who did not grow up with a familiarity with surf life saving clubs, I did not know much about what they do. But I am currently in the process of immersing myself and coming to understand the local scene. Therefore, I acknowledge that this is a volunteer movement that keeps many people safe across our State and country.

Secondly, I come from a subcontinental background. In the community in which I grew up, it was not common for people to learn to swim. In the country from which my parents migrated, it is not at all universal that people learn how to swim. A lot of migrants and children of migrants depend on surf lifesavers to volunteer on

beaches in order to keep them safe. We should acknowledge that and the swimming instruction they provide for people who are new to this country and in need of that form of training.

I also acknowledge the surf lifesaving community at Little Bay, which is dealing with the aftermath of quite a tragic event that took place last week. It has affected the club and the beach community. That particular trauma is unpredictable, but it has a wideranging effect. I note that last week the surf lifesaving club of that community honoured the person who lost their life in such tragic circumstances, as did the faith community in Little Bay and the wider Maroubra area. It is appropriate to acknowledge them in a debate like this. That is my view on surf lifesaving.

The Hon. TAYLOR MARTIN (00:00): In reply: I thank all honourable members who spoke on the motion. I thank them again for indulging all of us and for their contributions—the Hon. Natalie Ward, the Hon. John Graham, the Hon. Ben Franklin and the Hon. Daniel Mookhey. I thank all the volunteers throughout New South Wales who volunteer their time and will do the same as we wrap up this season over the coming weekends.

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.

BALLINA SHIRE ANNUAL AUSTRALIA DAY CEREMONY

The Hon. CATHERINE CUSACK (00:01): Earlier today the House unanimously agreed to my motion congratulating Ballina Shire Council on a happy and successful Australia Day citizenship and awards ceremony. I continue those remarks by highlighting some award winners whose stories epitomise the values of our community. The citizen of the year, Maria Mattes, received a citation from council. It said:

> Maria has been a threatened species ecologist for more than 30 years, with a particular interest in koalas, ecological communities including koala habitat and fire ecology, recovery planning and education. In 2016 she became a koala rescuer with Friends of the Koala. Ever since she has been on call, day and night, to conduct welfare checks and to capture sick or injured koalas and transport them to the Koala Hospital in Lismore.

Maria has had the courage to give up material pursuits to follow her passions, give to others and make positive changes in her community. Her tireless dedication to protecting Ballina's koala population and promoting awareness of their significance is truly inspirational. Maria shows outstanding courage as a koala rescuer for Ballina shire. It is not easy to rescue a koala that has been hit by a car or attacked by a dog, and to care and then follow their journey never knowing whether this will be a lucky koala with a happy rehabilitation story. All of our koala volunteers and rescuers do that. They are extraordinary people. On a personal note, I thank Maria for her kindness and support during my own koala tribulations. I try to represent the values of my community, which can be a tough task at times in a diverse Parliament. To those on the North Coast like Maria who have my back, I say thank you. The recognition that Maria received on Australia Day was deserved on many levels, but it also brought me a lot of joy on a personal level.

I am not sure if every council has a community event of the year award, but I thoroughly recommend it. Going through the nominations for different events was an absolute eye opener, particularly from volunteer groups organising events in the community. It is a fabulous category. This year the award was jointly won by the COVID crisis meal centre. Four voluntary organisations were recognised—Ballina Hot Meal Centre, Cherry Street Sports Club, Rotary Club of Ballina-on-Richmond and Ballina Masonic Centre. I read the citation:

> It is not often that four major community service organisations in a town work together to provide a vital service in a time of crisis, but when our community was plunged into another COVID lockdown last year many people found themselves in need.

The service operated seven days a week. It provided takeaway meals, toiletry packs and donated food and clothing items to the homeless, financially disadvantaged, elderly and families who had lost their source of income. The service was the only crisis meal service in Ballina operating during the lockdown, and I thank those clubs. I note they were providing up to 300 meals a day. The Ballina Sports Club donated over $20,000 of food for that service, which, in a community the size of Ballina, highlights that the need during that COVID lockdown was so great. I am so thankful that it was met in my town, in a very non-judgmental way.

I want to quickly mention the Ballina shire curbside garbage collectors who won the environmental award this year. They were nominated by members of our community for doing "an amazing job". Many residents sing their praises. I personally add my own thanks to them. A team of six full-time and five fill-in drivers work hard every day to complete the bin collection routes efficiently and to a high standard. One truck empties up to 1,200 bins a day, and together council's fleet of six waste trucks collect up to 4,000 bins a day or over one million bins each year. I want to congratulate those men and thank them. What a wonderful group to give that award to.

KIDS-ON-WHEELS ALLIANCE FUNDRAISER

The Hon. SHAOQUETT MOSELMANE (00:06): As chair of Kids-on-Wheels Alliance Incorporated I was honoured by the support I received from the Australian-Pakistani community in raising funds for Pakistani children with disabilities at a communities dinner held last Monday, 21 February. It was a successful dinner attended by around 150 guests, community leaders and distinguished guests, including Pakistan's consular representative, His Excellency Consulate-General of Pakistan Ashraf Mohamed. I was delighted also to have a former President of this House, the Hon. Amanda Fazio, grace us with her presence and to have Hugh McDermott, MP, the member for Prospect, join us.

The attendance also reflected the high esteem in which the community holds the three beneficiary organisations, namely, the Edhi Foundation, Alkhidmat and Shaukat Khanum Memorial Cancer Hospital. The Edhi Foundation, established by Abdul Satar Edhi, has served Pakistan for over six decades. The institution is operated entirely by volunteers nationwide. Founded by Imran Khan, the nation's current Prime Minister, Shaukat Khanum Memorial Cancer Hospital is a state-of-the-art cancer hospital and Pakistan's largest tertiary hospital. The inspiration to build the cancer hospital came from the Prime Minister's mother, the late Shaukat Khanum, who passed away from cancer. It was during his mother's illness that he witnessed the plight of poor cancer patients in Pakistan's hospitals and so had a vision of making cancer treatment accessible to every Pakistani who needed it.

Finally, Alkhidmat—an independent, non-government, non-profit, charitable organisation—is another institution driven by people of compassion, benevolence and humanity. I wanted to help in its mission and so called on the Australian-Pakistani community's generosity of spirit. It is these organisations, and ultimately the children and their families, who would be the recipients of the kindness of our Australian-Pakistani community. As chair of Kids-on-Wheels Alliance Incorporated I am honoured by the response I received from the Australian-Pakistani community encouraging me to take this initiative. "The reason is simple," says the Consulate-General of Pakistan. "Pakistanis are a generous people. They have kindness in their hearts." I know no human being, on seeing a disabled child, can look the other way. Every human being cannot but reach out and help. It is inherent in us. It is also our sense of obligation to our brothers and sisters in humanity. It is that sense of compassion and humanity that the late Abdul Satar Edhi, Prime Minister Imran Khan and thousands of volunteers feel when extending a helping hand to children in need.

I want to thank 150 people for attending the fundraising dinner. While it would be difficult to name them all, I would like to single out a few for their wonderful effort and kindness. I give a special thanks to a retired doctor, who chose not to be identified, for her $10,000 donation. Her sadaqa will help 100 children with disabilities. Her kindness is an inspiration to us all. I thank young Dr Imran Kassem and the Australia Pakistan Medical Association for their kind donation. I also thank Arif for his donation of 10 wheelchairs, thus helping 10 families. I am grateful for Dr Aila Khan and Dr Yasmine Rao, representing Shaukat Khanum Australia, and their leadership and heartfelt encouragement. They are a credit to the institution they represent.

I express special gratitude to my friend and brother Sadaqat Siddiq for his work behind the scenes. The fundraising event could not have happened without him. He worked tirelessly to get us there. I am also grateful for the president of the Pakistan Australia Business Council, Mr Iftikhar Rana, and his wonderful effort in making sure we had a full house. He has been nothing short of brilliant. Brother Shahid Iqbal, former president of Pakistan Association of Australia, and his business colleagues have been phenomenal in their benevolence.

I express my gratitude to his Excellency the Consul General and trade Minister of Pakistan, Mr Muhammad Ashraf, for his open arms support and encouragement; to brother Zahid Rana for all his support and commitment to the cause; to Zafar Shah Hussain for his media support; to Nadeem Sheikh for emceeing the night; and to former Pakistani Consul General Azam Mohammed and Ishtiaq Khan for volunteering and supporting the event with their newly found auctioneering skills. I also thank everyone who donated items for the raffle, media outlets that covered the event and others who in their way helped make the event a success. Finally, I thank the operators of Himalaya Restaurant Granville for making us feel welcome and always providing great food and wonderful hospitality. I now look forward to the Nepalese fundraising dinner on 6 March and the Bangladeshi community fundraising dinner on 12 March.

FIREARMS LEGISLATION

The Hon. ROBERT BORSAK (00:11): Ever since the tragic deaths of Jack and Jennifer Edwards at the hand of their deranged father, John Edwards, on 5 July 2018 the NSW Police Force has been in damage control. For years before that day, the Shooters, Fishers and Farmers Party had been calling out the gross mismanagement of firearms regulation in this State by the NSW Firearms Registry. The Coroner's inquest report released in April last year laid bare the utter incompetence of individual employees and the management of the NSW Firearms Registry.

The most recent attempt to shift blame for the incompetence of the Firearms Registry came with the release of a confidential consultation paper released to the Firearms Registry Consultative Council in December. Thankfully, a copy found its way into my hands. If ever there was a sneaky underhanded attempt by the NSW Police Force to shift blame for its incompetence, this consultation paper is it. Not only did the consultation paper contain proposals in response to the Edwards inquest, it opportunistically added 16 other unrelated proposals to do over law-abiding New South Wales firearm owners yet again.

Some of the malicious and vexatious proposals, not based on evidence of any kind, include limiting the number of firearms licence holders may own. There has never been any evidence to show that the number of firearms per se increases the risk to public safety. Another proposal is fingerprinting category D and H licence applicants. In effect, this treats those people as criminals. Other proposals include granting the commissioner new powers to impose restrictions on licence holders above a certain age; creating a new offence for unauthorised possession of firearm parts, which could see licence holders prosecuted for holding parts used in the regular maintenance of their firearms; and probity checks on firearm club executives, which is a direct attack on clubs, especially when the executives are already licensed firearms owners. The list goes on.

The purpose and background of the preliminary consultation paper asserts that the proposed options would improve the Firearms Act 1996 and the Firearms Regulations 2017. In fact, the previous police Minister and his Government have acknowledged on numerous occasions that matters included in the Firearms Regulation 2017 are unclear, confusing and need to be improved. However, it is not possible to say with any certainty whether any legislative or regulatory change has had a positive or negative impact without establishing a measured approach and metrics beforehand.

I make a few observations. It is disappointing that not all recommendations from the Edwards inquest were included in the preliminary consultation paper. No explanation was given why most of the Coroner's recommendations were excluded, given the fact that a majority of those recommendations related directly to the Firearms Registry and not the Firearms Act. I can only assume that any feedback that would improve the functioning of the Firearms Registry—which I have been calling for for many years now—is not welcomed by New South Wales police. The absence of data to support the proposals is also very disappointing, especially when firearms data is captured and readily available from the NSW Bureau of Crime Statistics and Research [BOCSAR]. As the highly respected former director of BOCSAR Dr Don Weatherburn said on many occasions, especially when announcing he was stepping down from the position he held for over 30 years:

> Crime statistics are vital in order to hold police and governments to account in efforts to reduce crime.

As Dr Weatherburn previously noted in 2012, public servants are far from being politically neutral and often have political or policy agendas of their own that they want to pursue. In fact, New South Wales police have a history of pursuing punitive restrictions against firearm licence holders with no evidence that their legislative proposals will produce a public safety benefit. Clearly this is political. The integrity and public standing of the NSW Police Force are compromised when legislative and policy proposals are based not on facts and data but on a political agenda. A number of the proposals in the preliminary consultation paper involve introducing further restrictions and barriers on the legal ownership of firearms in New South Wales. These are unacceptable to the Shooters, Fishers and Farmers Party. They are also contrary to the Australian Attorney-General's department's position on legal firearm ownership in this country, which states:

> The Department believes the current approach to firearms policy strikes an appropriate balance between the interests of those with a genuine need to have access to firearms, such as sporting shooters and primary producers, and the interests of the broader community to live safely and securely.
>
> Specifically, the Department does not believe that the tests set out in the National Firearms Agreement for the possession or use of firearms need to be amended. Further, putting additional restrictions on the legal ownership of firearms would not necessarily reduce firearm-related crime.

TRIBUTE TO HUDSON CHEN, KHS, OAM

TRIBUTE TO KEITH WHERRY

The Hon. SHAYNE MALLARD (00:16): After a break from the House sitting it is often our duty to acknowledge the passing of significant community members. Tonight I honour two great Australians. I firstly speak about the passing in November 2021 of Hudson Chen, KHS, OAM. Hudson was well known to many people in this place and to almost every Liberal in New South Wales and further afield. Along with my good friend Ben Chow, he founded the New South Wales branch of the Liberal Party Chinese Council, where he tirelessly campaigned to build community understanding and support for the Liberal Party over many years. Hudson identified and mentored young Chinese community leaders to actively participate in the Australian political process.

When I was a City of Sydney councillor, Hudson and his wife, Eve, were tireless in supporting my outreach and engagement work with Sydney's extensive Chinese community. For that I thank and acknowledge him. Hudson's life, like so many migrants and Chinese elders, was very much about giving back through family and through many community and charity causes. Hudson was a respected friend and confidant of Prime Ministers, including John Howard; senior Ministers, like Phillip Ruddock; and Premiers, like Barry O'Farrell and Gladys Berejiklian, to name only a few. Hudson was a behind-the-scenes organiser and a community activist and was involved in politics. Unfortunately, he rebuffed overtures to consider entering this House. To his wife, Eve, their daughters, Vivienne and Jennifer, and their many grandchildren I convey our deep condolences. Australia has lost a great immigrant contributor and we have lost a good friend.

I take this brief opportunity to acknowledge the passing of my friend and Liberal Party member Keith Wherry, who tragically drowned at Mollymook Beach on Monday 31 January 2022. Keith would be known to some members as the long-term owner and proprietor of Simpsons of Potts Point. Along with his wife, Marie, Keith was a popular character in the Potts Point 2011 community. He was regularly to be seen motoring locally in one of his legendary vintage Bentleys, and participating in charity rallies and enthusiast car events locally and all over the world. I first met Keith and Marie during my career sabbatical, when I ran a garden shop in east Sydney in the late 1990s. A firm lifelong friendship developed from so many mutual interests and values. Keith was always supportive of my political career. He was a foundation member of the east Sydney branch of the Liberal Party and remained a member right up to his death.

Keith could be described as a classic Menzies Liberal. He was a supporter of small government, free enterprise and reward for effort. He was progressive in his thinking, but generally kept his politics relatively private. He was not the type to march in protests or even to put signs up in the garden. While loyal to the party, he was not uncritical of it—as we saw on the last magic occasion when Keith and Marie met us at Ettalong Beach on Australia Day along with the Hon. Don Harwin to celebrate the fiftieth birthday of my partner, Jesper. It was a special last time together. Keith's tragic death ends a remarkable life in the law, property projects, heritage, conservation, hospitality, yachting, classic car motoring, party service and community service. Sadly, he leaves behind his wife, Marie, and their blended family of seven daughters, various sons-in-law and grandchildren—and many, many grieving friends. Vale, Keith.

QANTAS WORKERS

The Hon. MARK BUTTIGIEG (00:19): I update the House on the ongoing saga regarding the disgracefully unfair treatment of Qantas workers. Members may recall that back in the middle of 2020 Qantas sacked over 2,000 workers, handing over the work they were doing to private companies that use substandard pay and working conditions to squeeze employees, who often work split shifts and sleep on floors between those shifts. This was in the middle of a global pandemic when Qantas was the recipient of over $1 billion of taxpayers' money for the purpose of keeping people employed. The Transport Workers' Union took the case to the Federal Court. In a landmark decision last July the Federal Court found that Qantas—a company that trades on being the "Spirit of Australia"—did indeed illegally sack those workers. Tomorrow at that same Federal Court Qantas is cruelly appealing the decision.

The decision was made in the favour of those workers by the Federal Court of this land. These are employees who have endured some 18 months of unemployment and income insecurity courtesy of Qantas. This has been heartbreaking enough for workers, yet despite the court ruling that they should not have been sacked Qantas refused to abide by the decision. Qantas is one of the largest corporate recipients of COVID assistance of any Australian company. This was money that was handed out for the purpose of keeping people employed. This is nothing short of malicious. Instead of abiding by the decision and accepting the illegality of these sackings, Qantas has extended the suffering for these workers.

This is the same airline that only a few weeks ago decided to terminate its cabin crew agreement because it did not like the fact that 98 per cent of cabin crew workers voted not to accept the proposed agreement. The agreement would have stripped down rest breaks on long-haul flights and introduced a stand-by roster that allowed only 90 minutes' notice for flight attendants to organise family responsibilities before they staffed a long-haul flight. The termination of the agreement would have meant that the pay and conditions of cabin crew, which have been negotiated over decades of bargaining, could freefall.

Of course, this pattern of behaviour from the national carrier of Australia goes back a long way. Members and the public will recall that in 2011 the same CEO currently in charge, Alan Joyce, grounded the entire Qantas fleet in response to industrial action taking place at the time. If Qantas does not get its way it spits the dummy and tears up the rule book, which is not the Australian way. It is an attitude towards workplace relations that has no place in Australia, where we have an agreed set of rules and abide by the decision. It is disturbing that the national carrier, which trades on the "Spirit of Australia", does not practise the values of fairness and the fair go that our great country values and instead chooses to attack its employees because they are members of a union.

After receiving over $1 billion in taxpayers' money for support, Qantas is now spending masses of money appealing a Federal Court case that found it acted illegally when it sacked 2,000 workers in 2020. It should be getting on with the job of running an airline that has the privilege of representing this country. Tomorrow my thoughts and best wishes will be with those workers who have stood with their union—the Transport Workers' Union—to defend not only their own rights to maintain employment, but also the rights of all Australians to maintain a set of rules that states you cannot just sack people because you do not like them being union members. I sincerely hope that Qantas is not successful tomorrow and that the workers can be reinstated.

CLOSURE OF COAL-FIRED POWER STATIONS

Ms ABIGAIL BOYD (00:24): The pace of coal close-downs is accelerating, heralding an exciting but as yet uncertain future. In the past few weeks, the topic of coal-fired power station closures has gained new intensity. The Australian Energy Market Operator, in its landmark *Integrated System Plan* report last year, identified what it called a "step change scenario" in which our energy system attacks the problem of energy decarbonisation head on. We are at the start of that step change now. The closure of coal-fired power stations is a fait accompli. Don't believe me? Take it from the operators of Australia's largest coal-fired power station. This is from Origin's media release announcing its accelerated exit from coal-fired generation:

> Australia's energy market today is very different to the one when Eraring was brought online in the early 1980s, and the reality is the economics of coal-fired power stations are being put under increasing, unsustainable pressure by cleaner and lower cost generation, including solar, wind and batteries.

The market, it seems, has finally woken up to that reality, and there is a mad rush by the capitalist class to cash in. Why wouldn't they, when there is the opportunity to capture a new market in clean power generation and distribution? Those billionaires and their wealth managers did not accumulate their immense personal fortunes through altruism or acts of philanthropy. Those cheering on the interventions of the mega-wealthy would do well to remember the fate of the frog who agrees to carry the scorpion across the river only to be stung halfway across, causing them both to drown.

The capitalist class has driven us to the brink of complete climate collapse, and now they are asking us to trust them to right this sinking ship. The destruction of nature is part of the nature of capitalism, and we cannot trust the future of our planet and our communities to those who only seek to turn a profit. There is no obligation on billionaires or corporations to act in anyone's interest but their own and that of their shareholders. They are motivated by profit and wield immense and undemocratic influence on the shape of our society and communities.

The fossil fuel industries of the past have, for better or for worse, shaped and sculpted our society around themselves, with entire towns and regions intrinsically linked to their rise and fall. As a society, we owe the workers who have powered our lives a debt of gratitude. They deserve to be supported and assisted in the transition out of their industry either into retirement, if that is appropriate for them, or into new and reliable high-quality employment if they so desire. The "move fast and break things" approach of the profit-motivated capitalist has no consideration for those things and is more than willing to leave anyone and everyone in the lurch if that is the most expedient thing to do to turn a profit.

It might be an unfamiliar concept to some members in this House, but we need to work with unions and workers to ensure that no-one is left behind, by delivering a job-for-job transition, early retirement and compensation options, and free and relevant reskilling and retraining for those who seek it. The communities in which those workers live must be empowered to remain vibrant and desirable places to live, with ongoing funding for education, health, public transport and other vital and leisure facilities.

Workers are not the only ones who are at risk of being left behind when coal packs up shop, though. Coal-fired power stations leave behind a toxic legacy of environmental degradation, including vast pits full of

coal ash that continue to sit untreated, unremediated and unused. They leach into groundwater and blow on the wind, poisoning the communities that have serviced those sites for so long. There is a significant risk that as companies exit from the business of coal-fired power, they will leave communities with the clean-up costs of their operations.

Prior to Mike Cannon-Brookes' attempted intervention, it was AGL's stated intention to wash its hands of such problems by hiving off its unsavoury coal and gas generators into a newly formed company, with no clear plan for what it would do with this toxic baggage. Without strict government intervention and management, there is no motivation to act. The vulture capitalists circling around the ailing stations are even less likely to want to take on that moral and financial obligation. Those companies will have to be dragged, kicking and screaming, to clean up their own mess. A government and politics in lockstep with capitalist class interests, entranced by the relentless and selfish pursuit of profit, is incapable of taking the drastic action that is required. A clean, green and prosperous future is attainable, but not on our current trajectory. We cannot rely on profit-motivated private markets to save us from climate disaster or to provide a just and equitable transition into a decarbonised world. It is time for a recalibration of our political system in favour of people and planet, not profit.

The PRESIDENT: The House now stands adjourned.

The House adjourned at 00:30 until Thursday 24 February 2022 at 10:00.