



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Wednesday 23 March 2022

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday 23 March 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.

Business of the House

INAUGURAL SPEECH

The Hon. DAMIEN TUDEHOPE: On behalf of the Hon. Sarah Mitchell: I move:

That on Thursday 24 March 2022 proceedings be interrupted at approximately 5.30 p.m., but not so as to interrupt a member speaking, to enable the Hon. Scott Barrett to make his first speech without any question before the Chair.

Motion agreed to.

VALEDICTORY SPEECH

The Hon. DAMIEN TUDEHOPE: I move:

That on Thursday 31 March 2022 proceedings be interrupted at approximately 5.30 p.m., but not so as to interrupt a member speaking, to enable Mr David Shoebridge to make his valedictory speech without any question before the Chair.

Motion agreed to.

Motions

WORLD AIDS DAY

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

- (1) That this House notes that:
 - (a) Wednesday 1 December 2021 is World AIDS Day, a day which pays respect to all people living with and impacted by HIV/AIDS, and raises awareness of the challenges, discrimination and marginalisation faced by people living with HIV; and
 - (b) this year's theme is Ending Inequalities, which highlights the urgent need for governments to take bold action against economic, social, cultural and legal inequalities that drive AIDS and other pandemics across the world, in line with our international commitment to end AIDS by 2030.
- (2) That this House further notes that:
 - (a) the 2019 HIV Futures 9 study by La Trobe University found that, of those living with HIV, 25.7 per cent reported HIV-based discrimination in relation to health services, 25 per cent in relation to insurance, 18.8 per cent in relation to employment and 8 per cent in relation to accommodation; and
 - (b) according to a report by ACON entitled *Ending HIV-Related Stigma For All*, published in 2020, people living with HIV who are Aboriginal and/or Torres Strait Islander, migrants, of colour, culturally and linguistically diverse, and/or transgender or gender diverse are disproportionately impacted by inequalities as well as discrimination.
- (3) That this House calls on the New South Wales Government to commit to working toward breaking down barriers for people with HIV/AIDS in our community, and take immediate action through policy and practice to address the structural inequalities that obstruct solutions to prevention, treatment and support.

Motion agreed to.

WORLD BRAILLE DAY

Ms ABIGAIL BOYD (10:05): I seek leave to amend private members' business item No. 1601 outside the order of precedence for today of which I have given notice by omitting in paragraph (3) "Hon. Alister Henskens, MP,".

Leave granted.

Ms ABIGAIL BOYD: Accordingly, I move:

- (1) That this House notes that Tuesday 4 January 2022 is World Braille Day, which marks the beginning of January as Braille Literacy Month, and raises awareness for the importance of braille and braille literacy in our society for individuals with visual impairments, severe disabilities, dual sensory loss and individuals who are totally blind.

- (2) That this House notes that, according to Vision Australia:
- (a) more than 60 per cent of employers do not feel confident hiring someone with low vision, which is linked to a lack of education, awareness and accessibility provisions in place;
 - (b) employment remains a significant challenge for people who are blind or have low vision, with only 24 per cent of people who are blind or have low vision in Australia in full-time work; and
 - (c) it is necessary for all levels of society to work toward providing new opportunities for people with limited sight.
- (3) That this House calls on the Minister for families, communities and disability services, to commit to taking direct action to facilitate education and awareness about braille, and to implement better outcomes and opportunities for people living with disabilities.

Motion agreed to.

Documents

WARRAGAMBA DAM WALL

Production of Documents: Order

Mr JUSTIN FIELD (10:07): I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of the passing of this resolution the following documents in the possession, custody or control of the Premier, Department of Premier and Cabinet, Minister for Infrastructure, Infrastructure NSW, Minister for Lands and Water, Minister for Western Sydney, Department of Planning and Environment or WaterNSW relating to the Warragamba Dam raising project:

- (a) the document referred to by Mr Simon Draper, Chief Executive Officer of Infrastructure NSW, in the hearing of the Select Committee on the Proposal to Raise the Warragamba Dam Wall held on 21 February 2022, titled either Draft Final Business Case, Final Business Case or similar; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Motion agreed to.

Motions

RUSSIAN INVASION OF UKRAINE

Ms ABIGAIL BOYD (10:07): I move:

- (1) That this House notes that Russia launched an invasion of Ukraine on 24 February 2022.
- (2) That this House further notes that:
 - (a) Russian military forces have attacked Ukraine in at least eight oblasts (regions) and notably the capital city of Kyiv and the cities of Kharkiv, Odessa, Dnipro, Donetsk, Zaporizhzhia, Lviv, Mariupol and others;
 - (b) according to the United Nations Office of the High Commissioner for Human Rights, 1,900 civilian casualties were recorded between 24 February 2022 and 15 March 2022;
 - (c) according to the United Nations High Commissioner for Refugees, more than 3.1 million refugees have been forced to flee Ukraine; and
 - (d) following the verification by the World Health Organisation of 43 attacks on health care, and reports of bombings of a maternity hospital, a civilian shelter, a preschool, a theatre with families sheltering inside, and populated residential areas, as well as the use of thermobaric weapons and human shields, Russia has been accused of war crimes by the governments of Australia, the United States, the United Kingdom, France and others.
- (3) That this House:
 - (a) condemns Vladimir Putin's military aggression in Ukraine;
 - (b) affirms that everyone deserves freedom and safety;
 - (c) calls on all parties to remember the human cost of war and to work peacefully through diplomatic channels to de-escalate the situation and restore Ukraine's sovereignty;
 - (d) affirms the right of the people of Ukraine to peace, self-determination and territorial integrity;
 - (e) acknowledges the inexcusable violence of war and that this violence and cost of war is borne by ordinary people;
 - (f) calls on the Australian Government to use every effort to de-escalate tensions and bring the focus back to diplomacy;
 - (g) calls on Australia's foreign Minister to use Australia's Autonomous Sanctions framework to respond to Russia's actions and to sanction all Russian oligarchs; and
 - (h) calls on the Australian Government to accept a special humanitarian intake of at least 20,000 people from Ukraine in addition to maintaining all existing humanitarian and refugee intakes.

Motion agreed to.

WOMEN LIVING WITH HIV DAY

Ms ABIGAIL BOYD (10:08): I move:

- (1) That this House notes that:
 - (a) Wednesday 9 March 2022 was the National Day of Women Living with HIV; and
 - (b) this year's theme "Living Well" aims to raise awareness about the day-to-day lives of women diagnosed with HIV as they continue to face disproportionate barriers compared to men in relation to HIV medical research, testing, diagnosis and treatment.
- (2) That this House notes that, according to the National Association of People with HIV Australia [NAPWHA]:
 - (a) women make up about 10 per cent of people living with HIV in Australia;
 - (b) women living with HIV face HIV-related stigma in medical settings, with limited awareness among general practitioners about the exposure of women to HIV, leading to later diagnosis and treatment commencement rates, and higher misdiagnosis rates for women compared with men;
 - (c) women living with HIV face HIV-related stigma in local communities, further exacerbated by equity and accessibility issues, domestic and family violence, and lack of awareness on HIV treatment and transmission; and
 - (d) there is a lack of research on the implications of long-term HIV-positive living and antiretroviral treatments on the female body with regards to reproductive health, including menstruation, contraception, pregnancy, childbirth and breastfeeding, and HPV-related cancers and breast cancers.
- (3) That this House calls on the New South Wales Government to commit to better supporting women living with HIV by raising awareness through medical staff training and community programs about the importance of early HIV testing and treatment.

Motion agreed to.

ENDOMETRIOSIS AWARENESS MONTH

Ms ABIGAIL BOYD (10:09): I move:

- (1) That this House notes that March 2022 is Endometriosis Awareness Month, which raises awareness for endometriosis, a chronic condition affecting more than 11 per cent of Australian women and over 6 per cent of women in New South Wales.
- (2) That this House notes that a report by the Journal of Psychosomatic Obstetrics and Gynecology entitled *Managing Endometriosis: A Cross-Sectional Survey of Women in Australia*, published in 2020, found that:
 - (a) people with endometriosis wait an average of 6.4 years before being diagnosed and often undergo surgeries that fail to improve chronic pain;
 - (b) there are gaps in Australia's healthcare system for people with endometriosis, including in areas of mental health and specialist pain services;
 - (c) there is need for greater education at the practitioner level on endometriosis symptoms and treatment; and
 - (d) there is a need to reduce average diagnosis times, which can be done through targeted action by governments.
- (3) That this House calls on the New South Wales Government to support those with endometriosis by increasing funding for endometriosis research, education programs and specialist services.

Motion agreed to.

*Committees***STANDING COMMITTEE ON SOCIAL ISSUES****Reference**

Ms ABIGAIL BOYD: I move:

- (1) That the Standing Committee on Social Issues inquire into and report on homelessness amongst older people aged over 55 in New South Wales, and in particular:
 - (a) the rate of homelessness;
 - (b) factors affecting the incidence of homelessness;
 - (c) opportunities for early intervention to prevent homelessness;
 - (d) services to support older people who are homeless or at risk of homelessness, including housing assistance, social housing and specialist homelessness services;
 - (e) challenges that older people experience navigating homelessness services;
 - (f) examples of best-practice approaches in Australia and internationally to prevent and address homelessness amongst older people;
 - (g) options to better support older people to obtain and maintain secure accommodation and avoid homelessness;

- (h) the adequacy of the collection of data on older people experiencing or at risk of homelessness and opportunities to improve such collection;
 - (i) the impact of homelessness on the health and wellbeing of older people and the related costs to the health system;
 - (j) the specific impact of homelessness, including the matters raised above, on older women;
 - (k) the impact of homelessness, including the increased risk of homelessness in the community, on older people in vulnerable groups; and
 - (l) any other related matter.
- (2) That the committee report by 30 September 2022.

Motion agreed to.

Motions

ROTARY MAITLAND NINETIETH ANNIVERSARY

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

- (1) That this House notes that:
 - (a) on 25 February 2022 the Rotary Club of Maitland celebrated its Ninetieth Anniversary Dinner at Easts Leisure & Golf Club;
 - (b) the Rotary Club of Maitland was created in 1931 and supports the local community and Rotary International humanitarian projects; and
 - (c) the Rotary Club of Maitland is one of five Rotary clubs in the Maitland area, and one of 46,000 clubs worldwide.
- (2) That this House extends its congratulations and best wishes to the Rotary Club of Maitland and its members on the occasion of its ninetieth anniversary.

Motion agreed to.

HUNTER REGION BUSINESS EXCELLENCE AWARDS

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

- (1) That this House notes that:
 - (a) on Friday 11 March 2022 The Hunter Region Business Hub held the 2021 Hunter Region Business Excellence Awards; and
 - (b) winners of awards included:
 - (i) Business of the Year: Gymnastics 21;
 - (ii) Business Leader: Shane Hamilton (SJH Communications);
 - (iii) Business Woman: Joplin Higgins (Joplin Lawyers);
 - (iv) Young Entrepreneur: Amy Foster (Expressions School of Dance) – winner, Joshua Vought (Valley Barrel Furniture) – highly commended;
 - (v) Financial & Real Estate Services: Ink Financial Solutions;
 - (vi) General Business: Uaine Candles;
 - (vii) Health Services: Gymnastics 21 – winner, Explore and Soar – highly commended;
 - (viii) Home Based: Magnetic Shots;
 - (ix) Hospitality & Tourism: The Dairy – winner, The Remington – highly commended;
 - (x) Internet-Based: Poppy Seed Media Productions – winner, Australian Hypnotherapy College – highly commended;
 - (xi) Not For Profit: Newcastle Master Builders Apprenticeship Schemes – winner, Survivor's R Us Incorporated – highly commended;
 - (xii) Personal Services: Salon Ten;
 - (xiii) Professional Services: Sincerus Mindset Coaching & Training – winner, Hunter Events Group and McAllister Legal Services – highly commended;
 - (xiv) Trades & Industry: Hunter Interior Design – winner, JR Complete Painting – highly commended;
 - (xv) New Start: Impresu;
 - (xvi) Customer Service (Individual): Madeleine Simms (Explore and Soar); and
 - (xvii) Customer Service (Whole Business): Beyond Ballooning.
- (2) That this House congratulates all winners of the 2021 Hunter Region Business Excellence Awards.

Motion agreed to.**HUNTERNET CHAIRMAN'S AWARDS**

The Hon. TAYLOR MARTIN (10:11): I move:

- (1) That this House notes that:
 - (a) on Friday 4 March 2022 Hunternet held its annual Chairman's Awards Dinner at Newcastle City Hall; and
 - (b) winners of awards included:
 - (i) Women In Industry: Sophia Lawrence (Hedweld);
 - (ii) Trainee of the Year: Beaux Oakley (Hedweld);
 - (iii) Outstanding Achiever – 1st Year: Sarah Pringle (UGL) and Cameron Couper (UGL);
 - (iv) Outstanding Achiever – 2nd Year: Jack Muir (Banlaw);
 - (v) Outstanding Achiever – 3rd Year: Lachlan Burns (Hedweld);
 - (vi) Ivan Randon Award: Thomas Sharman (UGL);
 - (vii) Apprentice/Trainee Award for Excellence in Safety: Luke Monaghan (BAE Systems);
 - (viii) Host Company of the Year: BAE Systems and UGL;
 - (ix) Export Award: Biscit;
 - (x) Networking Award: Trish Heagney;
 - (xi) Rod Murphy Innovation Award: Ampcontrol;
 - (xii) Chairman's Business Award for Excellence in WHS: Ethos Health;
 - (xiii) Harvey Knox Award: Andrea Novak; and
 - (xiv) Member of the Year Award: AON.
- (2) That this House congratulates all winners of the 2022 Hunternet Chairman's Awards.

Motion agreed to.*Committees***SELECT COMMITTEE ON THE RESPONSE TO MAJOR FLOODING ACROSS NEW SOUTH WALES IN 2022****Establishment, Membership, Chair and Deputy Chair**

The Hon. WALT SECORD: I move:

- (1) That a select committee be established to inquire into and report on the response to major flooding across New South Wales in 2022, and in particular:
 - (a) the preparation, coordination and response to the western Sydney and North Coast floods by the Government;
 - (b) the role, composition and resource allocations of Resilience NSW, the NSW State Emergency Service and other relevant government agencies;
 - (c) coordination between the New South Wales Government, New South Wales government departments and agencies, the Federal Government, Federal government departments and agencies, local governments, private sector operators and the community, including requests or offers of assistance;
 - (d) public communication, systems and strategies;
 - (e) the implementation of recommendations from inquiries into previous natural disasters;
 - (f) the overall effectiveness of the flood response; and
 - (g) any other related matter.
- (2) That, notwithstanding anything to the contrary in the standing orders, the committee consist of seven members comprising:
 - (a) two Government members;
 - (b) two Opposition members, being Ms Sharpe and Mr Secord; and
 - (c) three crossbench members, being Mr Banasiak, Ms Faehrmann and Mr Roberts.
- (3) That the Chair of the committee be Mr Secord and the Deputy Chair be Mr Banasiak.
- (4) That, unless the committee decides otherwise:
 - (a) submissions to the inquiry are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration;

- (b) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement;
 - (c) community members be given the opportunity to provide verbal evidence in the absence of a written submission;
 - (d) the inquiry is to hold at least one day of public hearings in western Sydney and at least two days of public hearings in the Northern Rivers region;
 - (e) hearings may also be held at Parliament House;
 - (f) the sequence of questions to be asked at hearings is to alternate between government, opposition and crossbench members, in order determined by the committee, with equal time allocated to each;
 - (g) transcripts of evidence taken at public hearings are to be published;
 - (h) supplementary questions are to be lodged with the Committee Clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness;
 - (i) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration; and
 - (j) the Chair may make arrangements for the committee to visit and inspect sites relevant to the work of the committee, provided that the owner and/or occupier of the site, as the case requires, has given any necessary permission.
- (5) That the committee begin its inquiry after 10 April 2022 and report by 9 August 2022.

Motion agreed to.

Motions

TRIBUTE TO MR CARMELO LICATA

The Hon. LOU AMATO (10:12): I move:

- (1) That this House notes the sad passing of Club Marconi Life Member, Mr Carmelo Licata on 11 March 2022.
- (2) That this House notes that:
 - (a) Mr Licata was born on 4 June 1939 in San Biagio Platani, Sicilia, Italy and migrated to Australia in 1967 with his wife, Elena, and children, Rene and Morris, settling in Cabramatta;
 - (b) Mr Licata soon became extensively involved in the community of south-western Sydney, joining Club Marconi in 1969 and later being elected to its board of directors in 1979 and serving for 14 years;
 - (c) during his 14 years of distinguished selfless service on the board of Club Marconi, Mr Licata contributed greatly to the club with its expansion program to develop the clubhouse by helping to create entertainment facilities, restaurants, football fields, squash courts, tennis courts, and a childcare centre, and helping the club with sponsorship and supporting the various club charities, and in honour of his outstanding service was awarded Life Membership;
 - (d) Mr Licata also donated all the brickwork for a very important major facility which was built for the Cerebral Palsy Alliance NSW in Prairiewood, Fairfield;
 - (e) Mr Licata was significantly involved in supporting the football/soccer programs of Club Marconi, due to his passion for the sport and to help young players to develop and improve their skills;
 - (f) due to Mr Licata's selfless dedication, players from Club Marconi were able to become representative players in the Australian Youth and Senior national teams and several were able to play professionally overseas such as:
 - (i) Mark Schwarzer who played for Leicester city, Fulham, Chelsea;
 - (ii) Paul Okon who played for Club Brugge, Lazio, Middlesbrough;
 - (iii) Frank Farina who played for Club Brugge, Bari, Strasburg & Lille; and
 - (g) Mr Licata's son, Rene, went on to represent Australia in the World Youth Socceroos, his son, Morris, was recently elected as President of Club Marconi and daughter, Silvana, is an administrator at Westfield Sports High School.
- (3) That this House:
 - (a) acknowledges and commends the outstanding service to the community, particularly to Club Marconi, of the late Carmelo Licata; and
 - (b) extends its sympathy to Mr Licata's family: son, Rene Licata and daughter-in-law, Marie Simone; Morris Licata; Silvana Licata; and all his grandchildren and loved ones on the loss they have sustained.

Motion agreed to.

*Petitions***RESPONSES TO PETITIONS****Voluntary Assisted Dying Laws**

The Hon. DAMIEN TUDEHOPE: I table the Government response to an irregular petition signed by more than 100,000 persons:

Voluntary Assisted Dying Laws—lodged 23 February 2022—(Ms Cate Faehrmann)

I move:

That the document be printed.

Motion agreed to.

*Documents***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 March 2022.

*Committees***PUBLIC ACCOUNTABILITY COMMITTEE****Government Response: Noncompliance with Sessional Order**

The PRESIDENT: In accordance with Standing Order 233, as amended by sessional order on Tuesday 12 October 2021, 16 November 2021 and 22 February 2022, the former Leader of the Government was called on to explain to the House the reason for the Government's failure to provide a full response to report No. 8 of the Public Accountability Committee entitled, *Integrity, efficacy and value for money of NSW Government grant programs—First report*. The sessional order further provides that:

If, after explanation in the House, the Minister has not provided a full ... response within a period of one month, the President is to again inform the House and the Minister will again be called to explain. This procedure is to continue until a full government response to each recommendation is provided.

Accordingly, on 16 November 2021 the former Leader of the Government was again called on and, on 22 February 2022 the Leader of the Government was called on to explain the reason for continued noncompliance with the sessional order. As a full response has still not been received I now call on the Leader of the Government to again immediately explain the reason for continued noncompliance with the sessional order.

Attendance of the Leader of the Government in His Place

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (10:15): Mr President, in brief, members will be aware that yesterday the final report in relation to the grants inquiry was delivered to the House.

Mr David Shoebridge: No, it wasn't. It wasn't. That is plainly wrong.

The Hon. DAMIEN TUDEHOPE: Sorry?

The PRESIDENT: Order! The Minister has the call.

The Hon. DAMIEN TUDEHOPE: The final report has now been delivered to the House and, in accordance with the requirements in respect of obligations to reply to that final report, we will comply with those obligations.

*Notices***PRESENTATION**

[During the giving of notices of motions]

The PRESIDENT: Order! Members will not engage in debate across the Chamber.

*Business of the House***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 (10:28): I move:

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

- (1) Private members' business item No. 1682 standing in the name of the Hon. Mark Pearson relating to the Biodiversity Conservation Amendment (Kangaroo Protection) Bill.
- (2) Private members' business item No. 1654 standing in the name of Ms Abigail Boyd relating to the Electoral Amendment (Voting Age) Bill.
- (3) Private members' business item No. 1606 standing in the name of the Hon. Adam Searle relating to the Voluntary Assisted Dying Bill 2021.
- (4) Private members' business item No. 1614 standing in the name of the Hon. Mark Latham relating to the financial support for events boycotting Israel.
- (5) Private members' business item No. 1629 standing in the name of the Hon. Mark Banasiak relating to a further order for papers regarding Southern Highlands Regional Shooting Complex.
- (6) Private members' business item No. 1505 standing in the name of Reverend the Hon. Fred Nile relating to the International Holocaust Remembrance Alliance definition of antisemitism.
- (7) Private members' business item No. 1720 standing in the name of Mr Justin Field relating to an order for papers relating to Friendlyjordies.
- (8) Private members' business item No. 1712 standing in the name of the Hon. Scott Farlow relating to Harmony Week 2022.
- (9) Private members' business item No. 1687 standing in the name of the Hon. John Graham relating to an answer to a question without notice on the rail shutdown.
- (10) Private members' business item No. 1704 standing in the name of the Hon. Walt Secord relating to an order for papers regarding potential or actual adverse weather or flooding events.
- (11) Private members' business item No. 1715 standing in the name of Ms Cate Faehrmann relating to climate emergency.
- (12) Private members' business item No. 1711 standing in the name of the Hon. Rod Roberts relating to a further order for papers regarding arrest, charging and detention of Mr Luke Moore on 25 February 2021.
- (13) Private members' business item No. 1707 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding COVID-19 cost centres and expenditure.
- (14) Private members' business item No. 1709 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding asset management policies for the Ministry of Health.
- (15) Private members' business item No. 1666 standing in the name of Mr David Shoebridge relating to an order for papers regarding the Suspect Target Management Plan policy.
- (16) Private members' business item No. 1708 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding the potential sale of government assets.
- (17) Private members' business item No. 1710 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding asset management policies for education.
- (18) Private members' business item No. 1662 standing in the name of the Hon. Taylor Martin relating to the Cessnock Customer Service Awards 2021.
- (19) Private members' business item No. 1681 standing in the name of the Hon. Robert Borsak relating to the establishment of a select committee on the status of water trading in New South Wales.
- (20) 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.
- (21) Private members' business item No. 1616 standing in the name of the Hon. Mark Latham relating to a further order for papers regarding renewable energy zones in New South Wales.
- (22) Private members' business item No. 1714 standing in the name of the Hon. Mark Buttigieg relating to an order for papers regarding Councillor Sarah Richards of Hawkesbury City Council.
- (23) Private members' business item No. 1703 standing in the name of the Hon. Walt Secord relating to an order for papers regarding asset management policies for the Department of Communities and Justice and New South Wales police.
- (24) 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.
- (25) Private members' business item No. 1674 standing in the name of the Hon. Shayne Mallard relating to End Youth Suicide Week 2022.

- (26) 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.
- (27) 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.
- (28) Private members' business item No. 1436 standing in the name of the Hon. Lou Amato relating to the seventy-ninth anniversary of the capture of Kokoda.
- (29) Private members' business item No. 1686 standing in the name of the Hon. John Graham relating to a further order for papers regarding the asset and services plan for Transport for NSW.

I indicate to the House that with respect to the items listed at paragraphs (4) to (25) and (27) to (29), 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.

Committees

PRIVILEGES COMMITTEE

Membership

The PRESIDENT: I inform the House that on 23 March 2022 the Clerk received advice from the Leader of the Government advising of the following changes to the membership of the committee:

The Hon. Wes Fang in place of the Hon. Don Harwin, resigned.
The Hon. Scott Barrett in place of the Hon. Shayne Mallard.

Bills

BIODIVERSITY CONSERVATION AMENDMENT (KANGAROO PROTECTION) BILL 2022

First Reading

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

Second Reading Speech

The Hon. MARK PEARSON (10:36): I move:

That this bill be now read a second time.

It is darkly ironic that we are gathered in this Parliament before the New South Wales coat of arms, which displays the kangaroo. On the Federal Parliament coat of arms we have the kangaroo and the emu. The kangaroo is on almost every coat of arms of every State and Territory in Australia. So it is rather absurd and, in fact, shameful that I have to introduce the Biodiversity Conservation Amendment (Kangaroos Protection) Bill 2022 to protect an animal that is part of our image to the world while all governments across Australia are causing it harm. I have spent much of my parliamentary term demanding the protection of the much-maligned and mistreated kangaroo and related macropods. I have asked questions of Ministers and spoken about the plight of kangaroos in private members' statements and adjournment speeches. I have moved a motion under Standing Order 52 calling for documents concerning kangaroo management, and I have secured the recent inquiry into the health and wellbeing of kangaroos and other macropods.

The bill is in response to and as a direct consequence of everything that I have learnt, not only during my time here but also from years of campaigning to end the bloody killing of these beautiful, gentle herbivores. Successive governments have allowed the wholesale slaughter of kangaroos, caving into the pressure from pastoralists and from the commercial kangaroo harvesting industry. The justification for that slaughter relies upon the myth that Australia has an overabundance of kangaroos. That myth is based on assumptions about population numbers prior to colonisation and the impact of agriculture changes on vegetation and availability of water.

We began our glorious assault on kangaroos as soon as we established the first farms at Parramatta and Emu Plains. After the first shot for food and recreational hunting, pastoralists soon began to complain about kangaroos competing with their domesticated animals for pasture. We have been slaughtering them in millions since the first grifters laid claim to Aboriginal lands—a deep shame. We fenced off the great Liverpool and Monaro plains for sheep and cattle and declared the kangaroo, an Australian native of some 20 million years, a pest. On the coat of arms of every parliament in Australia, we have a pest. For Aboriginal people, with the kangaroo as their totem animal, the wanton destruction has caused untold grief.

By the 1880s kangaroos and other macropods were also declared vermin across eastern Australia and a bounty system was introduced. A lucrative skin and fur export industry grew up around the bounty system, and this new market was so exploitative it caused the extinction of several macropod species. By the turn of the twentieth century there was growing concern that kangaroos, far from being in super abundance as a result of the expansion of pasture, were in real trouble to the point that in 1903 the Premier of New South Wales, John See, introduced the Native Animals Protection Bill in response to the industrial-scale slaughter of native animals. The legislation protected red kangaroos and wallaroos from being hunted for six months of the year. Given the dire state of the New South Wales populations of red kangaroos and wallaroos in 2022, it is a tragedy that those protections were scrapped decades ago.

Although macropods are no longer classed as pests, many landholders have continued to treat them as such. The licensed non-commercial and commercial slaughter of kangaroos continues unabated, night after night, in drought, throughout the devastating floods, throughout the record-breaking levels of water inundation and after the bushfires that killed untold numbers of kangaroos and other wildlife. But the licences are still permitted and they are still being killed—business as usual. This is something we will look back on with great shame as our children and the world ask, "What in God's name have you done to these animals?" even after all these disasters.

It is stating the obvious that the Minister for the environment and his department are required to ensure all of its programs are compatible with the aims and objectives of the Biodiversity Conservation Act 2016. Section 2.1 makes it unlawful for a person to harm a protected native animal. The department, in an obvious conflict of interest with its native animal protection obligations, oversees the commercial killing of millions of kangaroos each year. It is blatantly obvious they do not have a chance with such a disgusting conflict of interest. In an unholy alliance with the kangaroo meat and skin industry, the department's kangaroo management plan facilitates the exploitation of kangaroos, treating them as an economic resource rather than as sentient beings belonging to a keystone species, critical to environmental biodiversity. There is no doubt in my mind that each succeeding Minister for the environment, both State and Federal, has blood on their hands by allowing the most atrocious slaughter of kangaroos and their joeys to take place each night on our rangelands and pastures.

The papers that I ordered for production under Standing Order 52 revealed what kangaroo advocates have always argued: Chasing and shooting fleeing wild animals at night risks unknown numbers of cruel and painful deaths. A confidential 2018 program audit found that 35 per cent of harvesters admitted to disregarding the rule to tag non-head-shot carcasses, making a mockery of an RSPCA survey that claimed 95 per cent of the deaths were by a single gunshot wound to the head. How is it possible to measure that when their heads do not arrive with the carcasses at the chiller? They are cut off in the field. We also have the uncounted numbers of joeys bludgeoned to death or decapitated—and just remember that a joey is the child of a kangaroo, whether it be in pouch or at foot. What other industries routinely kill the babies, the young, of animals and treat them as collateral damage as part of a meat and skin industry? What happens to them is that they are bludgeoned to death, decapitated, or left abandoned for predation, starvation and thirst.

In 2021 commercial shooters lawfully killed over 40,000 kangaroos in New South Wales per month. Since 2020 more than a quarter of a million kangaroos have been killed by landholders under licences to harm issued by the National Parks and Wildlife Service. Despite this carnage, the commercial industry has failed to fill its allowable quota in every kangaroo management zone. On average, over the past 10 years only 30 per cent of the quotas are filled. Even though it is welcome that it is not 100 per cent, what it measures is this: What reason could there possibly be for the industry to fail to fill the 70 per cent of its quota year in, year out? The kangaroos are simply not there. The quotas are set on flawed population estimates, based on surveys that are often years out of date.

We also know that kangaroo carcasses are getting smaller because the commercial targeting of the larger alpha males and the larger females has led to their extermination. In the absence of the larger alpha males, younger males compete for dominance of power, becoming more violent towards each other and in mating with females. The integrity of the mob, the structure of the mob, from the alpha males teaching the young together with their mothers has been lost. We have a dysfunctional, totally lost mob of kangaroos, which no longer feel safe in their mob. All of this damning information and more was presented to the inquiry; evidence from many witnesses who, based on the department's own quota reports, point to areas where kangaroo population densities have fallen so low they may be at risk of localised extinction. Despite numerous attempts by inquiry members, we were unable to get straight answers to questions simply as basic as this: If the biological reproductive rate of kangaroos cannot be greater than 10 per cent per annum, and this figure comes from the Department of Primary Industries and the Department of Planning, Industry and Environment [DPIE], why are kill quotas set at 15 to 17 per cent of the estimated population, where the biological reproductive rate never gets to that point? How can this be sustainable?

A number of witnesses called into question the accuracy of the methodology by which populations were estimated. As a consequence, two of the major recommendations are that the Auditor-General and the Natural

Resources Commission should be contracted respectively to examine whether the kangaroo management program fulfils its obligations under the Biodiversity Conservation Act, which is meant to protect kangaroos, plus an examination of the methodologies used to estimate populations. I must remain hopeful that the Government will give a thorough and genuine response to this very important inquiry's findings and recommendations, but after seven years on the crossbench, I have grown impatient. I have seen the plight of our native animals worsen, their habitats destroyed and their numbers dwindling. Time is running out for our macropods. Local extinctions are already occurring, and the red kangaroo and the wallaroo are perilously close to being lost forever in New South Wales.

It is for those reasons that I have decided to introduce this bill to amend the Biodiversity Conservation Act 2016 in order to stop the Government sanctioning the killing of our kangaroos and other macropods. The bill is very simple: It stops the slaughter of kangaroos and other macropods by prohibiting the issuing of licences under the Biodiversity Conservation Act that authorise lethally harming or commercially harvesting kangaroos. Individuals such as motorists, farmers or landholders will still be able to perform a coup de grâce on a dying kangaroo. The bill does not change the law in regard to Indigenous hunting practices and rights.

Regulations can be made under the proposed Act with respect to the protection and care of kangaroos, including regulating the safe capture, release and/or relocation of kangaroos. It does not restrict the application of fertility control programs. Fines and jail terms apply for proven breaches of the kangaroo protections. No new licences can be issued and eventually all remaining licences will extinguish over time. The bill is for the untold number of joeys bludgeoned to death—almost half a million in Australia every year—the mothers with non-head shots left to die in a field, the missing alpha males and the decimation of the iconic mobs that once proudly roamed the open plains of this country. The bill is tabled in honour of the late Uncle Max Dulumunmun Harrison, a Yuin Elder, who gave his powerful testimony to the inquiry, stating:

How long have those kangaroos been hopping on this land? They are not intruding on farmers, or developers, or roadways.

...

My people have lived beside the kangaroo for thousands of years and we never considered them as a pest.

I commend the bill to the House.

Debate adjourned.

ELECTORAL AMENDMENT (VOTING AGE) BILL 2022

First Reading

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

Second Reading Speech

Ms ABIGAIL BOYD (10:52): I move:

That this bill be now read a second time.

Who can and cannot vote and have a say in the shape and direction of our democracy has changed and evolved continually since Federation. In 1902 Australia became the second country in the world, after New Zealand, to extend voting rights to some women. At the same time, however, the same Commonwealth Franchise Act 1902 deliberately excluded First Nations people from the voting franchise, a deplorable act of bigotry and discrimination that was only overcome in 1962 following decades of campaigning. In 1970 New South Wales was the first State to lower the voting age from 21 to 18, and in 1973 the voting age was lowered to 18 for Federal elections.

It has been a longstanding Greens policy to expand the voting franchise to 16- and 17-year-olds, and I thank my colleagues from across the country for their own work towards this common aim. Recent attempts include those by my Greens colleagues Johnathan Davis and Andrew Braddock in the Australian Capital Territory, Robert Simms in South Australia, Sam Hibbins in Victoria, Cassy O'Connor in Tasmania and Jordon Steele-John, who introduced a bill to lower the voting age to 16 in the House of Representatives in Canberra. Every attempt and instance has helped to spark debate, educate the public and build the case to have this simple but powerful change implemented. Every inquiry and consultation conducted for those legislative attempts has garnered scores of sophisticated, thoughtful responses and submissions from talented academics and advocates who support lifting up and respecting the voices of young people in our democracy. The support has been overwhelming from the institutions who are impartial, expert and intelligent in these spaces. The Human Rights Law Centre has said:

A minimum voting age of 16 years of age is an appropriate way to meet Australia's obligations under international law, consistent with contemporary understandings of maturity and cognitive development.

The NSW Council for Civil Liberties has said that lowering the voting age to 16 "would ensure the fair and consistent legal treatment of young people", and the Australian Youth Affairs Coalition has stated:

Lowering the non-compulsory voting age to 16 legitimises the fundamental rights of young people as citizens who make significant contributions to Australian society.

The Greens' proud legacy of advocating for young people in this space is not to detract from the broad, bipartisan support the idea has garnered over the years. If New South Wales were to pass this bill, we would be joining the ranks of a diverse and growing group of jurisdictions across the globe that have extended the political franchise to 16- and 17-year-olds. In 1984 Nicaragua lowered its voting age from 21 to 16, and in 1988 Brazil followed suit. In the nineties the voting age was reduced to 16 in some German States—

The DEPUTY PRESIDENT (The Hon. Wes Fang): Order! The member will be heard in silence.

Ms ABIGAIL BOYD: —and in Switzerland for local elections. Since then, the Isle of Man, Austria, Guernsey, Jersey and Ecuador have lowered their voting age, as well as Scotland, Wales, Argentina, Cuba, Greece, Malta and many more. In 2015 the European Union's Congress of Local and Regional Authorities recommended lowering the voting age to 16 in local and regional elections in line with its youth strategy, acknowledging elections as the main transmission belt for citizens' political participation. To lower the voting age is not some out-of-left-field idea nor is it a cynical political ploy to capture a new set of voters. It is a valid advancement in the deepening, widening and strengthening of our society and democracy by welcoming and respecting the diverse and legitimate perspectives of younger people.

Past advocates of lowering the voting age have included former Labor Party leaders at New South Wales and Federal levels Jodi McKay and Bill Shorten, and I would be remiss to neglect to mention the glowing praise this proposal garnered from Adam Marshall of The Nationals in New South Wales. This is a political project that has no bearing on the left-right spectrum and instead goes to a more fundamental question of democracy and respect. Previous attempts to lower the voting age have been held up by speculative arguments as to what might happen, rather than examining what actually happens when 16- and 17-year-olds are allowed to vote. There is no excuse to speculate any longer as international research can now collate and report on the real experience of jurisdictions that have lowered their voting age.

In July 2021 the journal *Parliamentary Affairs* published an article by Jan Eichorn and Johannes Begh which collected international empirical data to study what happened when 16- and 17-year-olds were allowed to vote in terms of their political behaviour, attitudes and broader views on their engagement. In none of the countries could they find negative effects on young people's engagement or civic attitudes after the voting age was lowered. In many instances the opposite was the case, with enfranchised 16- and 17-year-olds often more interested in politics, more likely to vote and more likely to demonstrate other pro-civic attitudes as they age.

Internationally, democracies are facing a crisis of political trust that few interventions seem capable of overcoming and reversing. Voters enfranchised at a younger age have been shown to hold higher levels of political trust and greater support for democracy than other voters, and those effects tend to be retained throughout further years of life. Furthermore, enfranchised and politically engaged young people have an influence on their parents and other adults around them, especially when having had civic education that involved discussions about politics, which creates a beneficial flow-on effect into broader society.

As they currently stand, our election laws are leaving otherwise politically engaged, impassioned young people voiceless, frustrated and alienated. The bill acknowledges that frustration and extends the hand of civic participation to our future generations. The Electoral Amendment (Voting Age) Bill 2022 will amend the Electoral Act 2017 to entitle persons over the age of 16 to vote in elections in New South Wales while excluding persons under the age of 18 years from the obligation to vote in elections in New South Wales. The bill would also entitle persons over the age of 14 years old, rather than the current 16 years old, to enrol to vote in New South Wales. Schedule 1 [3] lowers the age at which a person is entitled to vote in New South Wales from 18 years of age to 16 years of age, and schedules 1 [2], 1 [4] to 1 [9], and 1 [11] make consequential amendments.

Schedule 1[10] excludes electors under the age of 18 from the obligation to vote in New South Wales. This is an important provision. The concept of compulsory voting is a core part of the democratic process in Australia, and I make no move to diminish or erode such an important principle. However, when it comes to people under the age of 18, we need to strike a balance between encouraging participation in democratic processes and extending the right to have a say in what happens in our State, while avoiding punishing newly enfranchised people—who, as younger people, will be less likely to have independent financial resources—for not availing themselves of that opportunity. It is for this reason that the bill introduces voting for 16- and 17-year-olds on an optional basis only, thereby excluding the possibility of fines for the failure to vote. Once the change has been in place for a sufficient period of time and once civics education is a key plank of our curriculum from an early stage

of high school, it may be possible that voting for 16- and 17-year-olds could become mandatory, as it is now for older voters.

Schedule 1[1] to the bill lowers the age at which a person is entitled to enrol to vote in New South Wales from 16 years of age to 14 years of age. Not only is this necessary from a practical perspective but also it will serve an educational purpose, allowing young people to ready themselves well in advance of their first opportunity to vote. Democracy does not start and end at the ballot box, but without a vote you do not have a voice. Our current election laws leave politically engaged, impassioned young people voiceless and frustrated. The bill makes a legislatively simple but socially profound intervention to amend the Electoral Act to permit, but not oblige, 16- and 17-year-olds to vote in New South Wales elections.

There is a massive amount of political engagement and desire for change from young people. To witness this for yourself you need only attend one of the School Strike 4 Climate rallies that are happening across the country and the world. In addition to the social benefit of expanding the right to vote to younger people, there is also a fundamental question of fairness. Young people in New South Wales already work and pay taxes. We accept that they are old enough to open a bank account, learn to drive and have sex. They can even be criminally charged as an adult and go to prison. It is time they were empowered to exercise their voice in our democracy too. Academic studies of other countries that have already lowered their voting age to 16 have shown that lowering the voting age results in higher political engagement and political trust, which is then carried into adulthood. By giving 16- and 17-year-olds the choice to vote, we will be empowering these individuals and also strengthening our democracy and our community.

This reform will empower young people to have their voices heard, become more informed about the electoral process and encourage broader democratic participation. We hear the major parties banging on about how they value young people, but they are too often only focused on what young people will grow up to become. What gets overlooked is that young people have something important to say right now. They offer us a fresh vision and ideas. They push us to do things in a better way. When we give 16- and 17-year-olds the right to vote, we not only recognise that young people have something valuable to say but also we provide an incentive for political parties to listen and engage with their ideas. The change to the voting age will motivate politicians from all parties to take the concerns of young people seriously and implement effective policy that considers the interests of young people in our community.

There are some who will claim that we are only proposing this bill because we think that young people would overwhelmingly vote for The Greens. I do not think that is true. We would likely see a diversity of political views among 16- and 17-year-olds, just as we do in all other age groups. But let us imagine for a moment that this were the case and to expand the right to vote to 16- and 17-year-olds saw an overwhelming surge in votes for The Greens or some other progressive political party. Is that really the basis on which you would oppose their enfranchisement?

What other social groups' or classes' right to participate in our democracy would you restrict for fear that they too may vote against you? Democracy cannot be contingent, otherwise it is not democratic at all. Swift passage of this bill before the State election in March 2023 will give time for young people to be informed of their right to vote and learn more about the electoral process, preferential voting and the politicians who stand to represent their interests. Expanding our democracy can only serve to strengthen it. Young people have already shown us that they have a strong and diverse voice. It is up to us to decide if we as a society want to hear it. I commend the bill to the House.

Debate adjourned.

VOLUNTARY ASSISTED DYING BILL 2021

Second Reading Debate

Debate resumed from 23 February 2022.

The Hon. GREG DONNELLY (11:04): I contribute to debate on the euphemistically named Voluntary Assisted Dying Bill 2021. I have no doubt that the profound significance of this proposed law, which would enable the State to establish and financially support on an ongoing basis a legislative framework that provides for its citizens access to assisted suicide and euthanasia, weighs heavily on the minds of all honourable members. All honourable members have had, and we no doubt will hear about this in various contributions to come in the debate, a personal experience or a number of personal experiences that have shaped and galvanised their views about assisted suicide and euthanasia.

Many such examples, I expect, will be of loved ones, family members, colleagues or people they have known who experienced a difficult and painful period leading up to their death. I too have had such occurrences,

some very difficult, and share with honourable members the desire to assist individuals relieve or nullify pain and suffering leading up to their death. However, where I part company with my colleagues who support the bill and this type of legislation is in the endorsement and legalisation of certain practices—assisted suicide and euthanasia—to relieve or nullify pain and suffering leading up to death. I believe those practices are intrinsically unethical and inherently dangerous, especially to vulnerable individuals. Moreover, they are not just corrosive but are destructive of the shared values between ourselves and upon which we base human relationships and our society.

It is a matter of fact that the bill passed the Legislative Assembly in late November last year. I must say I found it perplexing and indeed troubling to see such a significant legislative proposal be debated and voted on in the Legislative Assembly without it being subject to open, transparent and thorough parliamentary inquiry by that House or perhaps a joint select committee constituted by both MPs and MLCs. I will not dwell on the matter, but I must ask: If it was considered appropriate and necessary for Victoria, Queensland and Western Australia—the second, third and fourth most populous States in the Commonwealth—to have open, transparent and thorough parliamentary inquiries into proposed bills that would provide for assisted suicide and euthanasia before there was a single word of debate or vote on the bill, how could it be that the State with one-third of the country's population and with the oldest people's House did not put it under a microscope and undertake comprehensive due diligence? Notwithstanding my opinion, it was a mistake for the bill not to be inquired into by a parliamentary committee before it was permitted to progress through the House it was introduced into.

As far as this Chamber is concerned, the matter has now been addressed. The Legislative Council Standing Committee on Law and Justice tabled its report into the Voluntary Assisted Dying Bill 2021 on 22 February 2022. For a matter of such profound significance, the length of the inquiry was far shorter than it should have been. I invite honourable members to pause for a moment and consider that the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability has been undertaking its important work since April 2019.

Those who have read and studied the royal commission's five progress reports and interim report that have been published to date can only be left numb by the case studies and examples of the ill-treatment, abuse and cruelty towards some of our most vulnerable citizens. Yet with the inquiry into this bill there was only miniscule discussion of its implications for the citizens of this State with physical or intellectual disabilities. Furthermore, there was no direct engagement at all with First Nations people of this State, who we know suffer from manifest health problems and medical conditions. There was not one submission or witness discussing and examining the implications of legalising assisted suicide and euthanasia for them and their communities.

Unless there is any doubt about the scale of treatment, abuse and cruelty towards the largest vulnerable group of citizens, the elderly, I draw the attention of honourable members to the findings of the Royal Commission into Aged Care Quality and Safety and the recently released Australian Institute of Family Studies' *National Elder Abuse Prevalence Study: Final Report*. Tragically, the evidence to the inquiry for and on behalf of the elderly was only very limited. With respect to these matters, I ask myself: How can this be so? A longer inquiry would have enabled the proper engagement with the disabled, the First Nations people and the aged—nothing less than they deserve.

In the time one has to speak in debate on this bill it is just not possible to cover all the ground one would wish. So as to not short-change the full scope of what I would otherwise like to place before the House as my reasons for opposing the bill, I invite honourable members to read within the inquiry report all the content commencing with the heading "Arguments against the Voluntary Assisted Dying Bill 2021" on pages 24 through to 46 inclusive. I also strongly encourage the reading of the submissions, oral evidence, answers to questions on notice, answers to supplementary questions and links referenced on said pages. I also recommend the reading of the full day of oral evidence provided by opponents of the bill on Friday 10 December 2021, and the evidence of Ms Therese Smeal, Ms Linda Hansen, Dr Michael Casey, Dr Cris Abbu, Dr John Fleming, Mr Gregory Bondar, Ms Branka van der Linden and Bishop Michael Stead on Monday 13 December 2021. All of this material is available via the inquiry's webpage on the Parliament of New South Wales website.

I appreciate that this is quite a bit of material to become familiar with and I acknowledge the pressures on the time of members. Nevertheless, I implore each and every member to read and reflect on the evidence that, in the main, was not sought or made available to MPs in the other place when they debated and voted on the bill in November last year. In my respectful submission the material I have cited above, if examined and considered carefully, makes the case very clearly and powerfully that assisted suicide and euthanasia in general, and this bill in particular, should not and must not be permitted to enter onto the statute books of this State. Lest there be any doubt, I mean this bill in any form. It is fundamentally flawed at its core and cannot be amended into a law that is safe and would be free of misuse and abuse, particularly with respect to the aged, the frail, the physically and mentally compromised and those susceptible to being imposed upon by the healthy and the strong.

The proponents of this legislation are implacably committed to refusing to acknowledge or admit that the bill is anything other than completely safe and free of potential misuse, abuse and error. What other approach would one expect them to take? I have to say, though, that with key provisions clearly articulated as safeguards in the parliamentary debate on the Victorian Act being deliberately excluded from the New South Wales bill—namely, the prohibition on health practitioners being able to initiate discussion about voluntary assisted dying [VAD] with a patient or resident; and the requirement that either the coordinating medical practitioner or consulting medical practitioner must have relevant expertise and experience in the disease, illness or medical condition expected to cause the death of the person being assessed—members have to ask themselves how sincere this claim is.

How is it that key provisions clearly understood and accepted as safeguards for Victorian citizens can simply be flipped by VAD proponents in this Parliament—and this House—and now dismissively be characterised as obstacles thwarting individuals who want to end their lives? Are they really trying to sell to this Parliament and House the argument that the citizens of this State deserve lesser, inferior safeguards compared to our brothers and sisters who live south of the Murray River? If so, why? Proponents of this legislation say opponents are scaremongers and there is no proof of malfeasance, abuse or misuse when it comes to any of Australia's VAD Acts. Only two Acts have been fully operationalised: those in Victoria and Western Australia. Western Australia's Act has been operating for almost three months and Victoria's Act since 19 June 2019. Neither jurisdiction has produced or will produce reports that provide any clinical account of the operational experience of the legislation at the grassroots level; that is not the way the statutory reporting regimes have been set up.

It is for this reason that I specifically examined the matter with respect to the Victorian Act with medical experts who provided written and oral evidence to the inquiry into the proposed New South Wales legislation. In particular, I draw the attention of honourable members to the submission of Professor David Kissane, AC, on pages 3 to 6, and Professor Leeroy William's answers to supplementary questions, particularly the answer to question three, on pages 6 to 8. I strongly encourage a close examination of this evidence. Proponents of the legislation will no doubt seek to diminish and discount this evidence as being just hearsay commentary. I assure honourable members that this is not the case. If any members would like to speak directly to Professor Kissane or Professor William about the evidence I can provide their contact details.

The legalisation of assisted suicide and euthanasia as provided for in the bill before the House uproots and sets aside key longstanding criminal law provisions in this State and the ancient medical principle of "First, do no harm" that are directed at respecting and protecting human life. The types of scenarios featured in the case studies by the two professors arise because of the existence of VAD legislation and the way it has, in my submission, corrupted the criminal law and perverted the primary medical ethic. To be clear, we are not talking about some tangential relationship between cause and effect; we are talking about a direct relationship between the Victorian VAD Act and the circumstances the individual patients found themselves in. Others no doubt may disagree, but it is the very ordinariness and believability of the scenarios that I submit honourable members should find not just concerning but very troubling. One needs no imagination at all to conceive of similar scenarios playing out in New South Wales if this State legislates assisted suicide and euthanasia.

The case studies from the professors have, as appropriate, de-identified the individuals involved and the respective hospitals or residential settings and their families. They speak for themselves. Each of them in their own way throws strong light on what is the great vulnerability that I expect potentially many of us, if not most, will face at the end of our lives. I highlight Professor Kissane's depression case study in paragraph 5 and coercion case study in paragraph 7 on pages 4 to 7 of his submission. I also draw to the attention of honourable members the examples provided by Professor William of the 58-year-old and 63-year-old patients with life-limiting illnesses who were both pressured by family members to proceed with VAD, found in the answer to question three at the top of page 7 of his answers to supplementary questions. The examples refer to the existence of family members encouraging and pressing a patient to consider applying for access to or utilising VAD. I make the obvious point that if such a law was not on the statute books of Victoria, that line of conversation or discussion about seeking access to or utilising VAD would not and could not be opened up between the family member and the patient.

I find the circumstances outlined in the case studies and examples by Professor Kissane and Professor William utterly unsurprising. These and like circumstances are precisely what opponents of such laws have expressed as one area of particular concern. On the second hearing day into the bill on 10 December last year, witness after witness highlighted this inherently dangerous and unfixable foundation of the bill; so too did a number of witnesses at the hearing on 13 December. This type of subtle influencing, nudging and persuading, right through to overt coercing, has featured and continues to feature in every country and jurisdiction that has legalised assisted suicide and euthanasia, yet those who promote and seek to advance such laws wilfully refuse to acknowledge let alone reconcile themselves to these facts and their consequences. They point-blank deny that such behaviour happens or is even capable of happening.

I invite honourable members to close their eyes for a moment and superimpose different personality types, be they stronger or weaker, on the individuals involved in the case studies and the examples. One can easily see how the outcomes and the paths to them could have been quite different. None of us should find this surprising. Human behaviour, interaction and reaction at the most cellular level—that is, the family—are by definition very close and personal. The truth of the matter is that behind closed doors and drawn curtains, enabled by the Victorian Act and never to be revealed to anybody outside of the family—perhaps even a single family member—certain soft, reassuring conversations about applying for access to or utilising VAD are taking place in that State. The vulnerable, those least able to resist and defend themselves because of their weakened and compromised circumstances, are susceptible to harmful behaviour and worse from family members who are hale and hearty. To fail to believe this is a case of not telling oneself the truth before telling oneself the lie. Putting it another way, it is a deliberate and wilful blindness to the clear and present dangers of legalising assisted suicide and euthanasia.

Much detailed work has been undertaken to legally critique the bill to establish whether various provisions—including the claimed protections, safeguards, clarity of terminology, exemptions, procedures and enforceability—are in fact what the proponents claim, something different, or an illusion. Honourable members, it seems to me that for those who at this stage have formed the opinion that this bill is worthy of support, or for those who are considering supporting it, a most crucial question to be answered is this: Are you satisfied that the actual content of the bill will ensure that death comes only to those who freely choose it? Or are we being asked to support a proposal that at best seeks to reduce the risk of misuse, abuse and error? In my view this is a most important distinction to clarify the ground the bill stands on. It must be one or the other; it cannot be both.

I strongly encourage honourable members wishing to explore the legal shortcomings, gaps and deficiencies of the bill to read the joint legal opinions of Mr David F. Jackson, QC, and Mr Garry McGrath, SC, into the Voluntary Assisted Dying Bill 2021; analysis of the Voluntary Assisted Dying Bill 2021 by the Hon. Alister Henskens, SC, MP; and the inquiry submissions of the Hon. Greg Smith, SC, Mr Paul D. Santamaria, QC, and Miss Anna Walsh, lawyer and academic. I am happy to provide copies to any member who would like to read and study them.

I also commend the extensive legal commentary on the bill provided by the various submitters who gave oral evidence to the inquiry on 10 December, and the above-named witnesses who appeared on 13 December 2021, including their answers to questions on notice and supplementary questions. I make one final point before I conclude. I invite all members to look at the detailed evidence collected by the Portfolio Committee No. 2 - Health inquiry into health outcomes and access to health and hospital services in rural, regional and remote New South Wales. In particular, I draw the attention of the House to the evidence of the huge deficit in the provision and availability of high-quality palliative care for our citizens who live outside of the metropolitan areas of Newcastle, Sydney and Wollongong.

In my view, it would be nothing short of reprehensible if this Parliament passed a law guaranteeing access to assisted suicide and euthanasia, while at the same time not only knowing but also accepting that, because of the unavailability of high-quality palliative care and in some instances of basic palliative care outside of the metropolitan areas, citizens will succumb to those procedures. Despite what the proponents of the bill try to argue, voluntary assisted suicide and palliative care are not complementary or indeed related in any way; they are separated by 180 degrees. There can simply be no legitimate basis to support the bill before the House unless and until all citizens of New South Wales, no matter where they live, have access to readily available high-quality palliative care. Let this be the life-affirming goal we all strive to achieve and make happen together.

If members can find the time to read the evidence to the inquiry of just one person regarding what high-quality palliative care not only looks like but also delivers, I recommend that of Dr Sarah Wenham, a specialist palliative care physician with nearly 20 years' experience based in Broken Hill. Currently she is the only specialist palliative care physician working west of the Great Dividing Range in New South Wales. If we as legislators can envisage that in creating a law for what proponents claim to be a small number of people who want the ability to access assisted suicide and euthanasia, but in doing so expose others on an ongoing basis who will involuntarily be drawn into the net of these procedures, we have no choice—I repeat, no choice—but to oppose and reject the bill.

In my opinion, as legislators we have an absolute obligation to rigorously apply the precautionary principle when considering such legislation—a principle we are all very familiar with because we have discussed it many times in this House. We cannot and must not support the bill if it is possible that individuals who would not otherwise partake in the practices of assisted suicide and euthanasia may—and I emphasise the word may—be drawn into and succumb to them. Not one soul should ever be placed in such circumstances. I repeat: Not one soul should ever be placed in such circumstances. I implore all members to join me in opposing the Voluntary Assisted Dying Bill 2021. The citizens of this State, both current and future, rely on us and indeed need us to oppose the bill. I thank the House for its consideration.

The Hon. PETER PRIMROSE (11:23): I support the Voluntary Assisted Dying Bill 2021, and I do so in the same terms that I used to express my broad support for the Voluntary Assisted Dying Bill 2017. The bill has been developed following extensive, lengthy and ongoing consultation. As a proud member of the left of the New South Wales Labor Party, my position on the subject is hardly a secret. Following the debate on the 2017 bill and after reviewing the evidence and listening to the tragic experiences of so many people, I decided to join the Dying with Dignity organisation to show my support for voluntary assisted dying legislation with strict safeguards. I thank everyone who has contacted me about the legislation. It has not always been possible to respond to everyone, but they should be assured that I have appreciated them taking the time to let me and other members know their views. Equally, I thank the previous speaker, my colleague the Hon. Greg Donnelly, for expressing his views so succinctly.

Those opposing the bill argue that it represents suicidal endorsement of the intentional ending of someone's life and that it could be misused. Those in favour of the bill argue that it is a humane reform that is necessary to allow people to choose to die with dignity. Both positions are put by people who are equally caring and thoughtful. Both positions are put by people with strong ethical and often religious convictions. Some opponents of the bill have argued—I believe correctly—that it is difficult to have a fully informed discussion about the whole issue because of the failure of our community to fund and guarantee access for all to quality care at the end of life. We must provide far better access to well-resourced palliative care. However, not all terminally ill people view palliative sedation, which is essentially a medically induced coma, as a satisfactory alternative to assisted dying.

Many people want choice and control at the end of their life and to be able to communicate with loved ones. Nevertheless, one thing we can all agree on is the need for a major, sustained and coordinated expansion of palliative care services throughout the State. It is also undeniable that legislating to support the choice of assisted dying for terminally ill people has wide public support in New South Wales and across Australia, as shown by the legislation in other jurisdictions and professional polling over the past quarter of a century. Australia was the first place in the world to pass a law giving terminally ill people the right to be assisted to die—in 1996 in the Northern Territory—but only four people were able to access that 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 in the past has so often been the leader on social reform—but not on this occasion. Those who oppose the legislation can claim many things when making their case, but they cannot claim to represent the overwhelming majority of the community, which wants voluntary assisted dying legislation enacted. In all Australian jurisdictions it is unlawful to assist someone to commit suicide, yet it is not unlawful for someone to attempt to commit suicide. Perversely, therefore, it is unlawful to assist someone to do an act that is not unlawful. Despite that, the criminal law is rarely invoked in such cases, especially in relation to voluntary physician-based euthanasia. Where public prosecutors choose to undertake such prosecutions, the sentences imposed are at the low end and usually do not involve imprisonment.

One example is *R v Godfrey*, a 2004 case that was heard before the Supreme Court in Tasmania. Godfrey received a suspended sentence after pleading guilty to assisting with the suicide of his elderly mother. Justice Underwood imposed a suspended sentence, stating that Godfrey's crime was "motivated solely by compassion and love" and "was an act of last resort". That is not an unusual situation or decision. If one purpose of the law is to reflect and enforce the values of our society then, given the public polling that I referred to earlier, it seems that members of the judiciary are more in touch with the views and values of the overwhelming majority of Australians than some members of this Parliament.

The legal fiction that the law as it stands aims to protect life at all costs becomes even more apparent when we consider that, while taking active steps to assist someone to end their life is unlawful, the law does permit life-sustaining treatment to be withheld or withdrawn in regulated circumstances. Under our current law, it is already possible for doctors to withhold or withdraw treatment when they decide that it is not in the patient's best interests, such as when the treatment is held to be futile. It is lawful also for a person relying on life-sustaining treatment, such as a respirator, to make a decision for that equipment to be turned off, so enabling them to die; yet, perversely, another person who is equally ill, experiencing unbelievable pain, but suffering from a different condition that does not require such artificial life-sustaining treatment cannot legally ask to be assisted to die.

This area becomes murkier when considering that our current law also allows decisions to withhold or withdraw life-sustaining treatment to be made by and for a person who lacks decision-making competence. Through an advance care directive a person can decide, while they are competent, what medical treatment they want and do not want when they lose their ability to make decisions for themselves. As shown in the 2009 decision

of the Supreme Court in *Hunter New England Area Health Service v A*, Justice McDougall made it clear that a refusal of treatment did not need to be based on medical information.

A refusal of treatment would be valid whether it was based on religious, social or moral grounds, and even on no apparent rational grounds at all. Any failure to comply with an advance care directive may be considered an assault and battery under common law. A second way that the law allows life and death decisions to be made regarding medical treatment when a person lacks competence is through substitute decision-making, as enacted in our adult guardianship legislation, with all the protections that this entails. Of course, a third way that the law allows such decisions to be made is through parents who can decide for their children, with the criterion being what is in the child's best interests.

In Australia, to be lawful, palliative care must be provided with the intention to relieve pain and not to cause or hasten death, although the death may be foreseen, but the centrality of the legal notion of intention raises many issues. For example, where do you place the palliative practice of terminal sedation when a patient is kept under deep continuous sedation to manage pain while artificial nutrition and hydration are withdrawn and withheld, ultimately leading to death? The intention is to treat symptoms rather than shorten life, but shortening life is a totally foreseeable consequence.

I am not suggesting for a moment that these are not legitimate, appropriate or caring practices, but I am suggesting that the much-touted belief of legal protection of life at all costs in Australia—and New South Wales more specifically—is nothing but a fiction. Leaving aside the practical and myriad complexities thrown up by real-life situations, even at the level of our black-letter law, it is simply not the case that there is an absolute prohibition of ending life, nor an absolute obligation to keep the terminally ill alive regardless of other considerations.

Some caring and deliberate acts or omissions undertaken by medical practitioners in the full knowledge that a person will die as a result are already lawful in New South Wales, while other caring and deliberate acts undertaken by medical practitioners that lead to death are held not to be lawful. It is clear that the current regulatory framework does not work. There is a clear body of empirical evidence that voluntary euthanasia and assisted suicide are already taking place throughout Australia and New South Wales. Evidence from major surveys by Australian doctors as early as the 1997 research by Kuhse, Singer, Baume and others, using a sample of 3,000 doctors with a response rate of 64 per cent, found the following:

The proportion of all Australian deaths that involved a medical end-of-life decision were: euthanasia, 1.8% (including physician-assisted suicide, 0.1%); ending of patient's life without patient's concurrent explicit request, 3.5%; withholding or withdrawing of potentially life-prolonging treatment, 28.6%; alleviation of pain with opioids in doses large enough that there was a probable life-shortening effect, 30.9%. In 30% of all Australian deaths, a medical end-of-life decision was made with the explicit intention of ending the patient's life, of which 4% were in response to a direct request from the patient.

Overall, Australia had a higher rate of intentional ending of life without the patient's request than the Netherlands. These statistics are broadly comparable to the vast volume of subsequent academic research in Australia and other jurisdictions. In the time left to me, I will examine some of the other myths surrounding vulnerable people that have been referred to in this debate both here and in the other place. One myth is that potentially vulnerable people, such as the elderly or disabled, will be at risk under a voluntary assisted dying law. Where voluntary assisted dying is legal, there is no evidence that potentially vulnerable groups, such as those aged over 85, people with disabilities, people of lower socio-economic status and those with mental health problems, are adversely affected. Research has repeatedly found that in no jurisdiction was there evidence that vulnerable patients have been receiving euthanasia or voluntary assisted dying at rates higher than those in the general population.

The bill itself 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 under the proposed legislation, a patient must be at least 18 years of age and an Australian citizen, be a permanent resident or 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, 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 already very robust statutory processes.

The next myth is that an assisted dying law would be the start of a slippery slope. In Oregon, where assisted dying law has been operating safely since 1997, there have been no cases of abuse of the law and no widening of its initial limited scope. Assisted deaths in Oregon account for just 0.4 per cent of total deaths. Those opposed to voluntary assisted dying often cite the wider eligibility criteria of laws operating in Belgium and the Netherlands, but these have always been much wider in scope than this bill proposes and therefore cannot be adduced as evidence for a so-called slippery slope. Research in jurisdictions that allow assisted dying shows that concerns about abuse have not eventuated. The eligibility criteria and safeguards are restricting access only to those who qualify and are protecting vulnerable people. For each of those myths and arguments that I have read out, if the time was available to me, I could quote or read through the research findings and the references. I am making assertions but all the assertions I am making are based on empirical evidence, not on myth-making.

There are many other things I could say, even though other members have already said and will say many of them. I believe it is important for each of us to say what we believe, often passionately, in what we are saying. It is incumbent on us to base our contributions on evidence and the law, rather than simply making assertions. That is what I have tried to do in my contribution today.

The Hon. Mark Latham: Who wrote this?

The Hon. PETER PRIMROSE: The second reading debate on this bill involves a vote as to whether or not we agree on the general principles of the bill. If it is passed, the House will vote on any detailed amendments in Committee and there will be a vote on the third reading of the bill. For those who disagree with the bill on religious grounds, no amount of rational debate or amending will change their views; but for those who argue that the protections in the bill are not sufficient, I urge them to consider voting for the second reading and then to propose additional protections in Committee. If they do not believe the debate is satisfactory they can make a final decision at the third reading.

I heard an interjection by one member in the House who asked, "Who wrote this?" I wrote this. I believe it is very important and, in the time that is available to me, I have chosen to make sure that my contribution is precise and detailed and is as accurate as I possibly can make it. If people do not believe the debate is satisfactory, as I have said they can make a final decision at the third reading. I ask members to consider not the gibes about personalities and not the gibes or assertions in relation to the myths. I ask them to consider seriously the evidence. I commend the bill to the House.

The Hon. LOU AMATO (11:41): I oppose the Voluntary Assisted Dying Bill 2021. In his encyclical, *Evangelium Vitae*, Pope John Paul II said of euthanasia:

Here we are faced with one of the more alarming symptoms of the "culture of death", which is advancing above all in prosperous societies, marked by an attitude of excessive preoccupation with efficiency and which sees the growing number of elderly and disabled people as intolerable and too burdensome.

Pope John Paul addressed euthanasia as mercy killing. He further stated:

Even when not motivated by a selfish refusal to be burdened with the life of someone who is suffering, euthanasia must be called a false mercy, and indeed a disturbing "perversion" of mercy. True "compassion" leads to sharing another's pain; it does not kill the person whose suffering we cannot bear. Moreover, the act of euthanasia appears all the more perverse if it is carried out by those, like relatives, who are supposed to treat a family member with patience and love, or by those, such as doctors, who by virtue of their specific profession are supposed to care for the sick person even in the most painful terminal stages.

The bill presently before the New South Wales Parliament specifies that the person to receive voluntary assisted dying [VAD] must have either six months or one year to live, depending on their medical condition. Many people who have been given a few months to live outlive their terminal prognosis by many years, or indeed make a full recovery. If they had chosen to end their life when they were sick and suffering, it would have been a great loss to them and to their families and friends.

Mistakes can be made about life expectancy. Legalised VAD will only multiply them. A former Premier of this very Parliament, the late Hon. John Joseph Fahey, AC, was diagnosed with late stage terminal lung cancer. Mr Fahey was given less than 12 months to live and under this proposed bill would have been eligible for euthanasia. Yet Mr Fahey lived for 19 years, passing in 2020, not from the original lung cancer diagnosis but from

leukaemia. There can be no double standards on how a society values life. On one hand we rightly deplore the ending of life by suicide, especially when it is carried out by a young person and we go to great lengths to prevent people taking their own life; but on the other hand, we legalise VAD so that we can assist people, including young people, to end their lives. What message are we sending to those who want to commit suicide?

Do we choose to value life and deplore suicide? We only have one choice and let us choose wisely. One of the standards by which we measure the justice and humaneness of a society is the way it treats its most vulnerable members. To legalise assisted suicide or doctor-administered VAD to end the suffering tells us that our society is not truly humane. It divides its citizens into two categories: Those whose lives are worth living, and who therefore cannot be allowed to access VAD, and those whose lives are not worth living, who can. All human lives are worth living. The law should not make a distinction between those who can be murdered or commit suicide without criminal liability, and those who cannot. This distinction rejects the democratic principles of equality of all before the law.

Legalised assisted suicide can lead to an increase in the general suicide rate. Once assisted suicide has received social acceptability by being legalised, it can lead people who are not suffering from a terminal illness to end their life. This is borne out in Oregon, in the United States, the first State to legalise assisted suicide, where the general suicide rate is 40 per cent higher than the average in the US. Following on from this, once we open the door to legalised killing the push will come to open it ever wider. For example, why should an 18 year old, suffering from the pain of cancer with six months to live, be able to have a doctor assist him to end his life when another 18 year old suffering from perhaps greater pain of depression or crippling osteoarthritis cannot? After all, the first person's pain presumably will end within months whereas the other's will be ongoing—perhaps for many years.

If an 18 year old can be assisted to die, why not a 15 year old or a 12 year old? The law is clearly arbitrary and discriminatory. We should not open the door at all. In other countries the law begins with strict conditions and ends up being softened progressively until practically anyone can request VAD. For example, although the 2002 law in the Netherlands allowed VAD when the suffering was unbearable with no prospect of improvement, little by little this was extended to include psychological suffering. An article in the *Journal of the American Medical Association Internal Medicine* in August 2015 reported that in the Netherlands in one year, 6.8 per cent of people who died from VAD did so because they were tired of living and 49.1 per cent characterised part of their suffering as loneliness.

In 2012, 42 people were euthanised in that country for early dementia and psychiatric conditions. What is more, 53.7 per cent of approved requests for VAD were from people over 80 years of age, as if old age itself might be considered a form of suffering. In Belgium in 2013 people were allowed to list tiredness of life as a reason for requesting VAD. Also in that country there were high-profile cases, one being the death of identical twins at 45 years of age who were euthanised when their eyesight began to fail, and another of a woman who had anorexia and who opted to have her life ended after having been sexually abused by the psychiatrist who was supposed to be treating her. Other reasons for VAD include autism and chronic fatigue syndrome. In Belgium, children of any age can now be put to death by VAD. This is a legal slippery slope—and it is indeed slippery. If we legalise VAD with strict conditions now, this is where we will inevitably end up. Is this the sort of country we are and want to be where we no longer value and protect life?

Legalised voluntary assisted dying leads inevitably to involuntary assisted dying where the patient is killed without their consent. We see this in the Netherlands, as recorded in a well-documented report from the US-based Patients Rights Council. By way of background, although the Netherlands passed a law legalising VAD as late as 2002, before that several court decisions held that doctors who killed their patients, or who helped them to kill themselves, would not be prosecuted as long as they followed certain guidelines. The doctors were to inform the authorities of all cases in which they intervened and these were summarised in three official government reports for the years 1990, 1995 and 2001. The reports were known as the *Rommelink Report* and were named after the Attorney General of the High Council of the Netherlands who headed the study committee.

Some of the findings are disturbing. For example, in the 1990 report, 1,041 people—an average of three per day—died from involuntary assisted dying, practised without the patient's knowledge or consent. Fourteen per cent of these patients were fully competent, 72 per cent never gave any indication that they would want their lives terminated and in 8 per cent of cases doctors performed involuntary assisted dying despite the fact that they believed alternative options were still available. In addition, 8,100 patients died as a result of overdoses of painkillers given not for the primary purpose of controlling the pain but to hasten the patient's death.

In 61 per cent of these cases, the intentional overdose was given without the patient's consent. Overall, in 1990 physicians deliberately and intentionally ended the lives of 11,840 people by lethal overdoses or injections, representing 9.1 per cent of all deaths that year. The majority of all voluntary assisted dying deaths were involuntary. In 45 per cent of cases of involuntary assisted dying carried out in a hospital, the patients' families

had no knowledge that their loved ones' lives were terminated deliberately by doctors. The most frequently cited reasons for ending the lives of patients without their consent were: low quality of life, no prospect of improvement and that the family could not take it anymore. What is sad is that voluntary assisted dying was practised with little or no effort to help the patients through palliative care. If voluntary assisted dying is legalised in New South Wales, it is inevitable that cases like these will occur here too.

When legalised, not only do the reasons for voluntary assisted dying increase gradually, so do the number of people seeking it. In 2012 one in every 30 deaths in the Netherlands was as a result of voluntary assisted dying, and children as young as 12 can now request it. In Flanders, Belgium, in 2007 one in every 53 deaths was by voluntary assisted dying, but in 2013 this had risen to one in every 22. A 2018 report on euthanasia in Belgium showed a record 2,309 cases reported to the authorities in 2016-17. The number of euthanasia deaths in 2017 increased by almost 300 on the previous year alone, with a tenfold increase since the 259 deaths recorded in 2002-03, which was the first year of legalised euthanasia in that country. In Switzerland the number of deaths increased from 43 in 1998 to 297 in 2009. Among the conditions of the people euthanised were arthritis, blindness, spinal injury, diabetes and mental illness. These people see practically any form of suffering as unbearable and they want to be freed from it by ending their lives. This is a sad commentary on a society.

What most dying people want is company, compassion and the assurance that they are loved, not a quick end to their suffering. Dr Brian Pollard, who set up the first palliative care unit in New South Wales, said that in all his years of looking after dying people, he never had a request for voluntary assisted dying from a patient. However, he did have requests from family members, who he said seemed to be saying, "Could you please put him or her out of our misery?" If we learn to show more compassion, we can reduce greatly the requests for assisted dying. Medical professionals are trained to heal and to preserve life, not to end it. The Hippocratic oath, taken by doctors since as early as the fourth or fifth century BC, contains the statement:

I will use treatment to help the sick according to my ability and judgement, but never with a view to injury or wrongdoing.

The last phrase is often shortened to, "First, do no harm." Voluntary assisted dying causes the greatest possible harm. It kills the patient and goes against everything that doctors stand for. We should not expect doctors to use their skills to end the lives of their patients.

Not for nothing do the American Medical Association, the Australian Medical Association and the World Medical Association oppose voluntary assisted dying, since assisting someone to end their life goes against everything that doctors are trained to do. Many suffer emotionally from having cooperated in the process. A survey of doctors who participated in voluntary assisted dying or assisted suicide in the United States found that 24 per cent regretted doing so, and 16 per cent said that the emotional burden of having participated adversely affected their practice. In a survey of Oregon physicians in 1995, more than 50 per cent stated that they would not provide a lethal prescription if physician-assisted suicide were legalised.

Family members who offer a lethal drug and then watch their relative die can suffer greatly. It is one thing to accompany someone who is dying of natural causes, including someone who is experiencing great pain, but it is quite another to give them the means to end their own life. Being the nominated person who obtains the lethal medication from the pharmacy and gives it to their loved one, who is often a very close relative, is nothing like giving that person a painkiller; it is giving them what will kill them. It is understandable that this can lead to feelings of guilt, remorse, and even depression and post-traumatic stress disorder.

If caring for a dying person can cause stress and anxiety, helping that person to commit suicide will do much greater harm. What is more, the lethal drug may not always lead to a quick and peaceful death. Evidence from overseas has shown that the person taking the drug may suffer complications such as vomiting, seizures, failure to enter into a coma and a lengthy process of dying. The longest dying process recorded in Oregon, where assisted suicide has been legal since 1997, is 104 hours, or just over four days. If a doctor is not present when the person takes the lethal substance, it will be traumatic in the extreme for the family to deal with the complications until their loved one finally dies.

Legalising voluntary assisted dying will put pressure on many people to end their lives prematurely. Elderly people in nursing homes, for example, may feel pressure to end their lives so that the money they leave their children will not be diminished unduly by the considerable expense of staying alive, or they may simply feel that they are a burden on the family members who visit them and therefore they should "do the right thing" and end their lives. This would be tragic. The more assisted dying becomes commonplace and people choose to end their lives prematurely for the sake of their families, the more pressure will be experienced by others to do the same thing.

Another consequence of choosing to end one's life in accordance with the proposed law is that insurance companies may not pay out on a life insurance policy. At present they often do not pay out when a person has committed suicide, and they may very well choose to do the same when a person has ended their life under the

proposed legislation. Even though the cause of death is registered as the underlying condition that led to the person choosing to end their life, the insurance company may still regard it as suicide. In addition, some health insurance companies are already refusing to pay for expensive treatments like chemotherapy, which would prolong a person's life, and will only pay for assisted dying.

For example, in 2015, just weeks after California legalised physician-assisted suicide, 29-year-old Stephanie Packer, who was suffering from terminal scleroderma, was informed by her insurance company that it would not pay for the chemotherapy she needed but would make a \$1.20 co-payment for life-ending drugs. Stephanie had been told that she had three years to live, so perhaps the insurance company was daunted by the prospect of funding her treatment for that long. Granted, in Australia Stephanie's treatment would have been covered by Medicare. However, Medicare must still be funded.

Will the funding for treatment options and, if needed, palliative care be reduced in an effort to support the cheaper option of euthanasia? A look at the State of Oregon in the United States can answer that question. When assisted suicide was first legalised in Oregon, there were two well-publicised cases of people with cancer who were told that the Oregon Health Authority would not pay for their chemotherapy but would readily pay for their assisted suicide, which, of course, was much cheaper. Another publicised case was of a woman in the United States who could not afford to pay for the expensive drugs that she needed to stay alive and she was forced to choose voluntary assisted dying. In view of all this, it is clear that legalised voluntary assisted dying would inevitably have a disproportionately harmful effect on the poor and disadvantaged in our communities. Do we want that to happen in this country?

Lest we think that because other States in Australia have legalised voluntary assisted dying, New South Wales should do so as well. We should be aware that only 10 of the 195 countries recognised by the United Nations have legalised voluntary assisted dying: Belgium, Canada, Colombia, Luxembourg, the Netherlands, New Zealand, Spain, Switzerland, a few States in the US and all States in Australia except New South Wales. The immense majority of the countries of the world do not have voluntary assisted dying. If they do not need it then we do not. If this bill becomes law and the dangers that have been forewarned become reality—and, honourable members, they will become reality—who will say to themselves, "Mea culpa, mea culpa, mea maxima culpa?"

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

Questions Without Notice

MEMBER FOR KIAMA

The Hon. JOHN GRAHAM (12:00): I direct my question to the Minister for Finance, and Minister for Employee Relations. Given the revelations against the member for Kiama and the Premier's promise to expel him, why is he still a member of this Parliament?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:00): This is clearly a matter which occupied the attention of another place. I say in relation to these very serious matters that it would not be appropriate for me to give commentary on something which has been handled, in my view, responsibly by members in the other House. The Premier issued a very strong statement about the matter.

The PRESIDENT: Order! The Minister has the call.

The Hon. DAMIEN TUDEHOPE: The Premier issued a very strong statement about it yesterday. One of the things that we should be very cognisant of is that a man is facing a charge and this Chamber, that Chamber in the other place or the Parliament should not do anything which would, in fact, create a circumstance which would give rise to a stay of that prosecution. So care needs to be taken every step along the way about the manner in which these charges are dealt with by police in respect to that individual. The Premier has made the Government's position very clear. In fact, he has written to the Director of the Liberal Party to have the member suspended from the Liberal Party. He has made it clear that he will consider the standing orders of the Legislative Assembly and whether options are available to have him excluded from the Parliament on some basis.

In many respects, the Acting Leader of the Opposition giving me commentary on what is supposed to occur in another place is inappropriate. We are a party which is committed to making sure that the highest standards of this Parliament are upheld. Every thing we do when considering this matter and other matters relating to misbehaviour of members which brings the Parliament into disrepute will be done quickly. We will tell the people of New South Wales that we are making sure that justice is at the heart of what we do, and that we uphold the integrity of this Parliament. The statement of the Premier in relation to where we go in respect of that individual should be something you would have to think long and hard about the meaning of, mate.

The Hon. JOHN GRAHAM (12:02): I ask a supplementary question. Will the Minister elucidate that part of his answer where he indicated the Premier's promise will be dealt with quickly? When will the Premier's promise to expel the member for Kiama be fulfilled?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:02): In this House I am not going to speak about what the Premier will do. I thank the member for the opportunity to continue to elucidate the answer to that question about ensuring that the integrity and reputation of the Parliament is upheld. It is people that bring the Parliament into disrepute; people in this place who misbehave. The Hon. Mark Latham gave a wonderful speech last night that in many respects outlined the manner in which people bring the House into disrepute. We act in many ways in circumstances where we put the integrity and the reputation of this House at the forefront of everything we do. It gives rise to the fact in many respects the Liberals are honoured to be in coalition with The Nationals. If we look at the way The Nationals dealt with an allegation made against a former member of their party we find that it was dealt with expeditiously and in circumstances appropriately, and a member resigned from the party.

The Hon. Walt Secord: And he resigned.

The Hon. DAMIEN TUDEHOPE: And he resigned from Parliament. In circumstances where the member, for whatever reason, elects not to resign from Parliament, that creates complications for how the Parliament deals with it, but we will deal with it and the other place will deal with it. They will get the proper advice and act appropriately. I say to members opposite that whatever we do should be on a bipartisan basis because we would seek to act in accordance with advice that we have received and that members opposite would also act in accordance with that advice. I say to members opposite, let us get the advice about the appropriate way— *[Time expired.]*

The Hon. ADAM SEARLE (12:04): I ask a second supplementary question. I direct my question to the Minister for Finance, and Minister for Employee Relations, who represents the Premier in this place. I refer to that part of his initial answer where he talked about the need to take care at each stage of acting. As the Minister represents the Premier, will he tell this House what care the Premier took before issuing his strong statement yesterday? What advice did the Premier take or was he just speaking off the cuff?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:05): I will not speak about what the Premier knew or did not know before he issued his statement. In many respects it shows that the Opposition insists on acting in an appropriate way but when the Government seeks to do so, it wants to politicise the appropriate way that we seek to do it. The Opposition is not interested in anything but the politics. On this side, we are interested in the reputation of the House. We will always make sure that we uphold the reputation of the House, not like that lot over there who have a myriad of people who have paraded through the House in circumstances where they have brought the House into disrepute and have allowed their members to stay in the House. If we want to see the Opposition's track record, there was a bloke called Craig Thomson in another place, who they allowed to stay in Parliament, and accepted his vote.

In fact, I noticed a media release about that man this morning, and the allegation that he was stealing COVID money from the people of New South Wales. That is the calibre of its members and what occurs. I assure members opposite that we will act in an appropriate way in relation to this matter. The Premier issued a very strong statement in respect to the position we are taking. We expect those opposite to be respectful when acting on the Government's advice and hopefully they will act in a bipartisan way when dealing with this matter.

ROAD INFRASTRUCTURE AND FLOODS

The Hon. CATHERINE CUSACK (12:07): My question is addressed to the Minister for Regional Transport and Roads. Will the Minister update the House on what the Government is doing to assist flood-affected councils in the road space?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (12:08): I firstly thank the Hon. Catherine Cusack for her question and acknowledge that as a resident of the North Coast, which has been significantly impacted by the recent floods, she knows first-hand some of the devastation that has been caused in that community. I have visited that community several times. I say from the outset that when working with local members of all political persuasions on the North Coast, there is no politics in this. Lismore is a flood town and is possibly the most flood-impacted town in this country, but it has experienced more than a flood; it is a natural disaster and I have never seen anything like it before.

Transport for NSW and my office have worked very closely with the community of the North Coast, with local members, local mayors, general managers and councils more broadly. One of the actions we have been able to implement very quickly from what we have learnt on trips to the North Coast is to ensure that councils do not have a cash flow issue, and that they can get out and about to restore their roads and services. In some cases,

councils have lost plant and equipment. They may need to stand up new workforces or additional workforces. Through category B funding, Transport for NSW has been able to advance \$46 million to 10 councils on the North Coast, literally getting rid of the red tape. It is about making that cash available—and I am led to believe some of that cash is already in the bank accounts of local councils. It is about ensuring that we get the cash in their accounts and that councils can have the certainty and the ability to do what they need to do in their recovery phase over the next 30 days to open roads and to make sure that they can have as much connectivity between the outlying villages and the regional centres as possible.

Another action that we have implemented via Transport for NSW is taking the learnings from previous floods and implementing the specialised task force and unit within Transport for NSW that will have five work streams, one of which will be assisting councils with their category B and disaster funding paperwork and processing their forms. It will be working on communications, and it will be working on restoring broader transport options. It will be helping assess and scope the damage. At the cost of Transport for NSW, we have already sent geotechnical advisers to the North Coast to assist councils with some of the landslips. I have talked to the member for Tweed, Geoff Provest. He has been through five flood events as the member for Tweed and says he has seen nothing like this. Janelle Saffin, who has been a Federal member on the North Coast and is now the State member for Lismore, has also never seen anything like it. We are spending the time and putting the resources—

Mr David Shoebridge: Say "climate change".

The Hon. Bronnie Taylor: Point of order: The Minister is giving an answer. He has been bipartisan in the response given in that answer, absolutely acknowledging the member for Lismore and the Coalition members. Mr David Shoebridge has interjected not once, not twice but three times in an escalating volume at the Minister. Mr President, I ask you to bring him to order so we can all hear this very important answer on an issue that is affecting people right across New South Wales.

The Hon. SAM FARRAWAY: I seek leave for an extension of time.

The Hon. Shayne Mallard: The President has to rule.

The PRESIDENT: Before I entertain the Minister's request, in relation to the interjections from Mr David Shoebridge, I was not sure what they were but they were rather voluminous. I ask that the member desists from interjecting, and he is duly warned. Is leave granted for the extension of time?

The Hon. John Graham: For how long?

The Hon. Damien Tudehope: One minute.

Leave granted.

The Hon. SAM FARRAWAY: I thank the House for its indulgence. We have spoken to councils on the North Coast and local members about supporting local councils. Transport for NSW has a role to play with our State roads and highways, and we are already on the ground dealing with that. But it is clearly evident from the learnings from previous floods, particularly given the size and scale of the current flood event, that in order to work out our plan to recover and to restore roads to support councils—many of them are local or regional roads—we need to be able to get in there to assess and scope the damage. To do that, we need to send expertise to the ground. That is in the form of geotechnical advisers and engineers, and they have already been on the ground for the last week or so doing that work. That is important. Tamara Smith is on the ground, doing her job as a good local member up there, and she has not raised climate change once with me. What she has raised with me is getting connectivity for the residents of Ballina. [*Time expired.*]

MEMBER FOR KIAMA

The Hon. WALT SECORD (12:13): My question without notice is directed to the Leader of the Government, Minister for Finance, and Minister for Employee Relations. Why is the member for Kiama still drawing a salary from New South Wales taxpayers after the Premier promised yesterday to expel him from this Parliament?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:13): I have to say it is very similar to another question. I would love to sit in their tactics room where they must say to each other, "You ask this one and I will ask it again in a different sort of way when I get up."

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

The Hon. DAMIEN TUDEHOPE: The allegation that the Government is covering for someone is an appalling suggestion in circumstances where the Premier has made it very clear about what the Government's attitude is. I do not know whether the member has read the standing orders of the other place in relation to what occurs in these circumstances. Clearly he has not because there is a process to go through in relation to what can occur and what the Parliament is entitled to do. It is a matter for members in the other place to make a decision in respect of what can occur under the standing orders in circumstances where allegations are made against an individual who is a member of Parliament, who has been charged but not convicted. What I would say to the member is that this is an appalling slur, or an attempted slur, on the Government for seeking to act appropriately. That sort of level of politicisation should be beneath even you. I would have thought that even you would think, "No, no, I won't go there."

The Hon. Walt Secord: Expel him. Just get him out of this Parliament.

The PRESIDENT: I ask the Minister to direct his comments through the Chair.

The Hon. DAMIEN TUDEHOPE: I think even the member would be aware that there is a process to go through.

The Hon. Walt Secord: Get him out of this Parliament!

The PRESIDENT: Order! The Minister has the call.

The Hon. DAMIEN TUDEHOPE: The reaction of the member says it all. He would not, in fact, abide by the rules of the Parliament. His view is to lock the doors against him and to engage in a process that is not even permitted by the Parliament. We have rules that govern this place. They should be adhered to. In many respects, the member concerned is a member for the other place. Members of that House should abide by the rules of that place. They should abide by the obligations of justice that arise in relation to the implementation of those rules. Notwithstanding that the Hon. Walt Secord says we have to deprive him of access to his office or whatever it is, whilst it may have force it should be done in circumstances where the House abides by its own rules.

The Hon. WALT SECORD (12:16): I ask a supplementary question. Will the Minister elucidate the part of his answer where he spoke at length about "the process and the rules"? Will he detail the process and the rules prior to the expulsion of the member for Kiama as promised yesterday by the Premier?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:17): I refer the member to Legislative Assembly Standing Orders 254 and 255. Those are the rules that apply in circumstances where someone is either to be suspended or expelled from the House.

The Hon. Walt Secord: The Premier said he would be gone. He is still here on the taxpayers' dime.

The Hon. DAMIEN TUDEHOPE: He used the words "excluded from the House"; he did not use the word "expelled". Get that clear: He used the word "excluded". There is a process.

The Hon. Shayne Mallard: Point of order—

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

The Hon. DAMIEN TUDEHOPE: There is a process to be gone through. There are standing orders of the other place. I reiterate and repeat that we ought have respect for those standing orders. That House ought to abide by its own rules and make sure that those rules are implemented. To the extent that the totalitarian members opposite want to subvert the rules of the House because they have a different agenda in mind, the totalitarian mentality of Stalin over here will see them march the member out immediately to be executed—marched out and executed. On this side of the House, we will abide by the rules of the House. The Premier has made clear his attitude towards the member remaining in the House. He has asked the member to resign from the House. In circumstances where the member does not resign, then there are appropriate processes that need to be gone down and explored in relation to what occurs next. Those processes are governed by Standing Orders 254 and 255 of the other place.

RAVENSWORTH HOMESTEAD AND ABORIGINAL SACRED SITES

Mr DAVID SHOEBRIDGE (12:19): My question is directed to the Minister for Aboriginal Affairs. In a briefing to the former Minister signed by Pauline McKenzie, the Executive Director of Heritage NSW, and Kate Foy, the deputy secretary of community engagement, the Minister's department told the Government:

Ravensthorpe is a rare and exceptionally intact colonial homestead complex and cultural landscape of state heritage significance that tells the story of shared Aboriginal and European heritage in the Hunter Valley, including early conflict, the development of pastoralism and the convict labour system.

It further stated:

The Ravensworth area has the strongest documentary evidence of any conflict site across the Hunter Valley ...

How has the Minister allowed the Government to recommend the entire destruction of all of the Ravensworth homestead's heritage for a Swiss-owned multinational open-cut coalmine?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (12:20): I thank the honourable member for the question. He would be well aware that I am deeply concerned about, firstly, the protection and preservation of any Aboriginal cultural heritage and, secondly, the appropriate acknowledgment of significant, often disastrous, events on Aboriginal and Indigenous people in this State. I come at this job as a relatively new Minister with the understanding and a deep commitment to the importance of a respect for Aboriginal people and their lives, history, heritage and culture. That is the prism through which I look for any decisions I make or any input I have into those issues.

In terms of the specifics of the question, I am very happy to take that on notice. There are a range of detailed briefing notes or some such that were referred to by the member, which I am not immediately aware of. But I will look into it because I genuinely understand that the member has a deep interest in these issues and we share a genuine commitment in this space to ensure that the lives and interests of Aboriginal people are at the heart of this Government.

Mr DAVID SHOEBRIDGE (12:21): I ask a supplementary question. Given those beliefs—and I do not challenge them, I accept them—why has the Minister's department not insisted on that material being before the Independent Planning Commission given it is right now considering the Government's own recommendation to destroy the site?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (12:21): Again, I suspect it will not come as a shock to anyone in this Chamber that I will obviously take that part of the question on notice as well. I perhaps would contend that there was a significant element of argument in that question, but I will not debate that because I understand the member is coming from a place of genuine concern. I will look at all of the issues surrounding the question and I will come back to the House with a fulsome response.

SCHOOLS AND MENSTRUAL HYGIENE ROLLOUT

The Hon. WES FANG (12:22): My question is addressed to the Minister for Education and Early Learning. Will the Minister update the House on the menstrual hygiene rollout in New South Wales schools?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:22): I thank the Deputy President for his question and join others in the House to congratulate him on his election to that role. This is a very important topic and I know many members in the House are passionate about it. I am very pleased to provide an update on the work we are doing to ensure that women and girls are not disadvantaged while at school. The New South Wales Government will deliver free menstrual hygiene products to all female students at New South Wales public schools. That can too often be taken for granted, but this program is about breaking the taboo of discussing menstrual hygiene in schools and removing barriers to students accessing the products they need when they need them. Period poverty is real in New South Wales, and this is how the Government is working to combat the challenge for young women across the State. We will provide schools with dispensers, pads and tampons for free and in doing so support young women's health, engagement and attendance at school.

The investment follows a successful trial conducted in 31 schools in Dubbo and western Sydney and will make sure female students can participate in all aspects of school life. The pilot found that providing sanitary items had a positive impact on educational engagement and attainment and not only saw students talking about periods but also gave female students the option to fully participate in school activities and not feel they could not go to school on a particular day because they did not have access to these products. I acknowledge my friend and colleague the Hon. Bronnie Taylor as the Minister for Women who has been a big champion for this rollout. She joined me to announce the statewide rollout and has provided ongoing support and advocacy for this fantastic program. It was a team effort and we are very proud to deliver it.

This is a huge win for young women and girls. It is about ensuring that students feel comfortable, knowing they have access to pads and tampons at school should they need them. For some students, sadly, access to these products can be the difference between participation and exclusion, between dignity and embarrassment. That is why I am proud that the Government is rolling out this program across New South Wales. We are working with schools to explore options for the location of the dispensers in terms of the bathrooms where they will be placed and to also facilitate installation. We expect to see the program rolled out by the middle of this year, which is very exciting. I encourage my colleagues in other State and Territory jurisdictions to get on board. Many States have; some have already gone down this path and I know others are considering it. It gives young women the opportunity to feel comfortable in knowing they have access to the products they need and that we can talk, and should be

talking, about these issues. Young women should feel supported. We should be breaking down taboos, and this is one step that the Government is taking to support women and girls at New South Wales schools.

COMMERCIAL FISHING INDUSTRY

The Hon. MARK BANASIAK (12:25): My question without notice is directed to the Hon. Sam Faraway, representing the Minister for Agriculture. In response to a question I asked in budget estimates on 15 March 2022 regarding Fisheries NSW's economic social indicators survey and report completed by BDO, director Sean Sloan stated:

... [the report] has been provided to our commercial fisheries advisory council. We are basically working through that report with them ...

He further stated:

... they are essentially providing feedback direct to BDO.

Commonwealth Fisheries Association members have indicated to me that they were not provided with the report and were shown a slide of findings with no facility for direct feedback to BDO. Will the Minister update the House as to why the director has misled budget estimates and what the exact date for the public release of the report is?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (12:26): I thank the member for his question. As I did not attend that estimates session but represent the Minister For Agriculture and Minister for Western New South Wales in this place, I will take the question on notice and get the member an answer in due course.

STRIKE FORCE CONDELLO AND MEMBER FOR KIAMA

The Hon. TARA MORIARTY (12:27): My question without notice is directed to the Minister for Education and Early Learning. Given that Strike Force Condello was established in May 2021 to investigate allegations of sexual violence-related offences, why did the Minister wait until yesterday before seeking advice from her department on the matter?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:27): Yesterday was when charges were laid against the member in question. When I was asked a question by the acting Leader of the Opposition in the House yesterday, I said very clearly that I would be seeking advice from the secretary of the department "later today", which was yesterday, in terms of the appropriate way to manage this particular circumstance. I spoke to my secretary after question time, as I indicated I would. I made it clear that, considering both the seriousness and the nature of the charges laid yesterday, it was not appropriate for the MP in question to be visiting schools. I have asked for that to be communicated to local schools and we discussed the appropriate way for that to occur. Local school executives in the area have been asked to contact relevant local principals today to reinforce that as the appropriate course of action. I confirm to the House that the MP in question will not be visiting schools.

The Hon. Mark Latham: Point of order: It goes to due process. We have seen the Federal Parliament recently get into some strife regarding the Brittany Higgins matter after making reflections in the Parliament that have jeopardised a fair trial for the accused. The matter concerning Gareth Ward—I am no fan of his—will go before the courts. I ask that rulings be considered about this Parliament avoiding the problem that the Federal Parliament has encountered. There has been a fair lash and airing of these issues about Ward, but I ask our Presiding Officer to consider the future airing of these matters that could potentially jeopardise a fair trial.

The PRESIDENT: I will take advice and give it due consideration.

The Hon. TARA MORIARTY (12:29): I ask a supplementary question. Will the Minister elucidate the part of her answer where she referred to the member visiting schools? Will she confirm whether he visited schools since this task force was set up in May 2021?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:29): I will take that question on notice. I do not have information about members' diaries. I am happy to take that on notice.

NSW WOMEN OF THE YEAR AWARDS

The Hon. SCOTT FARLOW (12:29): My question is addressed to the Minister for Women. Will the Minister update the House on the 2022 NSW Women of the Year Awards?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:30): I thank the honourable member for his question. I was honoured to celebrate the outstanding contributions made by women and girls across this great State during NSW Women's Week. Some 83 local women and 31 finalists were celebrated at the 2022 NSW Women of the Year Awards breakfast at the

International Convention Centre on 9 March. The Local Women of the Year Awards recognise a local woman from every electorate in New South Wales. At the awards ceremony we also celebrated the 31 finalists from the NSW Women of the Year Awards. The finalists came from a diverse range of backgrounds and were nominated by the community across seven award categories.

Ms Anna Barwick was named the 2022 NSW Premier's Woman of the Year and the NSW Minerals Council Regional Woman of the Year. Anna is a PhD student with a focus on rural and regional women's health. She founded PharmOnline to connect every household in Australia with pharmacy services. Those two awards recognise Anna's commitment to uplifting the lives and health outcomes of regional communities. She is an outstanding person who is doing so much in the space of regional health through her profession in pharmacy. Often in rural and regional communities pharmacists are one of the most underutilised professions, but Anna is breaking through those barriers and doing terrific work. That prestigious award celebrates nobility of character, commitment to change and the strength to succeed, which are all attributes absolutely held by Anna.

Ms Yvonne Weldon was named the Cancer Institute NSW Aboriginal Woman of the Year, which was presented by the Hon. Ben Franklin. It was terrific to have him there. Yvonne brings passion for Aboriginal advancement and social justice to her work. She is the first Aboriginal councillor elected to the City of Sydney. If anyone has had the privilege of hearing one of Yvonne's welcome to country acknowledgements, I am sure they will share my view that it is absolutely moving. She takes us on an incredible journey in appreciation of First Nations people.

Ms Stacy Jane received the Aware Super NSW Community Hero of the Year Award for her tireless advocacy. Stacy is the founder and CEO of Escabags, which is a charity that provides free escape bags to women experiencing domestic violence. Prominent public health researcher Professor Julie Redfern was awarded the NSW Woman of Excellence Award. She is transforming the way patients are supported after a heart attack. She is a great physiotherapist. Ms Angelique Wan was named the NSW Young Woman of the Year. She is the co-founder and CEO of Consent Labs, which is a female-founded and youth-led organisation that educates young people on consent and respectful relationships in schools and universities across Australia.

Nine-year-old Lennox Wade received the One to Watch Award, supported by the Advocate for Children and Young People. Lennox is a superstar who started a movement called Snacktember, which collects snacks and donates them to underprivileged children. All of those incredible women are shining examples of the tremendous efforts that women and girls make to their families and communities in their chosen fields. Let us congratulate those incredible women, today and every day.

FIREARMS REGISTRY CONSULTATIVE COUNCIL APPOINTMENT

The Hon. ROBERT BORSAK (12:33): My question without notice is directed to the Leader of the Government. Given that Professor Negin acknowledged in his application for appointment to the Firearms Registration Consultative Council that he has been actively working with the NSW Police Force on policy matters and has been engaging with the Firearms Registry, why is it that in response to a further order for papers no communications between Professor Negin, the NSW Firearms Registry and the NSW Police Force were returned, apart from phone records for November 2021? When will all of the requested documents be provided? We will be pursuing this.

The Hon. Damien Tudehope: Point of order: I ask that the question be ruled out of order. It is argumentative and it does not call for a response.

The PRESIDENT: The question asks when all the requested documents will be provided. There is no argument, except for the last comment, which was not helpful. The Minister can probably answer the bones of the question, nonetheless.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:34:5): Before I commence, I welcome the intervention of the point of order taken by the Hon. Mark Latham earlier today, and embrace the observations he made in that contribution. There is a deal of sensitivity with which we ought to approach this issue. As a House, we ought never put ourselves in a position where we could be accused of creating circumstances where a mistrial or a stay of proceedings was precipitated because—

The Hon. Mark Banasiak: Point of order—

The Hon. DAMIEN TUDEHOPE: I am coming to you.

The PRESIDENT: The Minister will address the question.

The Hon. DAMIEN TUDEHOPE: I thought it was important to get that on record, notwithstanding the volatile discussion we have had. In relation to Mr Negin, my understanding is that there was a motion in place. Did anyone move a motion in relation to the noncompliance?

The Hon. Mark Banasiak: That may be further pursued.

The Hon. DAMIEN TUDEHOPE: There is a suggestion that documents have not been produced in response to a Standing Order 52 application. There is a suggestion in this question that records exist that should have been produced. If in fact documents have not been produced, there is obviously an appropriate course of action to do that. I am not asking the member to embrace those options, let me tell you. Having said that, there are appropriate options if he suggests that documents have not been produced. I say to the member that I have no knowledge of any documents that have not been produced. However, if he is pressing the point, there are other roads through which he can obtain the additional documents that he says exist. I do not know whether they exist. If the member says that those documents exist and he is prepared to identify them then I can pursue that further. In the meantime, there are other options for dealing with this matter.

MEMBER FOR KIAMA

The Hon. GREG DONNELLY (12:37): My question without notice is directed to the Minister for Education and Early Learning. Given the Minister's department does not allow a teacher into the classroom when they are the subject of serious sexual offence allegations, why did her Government allow the member for Kiama to continue to visit schools?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:37): I refer my earlier answer to the question from the Hon. Tara Moriarty in relation to this issue. I do not have anything further to add.

The Hon. GREG DONNELLY (12:38): I ask a supplementary question. Taking into account the Minister's answer, which referred to an answer to another member's question, will she explain specifically why action was not taken by her and her department in denying the member for Kiama access to schools in light of the law in this State about serious sexual offences and young people?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:38): I covered that issue in the answer given to the Hon. Tara Moriarty.

DOMESTIC AND FAMILY VIOLENCE SUPPORT SERVICES

The Hon. CATHERINE CUSACK (12:39): My question is addressed 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 how the New South Wales Government is providing homes for women and children leaving violence?

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. Catherine Cusack for her question and her interest in this area. She has demonstrated that interest over a considerable period of time and I thank her for that. During this term it is a key priority for the New South Wales Government to reduce domestic and family violence against women and children. We are very clear about that. As part of this, the Government recognises the importance of ensuring people experiencing or at risk of homelessness as a result of domestic or family violence have access to accommodation and support. As I have previously spoken about in the House, through the hard work of my predecessor the Attorney General and the Treasurer, New South Wales now allocates record funding allocated towards the prevention of domestic and family violence.

In October last year the New South Wales Government announced an historic new investment of \$484.3 million over four years for housing and specialist supports for women and children experiencing domestic and family violence. That is almost half a billion dollars. This funding includes \$426.6 million over four years to expand "core and cluster" services to deliver and operate up to 75 extra women's refuges that will support an additional 2,900 women and children escaping domestic and family violence each year. In addition, there is \$52.5 million over four years towards the Community Housing Innovation Fund. This is a partnership with the community housing sector, which knows its communities best, to provide hundreds of social and affordable homes for women experiencing domestic and family violence. The final aspect of this package is \$5.2 million over four years for a trial in two districts to provide dedicated supports for accompanied children and young people experiencing or at risk of homelessness, with a focus on children and young people impacted by domestic and family violence.

On 14 March I joined my colleagues Minister Maclaren-Jones and the member for East Hills, and Metro Community Housing CEO Julie Harrison, to announce the first 68 homes being delivered across the State for

women who have escaped an abuser. These homes are being delivered under the Community Housing Innovation Fund, which is that partnership with the community housing sector to provide more social and affordable housing. These extra homes are being delivered in Guildford, Canterbury, Campsie, Wagga Wagga, Goulburn and Wollongong. It is vital that victim-survivors have access to safe, affordable housing as quickly as possible to help them get back on their feet after their traumatic experiences. These additional homes will give women and children who have suffered domestic violence a place to recover and thrive. I truly hope that one day the role of Minister for Women's Safety and the Prevention of Domestic and Sexual Violence is redundant in New South Wales and Australia. However, until that day I look forward to working as part of the Liberal-Nationals Government to deliver this record funding and support women and children leaving violence.

CLIMATE CHANGE AND MENTAL HEALTH SERVICES

Ms CATE FAEHRMANN (12:42): My question is directed to the Minister for Mental Health, the Hon. Bronnie Taylor. The recent Intergovernmental Panel on Climate Change report tells us the expected increase in extreme weather events such as the recent floods will cause those who experience them to be at increased risk of depression, anxiety, post-traumatic stress disorder and higher rates of suicide. Has the Minister's department estimated what portion of the community recently affected by these floods is going to suffer from these conditions and what their requirements will be in terms of ongoing mental health support?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:43): I thank Ms Cate Faehrmann for her question, and acknowledge her commitment to mental health and her advocacy in this area. Specifically, her question asked about the North Coast and the relative issues that we will face there because of the trauma that people have gone through, with a specific emphasis on young people. I say to Ms Cate Faehrmann that we absolutely are looking at the impact on the mental health of everybody in the Northern Rivers and those who are affected by floods, the same way that we looked at it during the bushfires. One thing we learnt in reflection on our approach with the fires was that the solutions and the best support come from those organisations on the ground rather than imposing things on communities.

What that allowed us to do during the fires was to look at alternative options in terms of mental health. We ran a very successful program on equine therapy. I share this with the member in the context of this question because usually when something like that comes to an office to be assessed and there is not that demonstrated evidence behind it, in terms of the benefits, it is often very hard to find a program that—

Ms Cate Faehrmann: Point of order: I ask that the Minister address the question with direct relevance. The question was specifically in relation to the impacts of climate change on mental health and whether her department has estimated the extent of the impact in the Northern Rivers as a result of this climate-related event.

The PRESIDENT: I ask the Minister to draw her comments directly to the question.

The Hon. BRONNIE TAYLOR: I was getting there, respectfully. What I was saying is that we need to look at a whole lot of different options. Of course we are concerned about the mental health impact. Yesterday I spoke of a package we have announced that specifically directs what we are doing in terms of the flooding. We looked at a range of options. Some of those will be, for example, placing coordinators into the primary health networks who will look at engaging with the local NGOs to make sure that we are targeting those specific programs.

Absolutely, one of the things that young people say is affecting their mental health is climate change, so of course that is something that we look at. Do we have specific programs that do that? No, because we look at the person holistically. We look at the strategies we can give them to make sure they can process those feelings, and implement those strategies so that we can look after their wellbeing. There are a number of things that will impact on people's mental health because of this traumatic climate event. There is absolutely no doubt about that. We have thousands of people who do not have roofs over their heads. Those things are going to impact their mental health. That is why we have implemented this program and put this package in place: to make sure that we can absolutely address those challenges going forward.

Ms CATE FAEHRMANN (12:46): I ask a supplementary question. Will the Minister elucidate that part of her answer where she said that she was aware of research indicating that climate change is impacting on the mental health of young people? Is her Government going to therefore increase funding, staffing and planning in this area, recognising that the mental health impacts of climate change are going to increase?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:47): I am not going to foreshadow what is going to increase people's mental health issues. What I am interested in is making sure that we have the programs and the investment. We have had a record investment of \$2.3 billion in mental health in this State over the last three years. We are absolutely investing in young people's mental health. For the first time we have our mental health child and adolescent teams. They

are the first in the country to concentrate on youth and adolescent mental health. We have just spoken about a bilateral agreement with the Federal Government that will start up Head to Health clinics. We are looking at Headspace and the younger and older age groups, depending on how you want to define that area of youth. We have invested in the zero- to 24-year-old group. The evidence is there of what we have done in terms of mental health in New South Wales, such as Headspace or the new, specific Regional Youth portfolio that the Coalition Government brought in. One of the pillars of that plan is actually about mental health.

I am constantly speaking in this Chamber about what we are doing in terms of mental health, and I have been on the record numerous times saying that there is evidence that young people are very concerned about climate change. Young people are concerned about lots of things and climate change is one of those, so absolutely we are focused on that. However, I am not a mental health clinician. I am not going to say that we are developing certain programs. When you speak to general practitioners and psychologists who are treating young people, they talk about programs for young people that are suited to them. We absolutely are investing in those in this State and this country. We find that by doing that we are going to get better health outcomes, which we so need and which we take very seriously in New South Wales.

MEMBER FOR KIAMA

The Hon. ROSE JACKSON (12:49): My question without notice is directed to the Minister for Families and Communities, and Minister for Disability Services. Given the Minister's answers yesterday, has she sought advice or briefings from the Children's Guardian over the validity of the member for Kiama's Working With Children Check? If not, why not?

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (12:49): I thank the member for her question. I have spoken to the Children's Guardian and I will not be discussing the details of that conversation. I refer to the answer that I gave yesterday afternoon, particularly in relation to the supplementary question. In relation to Working With Children Checks, this is a matter for the Children's Guardian, which is an independent body. Furthermore, in light of the point of order that was taken and the fact that the President has foreshadowed he will look into the matter and make a ruling, it is not appropriate for me to comment further.

SOCIAL HOUSING

The Hon. SCOTT FARLOW (12:50): My question is addressed to the Minister for Families and Communities, and Minister for Disability Services. Will the Minister please update the House on how the Government is helping people to sustain social housing tenancies?

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (12:50): I thank the honourable member for his question. The New South Wales Government is committed to ensuring that everyone in New South Wales has a safe place to call home. Across New South Wales there are over 90,000 households in social housing tenancies. Earlier this month I visited the Department of Communities and Justice housing office in Redfern and saw firsthand the work being done by specialist staff to support people in social housing to sustain their tenancy and avoid returning to homelessness. I thank the staff at Redfern, particularly those caseworkers who are working with people on the Northern Rivers. I reach out to those on the ground who have come from Sydney and across New South Wales to provide support up there. They are doing a tremendous job.

The New South Wales Government has set an ambitious target of reducing street homelessness across New South Wales by 50 per cent by 2025. That is one of the New South Wales Government's Premier's Priorities. We cannot meet that target through housing support alone for those people who are already sleeping rough. We must invest in prevention and early intervention to help those people who are sleeping rough. The Sustaining Tenancies in Social Housing program is one of the New South Wales Government's primary programs for preventing new entries into homelessness. Under the NSW Homelessness Strategy, the New South Wales Government has invested over \$20 million into the Sustaining Tenancies in Social Housing program. The program provides early intervention for vulnerable social housing tenants to help them avoid failing their tenancy and entering into or returning to homelessness.

Households that are at risk of failing their tenancies are referred to specialists who provide community outreach and case management support to address a range of complex needs such as mental health issues, disabilities or alcohol and drug dependency, which place tenancies at risk of failure. The program commenced in 2019 in south-west Sydney, at Macquarie Fields; and in Murrumbidgee, at Albury and Griffith. It has been progressively expanded to west of Sydney, in Bathurst, Orange and Parkes; to southern New South Wales, in Goulburn and Queanbeyan; to western Sydney, in Penrith and Blacktown; and also to inner Sydney. The program was also expanded to Newcastle and Tweed Heads to support people who were sleeping rough but who had

recently been housed in social housing. The aim was to assist them to sustain social housing and avoid returning to the streets.

Since its beginning, the Sustaining Tenancies in Social Housing program has supported over 1,500 social housing tenants to sustain their tenancy, avoid returning to homelessness and improve their quality of life. Data from south-west Sydney and Murrumbidgee, where the program has been operating the longest, shows that 93 per cent of tenancies completing the Sustaining Tenancies in Social Housing program have successfully sustained their tenancies after their support period ended. Those results show the New South Wales Government is delivering on its commitment to invest in prevention and early intervention to help people across New South Wales sustain a long-term place to live.

FORESTRY CORPORATION

Mr JUSTIN FIELD (12:53): My question is directed to the Hon. Damien Tudehope in his role as shareholder Minister for Forestry Corporation and as the Minister representing the Treasurer. Is the Minister aware that Forestry Corporation is currently renegotiating with North Coast wood supply agreement holders to extend their contracts—which were due to expire in 2023—for five years, and has a view to concluding those negotiations by the end of this month? As shareholder Minister, is the Minister aware of those negotiations and of the Natural Resources Commission report on post-fire logging, which has recommended a cessation of logging in some North Coast State forests and substantial additional logging restrictions to address the risks posed by logging? Is the Minister concerned that Forestry Corporation and the forestry Minister may be intending to sign the New South Wales Government up to wood supply agreements that it cannot sustainably meet?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:54): I thank the member for his question and for his ongoing interest in Forestry Corporation. The member would be aware that I am a shareholding Minister, not the CEO. The entering into contracts by Forestry Corporation are day-to-day operational matters that, unless there is some general issue relating to it—which the member has raised—generally would not be brought to my attention. In fact, if there was a contentious contract or if there were issues related to the entering into that contract, they would be raised first and foremost with the portfolio Minister and the board. It is probably an appropriate question to be addressed to the portfolio Minister and the board. If it is an issue that should be raised with the shareholding Minister, then I would anticipate that I would be—

The Hon. Rose Jackson: That is what he is doing right now.

The Hon. DAMIEN TUDEHOPE: He is doing it right now. I accept that.

The Hon. Rose Jackson: What is the answer?

The Hon. DAMIEN TUDEHOPE: That is an interesting interjection from the Hon. Rose Jackson. In respect of a question raised about a contract of which I was not aware until today, apparently I should have an automatic answer—give me a break. That is the way the Opposition does business. I should form an instant view in relation to a contract being entered into by Forestry Corporation, an organisation for which I am the shareholder Minister, not the portfolio Minister, but in many respects I should have to be aware straightaway. Members opposite would be aware that there were bushfires last year. In many respects those bushfires had a very significant impact on Forestry Corporation assets. I anticipate there would be a process whereby Forestry Corporation would go through a sustainable reinvestment in Forestry Corporation assets. To the extent that contracts are entered into, hopefully they will—and you would expect it to occur—be doing things that would deliver dividends to the people of New South Wales. [*Time expired.*]

Mr JUSTIN FIELD (12:58): I ask a supplementary question. Will the Minister elucidate his answer with regard to his expectation of what issues would be raised with him as shareholder Minister? Is the Minister saying that the ability of Forestry Corporation to deliver against contracts that it is signing the State of New South Wales up to is not of interest to him as a shareholder Minister?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:58): I am grateful when people pass me notes because I was trying to think of all of the things that are necessary for portfolio Ministers, but what are the responsibilities of the portfolio Minister? I have been asked this question and, in fact, I should know this off by heart by now, shouldn't I?

The PRESIDENT: Order! the Minister is attempting to answer the question.

The Hon. Mick Veitch: You should know this.

The Hon. Rose Jackson: You should know. You do not even know, without a piece of paper, your responsibilities as a shareholder Minister.

The PRESIDENT: Order! The Minister is attempting to answer the question.

The Hon. DAMIEN TUDEHOPE: I do know. In fact, it goes to the heart of the question. I was asked a question about the day-to-day operational matters that affect Forestry Corporation and members opposite said that I should know about them simply because I should know. Anyway, I will repeat the responsibilities.

The Hon. Mick Veitch: You should know! They are in the front of your folder.

The Hon. DAMIEN TUDEHOPE: Yes, they are in the front of my folder. They are: review of the six-monthly business performance report to shareholders, shareholder meetings with chairs and CEOs, review of the signing of statements of corporate intent and tabling of statements of intent and annual reports in the Parliament.

The Hon. Mick Veitch: You sound a bit shocked by some of that.

The Hon. DAMIEN TUDEHOPE: I am not shocked at all by that, but it does demonstrate that one would never expect a shareholding Minister to be across day-to-day operational matters and contract signing by the corporation. I anticipate that if there were issues which impacted on the delivery of dividends to the people of the State—and rightly so at a time when there were significant bushfires—the State received no dividends from Forestry Corporation for the past two financial years. But there would be an expectation that at some point in time we would be expecting a dividend. And—guess what?—one enters into contracts so that one can get money and deliver dividends for the people of New South Wales.

Given the time, I suggest that if members have further questions they place them on notice.

Supplementary Questions for Written Answers

MEMBER FOR KIAMA

The Hon. ADAM SEARLE (13:00): My supplementary question for written answer is directed to the Leader of the Government, representing the Premier. During his answer to my second supplementary question he referred to advice the Premier or the Government had received on the matter of the removal of the member for Kiama from the Legislative Assembly. Will he table that advice?

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. MARK LATHAM: I move:

That the House take note of answers to questions.

MEREWETHER HIGH SCHOOL

COVID-19 VACCINATION OF EDUCATION AND CARE WORKERS

The Hon. MARK LATHAM (13:01): I refer, first, to the answer to question 8385—one where I can thank the education Minister for action that she has taken.

The Hon. Sarah Mitchell: Can you say that again?

The Hon. MARK LATHAM: Yes, I am thanking the Minister so she should have a seat.

The Hon. Sarah Mitchell: I will, thank you.

The Hon. MARK LATHAM: The second one might not be so great, but in all fairness she should hang around for that one as well. The first question was:

Why does the Year 11 Legal Studies teacher at Merewether High School repeatedly refer in class to "people who identify as women" when referring to women?

The Minister, through the department, ensured that the principal raised the issue of gender ideology closely with the year 11 Legal Studies teacher, provided appropriate professional counselling and reinforced that the school is a neutral place for rational discourse and objective study. The parents who raised the objection are very thankful for that. The Minister also pointed out that the principal will continue to manage the controversial issues and ensure that the diverse views held by parents and the community about a range of topics are respected.

That raises a very important point because, if schools do not respect the diverse views and values of parents, those parents should have a legal right to take their children out of those classes. Parents are the primary teachers of their children, particularly when it comes to moral and ethical issues. If the schools do not abide by those values parents should have a legal right. Of course, this is something good for government schools because if we do not give parents that legal right they go to home schooling or, if they have the resources, they go to non-government

schools. If you want to keep parents and families in schools, this answer about Merewether High School is definitely the way to go.

On the second matter, the staff shortages around New South Wales, I asked the Minister to update an earlier answer about the number of permanent teachers lost in New South Wales for casual positions and temporary appointments. She has now given us information that the contracts of 690 temporary employees have been terminated because of the vaccine mandate, so we can add that to the 1,700 or 1,800 that were identified at budget estimates as stood down or sacked as permanent teachers, and we can add it to the excellent work of the Hon. Anthony D'Adam in finding out last year 10,000 accredited teachers were lost. We are getting a clearer picture of why we do have these dramatic staff shortages around New South Wales schools so that some schools are closing early and some students are left without teachers. But on the casual positions that have been lost, all the Minister had to say was this:

Non-compliant casual staff have their approval to teach temporarily withheld until they are compliant.

But she will not provide the number. Why will she not tell us how many casual staff have been lost to the vaccine mandates? Why answer the question with regard to temps, but not casuals? Let us get the full picture.

MEMBER FOR KIAMA

The Hon. WALT SECORD (13:04): As the shadow Minister for Police, I respond to answers from the Leader of the Government, the education Minister and the Minister for Families and Communities in relation to the member for Kiama and the serious criminal charges against him. I am mindful of the response to the point of order taken by the Hon. Mark Latham so my contribution will be brief, but I am respectful and will await the ruling. Yesterday the Premier said that he would drive the member for Kiama out of the Parliament and that he would exclude him from the Parliament. We find that the member for Kiama, with very serious charges against him, is still on the public purse, is still a member of this Parliament, is still drawing a salary from the New South Wales taxpayer, and it seems that he has been put on gardening leave—a fine Australian tradition—paid for by the New South Wales taxpayer.

We learned an interesting thing in the Chamber today. We learned that after question time yesterday the Minister for education spoke to her secretary and the member for Kiama has now been restricted or banned from visiting schools in his electorate. The Minister said that she had spoken to the director general due to the seriousness of the charges against the member for Kiama. I remind the Chamber that we raised a number of questions. First, given the revelations against the member for Kiama and the Premier's promise to expel him, why is he still a member of this Parliament? Second, why is the member for Kiama still drawing his salary from the New South Wales taxpayer after the Premier promised yesterday to expel him from the New South Wales Parliament? Third, given that Strike Force Condello was established to investigate allegations of sexual violence related offences in May 2021, why did the Minister wait until yesterday before seeking advice from her department on the matter? I indicate that in question time the Minister indicated that the member for Kiama is now banned from New South Wales schools.

We also asked the Minister: Given her department does not allow a teacher into the classroom when they are the subject of serious sexual offence allegations, why did her Government allow the member for Kiama to continue to visit schools? I think that is an extraordinary question. The final question we asked the Minister was: Given her answers yesterday, has she since sought advice and briefings from the Children's Guardian on the validity of the Working with Children Check of the member for Kiama and, if not, why not? The Minister gave a response where she referred to her previous answer, but she did confirm that she spoke to the Children's Guardian. I thank the House for its consideration.

MEMBER FOR KIAMA

The Hon. SCOTT FARLOW (13:07): I too speak to some of the questions raised by the Opposition with respect to the member for Kiama. I note the President's comments relating to the point of order from the Hon. Mark Latham with respect to considering his judgement on the matter and how it will be debated, so I will be mindful of that in debate, but I point to a bit of history when it comes to some of the matters raised by Opposition members.

The Premier issued a statement within a matter of minutes of when it was publicly announced that the member for Kiama was facing charges. The Premier said in that statement that the standards of an elected member of Parliament were not compatible with the seriousness of the charges that he was facing and, should Mr Ward not resign, the Government would move a motion to remove him from the Parliament. That is instantaneous action from Premier Perrottet.

However, if we look to history, when Morris Iemma was Premier and Milton Orkopoulos, the then member for Swansea, faced certain charges for which he was later convicted, he sat in the Parliament for nearly a week until he resigned on 13 November 2006—five days after Premier Morris Iemma stated that he was seeking advice

about expelling the MP from Parliament. So it took five days for him to seek advice compared to the action that was taken yesterday by the Premier and the definitive statement that was made by the Premier about this matter which, of course, did not canvass the matter entirely. Let us look back to Bob Carr—somebody that I know the Hon. Walt Secord knows very well. When similar serious allegations were made at that time against Joe Tripodi, the member for Fairfield, Mr Carr said:

Mr Speaker I have confidence in any member of my team until there is a finding against him or her.

That was the standard that was applied by Premier Carr at the time. Of course we have seen this as a significant act and it needs to be handled carefully, as the Leader of the Government has outlined here today. It needs to be handled right. It needs to not prejudice any criminal trial because of course those involved would want to see justice done and would not want to see anything possibly impede that justice being done. I think all members of this Chamber should be mindful of carefully handling this very serious situation. All members should handle it sensibly, with due process and in a manner that ensures that justice can be done.

COMMERCIAL FISHING INDUSTRY

The Hon. MARK BANASIAK (13:10): I briefly take note of the answer to my question from the Minister for Regional Transport and Roads, the Hon. Sam Faraway, and provide something of a history lesson. In 2016 the then Minister for fisheries, Niall Blair, stated when he was going through commercial fishing reform, "There will be a socio-economic study done." It never happened. The former agricultural/fisheries Minister in the public interest debate in the other place promised that a socio-economic study would be done as a way of quelling dissent around the reform. He called it the Barclay report. Lo and behold, when we finally got the Barclay report, much to the good work of the Hon. Mick Veitch in moving an SO 52 to prise it out of the hands of the Government which was dragging the chain in releasing it, what did it say? It said, "This is not a socio-economic study. We actually need to do one."

Now that we finally have a company that is doing this socio-economic study, once again we have the department dragging the chain and protecting the Minister from embarrassment. It knows that the reform has failed. It has known since 2017 and 2018 that the reform has failed. Now we have a socio-economic study that has been done. According to the advice that has been provided to me by the CommFish NSW advisory panel members, maybe two out of the 10 fisheries are breaking even. Some of those fisheries have been described as being on the bare bones of their backsides. Mr President, I put it to you that this is why the department is misleading in estimates. This is why the department is dragging the chain. It is trying to save the Minister from embarrassment over a 2016 reform that has been a catastrophic failure.

WESTERN SYDNEY CARGO

The Hon. PETER PRIMROSE (13:12): I take note of the answer provided to my written questions on notice numbers 8375 to 8382, which were directed to multiple Ministers seeking information about the Western Sydney Airport and, in particular, the expected cargo tonnage, freight rail and the building of a dedicated rail freight line, and the issue of road freight to and from the airport. The Federal Government estimates that Western Sydney Airport, which is a 24 hour a day, seven day a week airport, will open in late 2026 and will move over 200,000 tonnes of cargo annually. By comparison in 2016 Transport for NSW stated that for the whole of the State there were 460,000 tonnes of cargo moved in New South Wales. This is estimated to rise to 618,000 tonnes by 2036. So this is not an insignificant issue.

But unfortunately, the amalgam of answers to my straightforward question about the movement of cargo from the Western Sydney Airport via rail freight and road freight seems to be too difficult for any Minister to answer. Instead I found that every Minister, who ostensibly may have some connection to this issue, has been saying it is not their responsibility. The answers identify both the Minister for Transport, and the Minister for Regional Transport and Roads, with the Minister for Transport saying that it is the Minister for Regional Transport and Roads who has responsibility for a matter in metropolitan Sydney. It also appears that none of the Ministers that I asked seem to know who has responsibility for what portfolio, let alone how to provide an answer that is directly relevant to a question, as required by the standing orders. So I went to the authority, the Allocation for the Administration of Acts. The Minister for Western Sydney has administration of the Western Parkland City Authority Act, which as part of its objects states:

... creating active, vibrant and sustainable communities and locations that—

- (i) support national and global business, and
- (ii) support, and benefit from, the development of the Western Sydney Airport ...

The Allocation for the Administration of Acts also states:

The Minister for Metropolitan Roads has joint administration of all Acts listed for the Minister for Transport...

...

The Minister for Regional Transport and Roads has joint administration of all Acts listed for the Minister for Transport.

It is not unreasonable to seek this information on a major, if not the major, development project in western Sydney. It is not unreasonable to expect Government Ministers for Transport, Roads and Western Sydney to be able to answer questions on this development. But clearly western Sydney is not front of mind for this Government.

SCHOOLS AND MENSTRUAL HYGIENE ROLLOUT

NSW WOMEN OF THE YEAR AWARDS

The Hon. WES FANG (13:15): I take note of answers given today to questions without notice. In particular I refer to the question I asked of the education Minister that referred to a new program by the New South Wales Government to deliver free menstrual hygiene products to young women in New South Wales public schools. A pilot program was run in western Sydney and Dubbo at 31 schools. It was a huge success. We want young women to feel comfortable in the knowledge that they have access to free sanitary products when they need them. The Department of Education will work with each of the schools to discuss options for the location of the dispensers and to facilitate the installation through external contractors. Every primary school and high school will benefit from this program. The program is expected to be rolled out in every school by 30 June this year. As the Minister stated in her answer, it is about breaking the taboo in discussing these issues. I congratulate both the education Minister and the Minister for Women on this announcement.

I also note the answer given by the Hon. Bronnie Taylor relating to the Women of the Year Awards. I thank her for her advocacy for women and girls across New South Wales and for organising the 2022 NSW Women of the Year Awards during NSW Women's Week this year. I congratulate the 83 local women and the 31 finalists who were celebrated at the awards breakfast at the International Convention Centre [ICC] Sydney on 9 March. The finalists, who come from a diverse range of backgrounds, were nominated by their community across seven different categories.

In particular, I congratulate Ms Anna Barwick, who was named the NSW Premier's Woman of the Year 2022 and the NSW Minerals Council Regional Woman of the Year. It is fantastic to see women being celebrated for their tremendous work in their chosen fields. Both Ministers, through their answers to questions asked of them, that the New South Wales Government is placing a strong focus on supporting women and girls in New South Wales from school age right through to their senior years. By celebrating the program rolled out in schools and awards programs, such as those referred to by the Ministers today, it is a first step in equalising matters such as pay gaps. I congratulate both Ministers on tackling these issues head-on.

CLIMATE CHANGE AND MENTAL HEALTH SERVICES

Ms CATE FAEHRMANN (13:18): I take note of the answer provided to my question directed to the Minister for Mental Health, the Hon. Bronnie Taylor, in relation to the impacts of climate change and extreme weather events on mental health. I noted in my question to her the sixth assessment report of the Intergovernmental Panel on Climate Change, which is the first report by the IPCC to explicitly have a chapter that refers to the impact of climate change on mental health—the mental health impact of displacement, the mental health impact of communities continuing to face more and more extreme weather events such as those we have just seen in Lismore, not just in 2017 but also the recent horrendous floods, which that community may experience again over the next few days.

One thing that concerns me about the response provided by the Minister, while I do not doubt her dedication to her portfolio and that she is doing what perhaps she has been advised is the best thing that can be done for the Northern Rivers at this particular point in time within the resources available to her, is that I do not get a sense that the department is stepping up, if you like, and recognising the increased threats posed by climate change on people's mental health.

More and more research is emerging about the extreme toll of increasing extreme weather events, plus the knowledge that climate change is getting worse, and what that is doing to people, young people in particular. The Australian Psychological Society has talked about the fact that there are significant risks of mental health problems following severe weather event disasters, and that about 30 per cent of people are affected by this risk. The Minister talked about providing additional resources to the Northern Rivers, but we are talking about a substantial portion of that community being extremely traumatised by what has happened. A few people in evacuation centres and some money to Lifeline and headspace will not cut it. I hope that next time the Minister—and I will continue to ask her questions in relation to this—recognises the extraordinary scale of what is required in this State when it comes to additional mental health support as a result of increasing extreme weather events due to climate change.

MEMBER FOR KIAMA

The Hon. ADAM SEARLE (13:21): I take note of an answer given by the Leader of the Government in response to a question about the proper process to be followed by the other place arising from the controversy surrounding the member for Kiama and the Premier's statement. The Leader of the Government directed honourable members' attentions to standing orders 254 and 255 of the other place. Before I go to those two matters, I will reflect on the statement of the Premier, which, as I understood it, indicated that if the member for Kiama did not resign, the Government would move a motion to the House to—and I think this is the right word—"remove" him from the House. Standing Order 254 states:

A Member adjudged by the House guilty of conduct unworthy of a Member of Parliament may be expelled by vote of the House, and the Member's seat declared vacant.

It is the House that must form the view about whether any member is guilty of conduct unworthy. In the history of the other place there has been a variety of matters on which the House has formed a view about whether or not to expel a member. Some of those have been convictions of criminal offences, and others have been far less than that. But, nevertheless, the view of the House is that they constituted unworthy conduct. The Premier's statement seemed to indicate that the seriousness of the charges was incompatible with being a member of the other place. On the face of it, those concerns do not seem to fall within Standing Order 254. The issue is that members need to be very careful about that. Standing Order 255, however, which the Minister also drew attention to, provides that the other place may take a less drastic step and may simply suspend a member if expulsion would prejudice a trial. Of course, that is a very useful provision.

Not unreasonably, members in this place sought clarity about the time frames and processes, and the advice that had been sought and received beforehand. I have asked the Leader of the Government a further supplementary question for written answer, and I look forward to what he says just so that there can be clarity and transparency around the considerations that go into any view that is formed, noting, of course, that the Leader of the Government said that he hoped whatever happened would happen on a bipartisan basis. Given the gravity of the matters involved and the seriousness of any consideration to either suspend or remove a member from Parliament, there should be full transparency of the thoughts and considerations that go into that.

FORESTRY CORPORATION

Mr JUSTIN FIELD (13:24): I take note of what I thought was an extraordinary answer by the finance Minister with regard to the actions of Forestry Corporation and the future of its wood supply agreements on the North Coast. I asked the question because in answers to questions on notice to the forestry Minister, the portfolio Minister, and Forestry Corporation, I recently became aware that Forestry Corporation is currently negotiating to extend wood supply agreements on the North Coast that are due to expire in 2023 for five years to 2028. It intends to finalise negotiations for the high-quality timber contracts by the end of March this year, which is in just a few weeks. This is extraordinary because the Black Summer fires—the fires of 2019 and 2020, many of which on the North Coast were not in summer—had a tremendous impact on the forest.

As a result of the dispute about how logging should be controlled to manage the risks associated with the fires, the New South Wales Natural Resources Commission, the Government's own independent adviser on natural resources, was asked to do a study about post-fire logging. The Government is continuing to keep that report secret, claiming Cabinet in confidence. I would note, however, that it is on my website. People can look it up and read it. It is very clear. The Natural Resources Commission said that the dual impacts of logging and the fires present a serious and irreversible risk to the environmental values of those forests. Those contracts are currently still in force majeure as a result of those fires. It is clear that Forestry Corporation cannot deliver against the existing wood supply agreements.

The Natural Resources Commission has recommended substantial additional controls which would further constrain the timber available from those forests at sustainable levels, yet Forestry Corporation is currently renegotiating to extend those contracts at the same pre-fire quantities. Had it been operating sustainably before the fires, it is inconceivable that it could continue to operate sustainably with that wood supply impact, as evidenced by the Natural Resources Commission's own independent report. It is extraordinary that the finance Minister, a shareholder Minister, seems to have no concern, regard or consideration—he does not even consider it his job—to be aware of the fact that Forestry Corporation is potentially signing up the State to millions of dollars worth of contracts that it may not be able to deliver. What financial liability does that leave the State, with the compensation risks associated with these ill-informed negotiations? They should be halted until that report is responded to in detail.

MEMBER FOR KIAMA

The Hon. MARK BUTTIGIEG (13:27): I will participate in the take-note debate with regard to the answers from the Leader of the Government in response to the questions surrounding the member for Kiama. My colleague the Hon. Adam Searle has already articulated the two-threshold test in standing orders 254 and 255, which were specifically asked for by my colleague the Hon. Walt Secord, regarding process, because we needed to understand what the process was so that we can test it against the veracity of the Premier's statement. It is clear under those standing orders that there are two options. One is expulsion if it is believed an allegation is serious enough, and the second is suspension if it is believed expulsion may prejudice a trial. It is fairly clear. I will quote the Premier, because I think it is important that we understand what he said yesterday:

While Mr Ward is entitled to the presumption of innocence—

The PRESIDENT: Order! According to sessional order, proceedings are now interrupted to allow the Parliamentary Secretary to speak.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. SHAYNE MALLARD (13:28): I conclude the take-note debate and thank members for their questions and contributions over the past hour and a half. Government members talked about important issues to do with their communities, such as flood recovery, homelessness, mental health and women in our community, while those opposite spent all of question time in the gutter. They tried to smear the Government with innuendo on issues in the current press. Of those opposite I note only the Opposition Whip is in the Chamber. Labor seeks to play politics on this issue, which has tragedies on all sides, including the victims. Members on this side will focus on our communities and on the things that matter, particularly recovery efforts after the flood. I pay tribute to the crossbench members who asked genuine questions of policy. We might not agree with their approach, but we certainly appreciate their earnest concern for issues they raised on behalf of their communities.

The Minister for Regional Transport and Roads, the Hon. Sam Faraway, talked about the support this Government is providing to local government to recover from devastating flood damage, particularly in the Northern Rivers area. The Minister for Women's Safety and the Prevention of Domestic and Sexual Violence, the Hon. Natalie Ward, referred to an important issue on which all sides of politics agree—but we are the ones taking action on it—and that is reducing rates of and protecting women from domestic violence.

The Minister for Families and Communities, and Minister for Disability Services, the Hon. Natasha Maclaren-Jones, referred to giving support to at-risk social housing tenants. I pay tribute to the Hon. Sam Faraway, who is a new Minister in the Government. Those of us who are avid social media watchers know that that man will never not wear a fluorescent jacket or a pair of boots to go to a site of destruction from the floods. From the Blue Mountains, where he recently visited the sinkholes and the rail lines at Leura, right through to the Northern Rivers in fluoro, hat and boots, he is out there. I congratulate and commend the Minister for doing that. The announcement of cash flows to councils has been welcomed by local government. I thank the members for their contributions. [*Time expired.*]

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

Motion agreed to.

Members

LEGISLATIVE COUNCIL VACANCY

The PRESIDENT: Her Excellency the Governor last night received and accepted the resignation of the Hon. Donald Thomas Harwin, MLC, as a member of the Legislative Council of New South Wales. The Official Secretary's communication has been acknowledged. An entry regarding the resignation of the Hon. Donald Thomas Harwin from the Fifty-Seventh Parliament has been made in the Register of Members of the Legislative Council.

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

Private Members' Statements

STATE FINANCES REPORT 2020-21

The Hon. JOHN GRAHAM (15:00): I address the matter of the *Report on the State Finances 2020-21*. It is a well-received document and I always look forward to it coming out. It has been a particularly notorious document this year, largely because of the detail of its contents. The document was heavily scrutinised by the Auditor-General in relation to the Transport Asset Holding Entity [TAHE] transaction. But that is not what I want to refer to, nor do I want to refer to the circumstances of its delivery when pages and pages of documents were

dumped on the Auditor-General the night before it was signed off, nor do I want to refer to its delay—the report was delivered much later in the year than it normally is and ever has been, as far as I know—nor do I want to refer to the Christmas Eve signing where the key heads of Treasury and the Treasurer were gathered in the CBD late in the afternoon on Christmas Eve—they were perhaps the only people in the CBD at the time—to sign off these documents. I do not want to refer to those matters because my colleague the Hon. Daniel Mookhey, the shadow Treasurer, has covered those details well.

I only want to refer to the headlines in this document, and they are shocking. Under the hood, the headlines are quite alarming. Those headlines reveal that annual expense growth for 2020-21 was 6.9 per cent, which is higher than the long-term average revenue growth of 5.6 per cent. Let us recall that is the target in the Fiscal Responsibility Act. The Government was on track to eliminate superannuation liabilities, but members will recall that is only because they were re-anchored a short time ago, adjusting the target. The fiscal gap is improving but only because of wildly pessimistic health estimates for the previous fiscal gap. Tragically, it reminds us that on 7 December 2020 S&P Global downgraded the State's credit rating to double-A plus rather than triple-A, which again breached the key object of the Fiscal Responsibility Act.

As that occurred, squarely in the frame was Premier Perrottet, the former Treasurer. I will spell that for *Hansard*—double R, double T and, tragically, it is also double A. That is revealed, again, in these accounts. Shocking indicators are that capital expenditure is falling and net debt is rising. The State's net worth falls over the course of this year, and it will never recover. It is falling. It will never recover over the budget estimates to what it was in 2019-20. It is a shocking account. I am upset to read it.

IVOTING AND THE STATE ELECTION

The Hon. SCOTT FARLOW (15:03): I welcome the recent announcement from the NSW Electoral Commission that online voting—specifically, iVote—will not be used for the next State election. Online voting is riddled with potential sources for manipulation and any prospect of that occurring must be eliminated. Nothing is "hack proof" and sophisticated State-sponsored hackers are developing new technologies to dodge encryption technologies in the most advanced spaces. Whilst convenient for some, the utmost importance must be given to ensuring that all elections in New South Wales are conducted with absolute fairness and accuracy for all candidates.

Regrettably, that did not occur with the operation of iVote in three local government elections that were held in December 2021. The results in Kempsey, Singleton and Shellharbour Ward A have been voided and the elections were repeated at considerable cost to the taxpayer and candidates. I know complaints have been made in other elections as well. As a result, voters in the affected areas will be forced back to the polling booth for their third election within six months. We have better ways to spend Saturdays than voting in an election, particularly those we have already voted in.

When I attended a cybersecurity convention hosted by the Commonwealth Parliamentary Association in February 2020, I was approached by multiple eminent cybersecurity experts. When they saw that I was from New South Wales, their first response was to ask me the question, "How can your State allow online voting when it comes to cybersecurity?" It was the first thing they mentioned and it was one of the most serious concerns that they had when it came to our democratic system. I cannot fathom a more secure method of fulfilling our civic duty by voting in elections than filling out a ballot paper and placing it in a box to be counted. A piece of paper simply cannot be hacked.

Presently, New South Wales has a robust electoral process, which allows for considerable flexibility in voter engagement. Pre-polling rates have skyrocketed, as have postal vote applications, and telephone voting is permitted for blind and low-vision electors. That is where it should remain. Professor J. Alex Halderman from the University of Michigan told the United States Senate Select Committee on Intelligence in June 2017:

We've created attacks that could spread from machine to machine like a computer virus, and silently change election outcomes.

...

And in every single case we found ways for attackers to sabotage machines and to steal votes. These capabilities are certainly within reach for America's enemies.

Halderman refers to specialist voting machines used in the United States, which have one purpose: to tabulate votes. It is entirely plausible for a foreign adversary to hack into the website used for online voting and to seek to change the vote totals to elect a sympathetic candidate. Halderman foreshadowed the vulnerability of iVote in a 2017 report into the 2015 State Election:

iVote's vulnerability to the FREAK and Logjam attacks illustrates once again why Internet voting is hard to do securely.

Recommendations of the recent Joint Standing Committee on Electoral Matters also highlighted those concerns, and the Electoral Commissioner has recommended a targeted review into internet voting before it is considered for use at future elections. In elections there is no room for error and that is why iVote needs to come to an end.

FEDERAL GOVERNMENT AND CLIMATE CHANGE

Mr JUSTIN FIELD (15:06): The recent unprecedented and catastrophic floods on the North Coast have refocused the minds of many people on the inadequacy of the Morrison Government's climate policies in terms of reducing greenhouse gas emissions but also the failure to prepare communities to adapt and respond to climate-related disasters. On the South Coast of New South Wales, we still live with the trauma of the Black Summer fires, which also found our Commonwealth Government wanting in terms of preparedness and response. It is little wonder that recent polling has shown that voters on the South Coast—more specifically, in the Gilmore and Eden-Monaro electorates—see the Morrison–Barnaby Joyce prescription for climate policy totally inadequate.

Earlier this month, an extensive climate poll of 15,000 people across the country, conducted by YouGov and commissioned by the Australian Conservation Foundation, revealed that the majority of Australians do not think the Morrison Government's targets and policy to reduce emissions is enough and recognise the economic and ecological risk to our country without stronger action. In the southern New South Wales electorates of Gilmore and Eden-Monaro, the poll revealed that two-thirds of voters want clear action on climate change. When asked about the adequacy of Australia's climate targets, the largest proportion of voters in both electorates said that the Morrison–Joyce target is too little, too late and more needs to be done. Encouragingly, two-thirds of people believe that taking action on climate change will help the Australian economy and more than half believe that action by Australia to prevent climate change will be good for future opportunities for our young Australians.

The views of people in these marginal electorates should embolden the Federal Coalition Government to act on climate change. However, we see no evidence of that from Prime Minister Scott Morrison and The Nationals leader Barnaby Joyce. They are not prepared to do anything but ultimately continue their love affair with coal and gas. More subsidies are being pushed in the direction of new fossil fuels. The Government fought in the courts recently to reject any notion that they even have a duty of care to future generations to stop climate-damaging projects. South Coast communities and businesses cannot afford another disaster like the Black Summer bushfires. The poll shows a high level of support for more ambition and a recognition that action on climate change will bring a positive result to our region.

People in the electorates of Gilmore and Eden-Monaro, similarly those in Wentworth and Warringah, should be aware that with Scott Morrison and Barnaby Joyce at the helm, progressive Liberal candidates are just spinning climate credentials and pretending that this Federal Coalition Government is anything other than hostile to climate action. It does not matter what shade of blue their campaign materials are. Having someone "inside the room" has got us nowhere and we cannot afford further delays in action like we have seen over the past nine years. In the upcoming Federal election I implore the people of the Shoalhaven and Eurobodalla to remember that a vote for a Liberal is a vote for the climate views of Scott Morrison and Barnaby Joyce. I am encouraged that those voters want urgent action on climate change. They will soon have an opportunity to vote for that action.

FLOODS AND HOUSING CRISIS

The Hon. ROSE JACKSON (15:09): When a catastrophe happens, it is easy to treat it as an isolated and standalone event and put it on a pedestal in the hope that it will be easier to process it and find a way to move on. In a way, that is what has happened with the housing crisis in the Northern Rivers and on the North Coast. As a result of the recent flooding events, there is an acute housing and homelessness crisis, but that crisis has not occurred in a vacuum. It is connected in time and place to surrounding circumstances that cannot be ignored. As a result of the profound catastrophic flooding in those communities, thousands upon thousands of people have been displaced from their homes, which are either badly damaged or uninhabitable. But that housing and homelessness crisis has come on top of a pre-existing regional housing problem. It is really important that we do not overlook that.

Prior to the floods, the North Coast and Northern Rivers had a rental vacancy rate of 0.6 per cent, which is essentially zero. Across the entire region it was almost impossible to find a place to rent. Even if a place was found, rent was likely to be considerably higher than it was one or two years ago. Parts of regional New South Wales like Tweed, Byron Shire and Coffs Harbour have seen a 20 per cent rent increase in the past year. In the Ballina Shire that number is 25 per cent. Families in those parts of the world cannot afford that. It is not that much easier to buy a house. House prices in Lismore have doubled in the past five years and the story is the same across the entire region. It has become an increasingly expensive and difficult place to rent or buy a house for families, and then the floods hit.

I am raising the issue of the tightly squeezed regional housing market, which is now broken because of the catastrophic flooding, to lay down a marker and make a call for urgency. The media cycle is already moving on; new scandals are already in the headlines. The people in that region have been waiting for years for action on housing, and now they have had the floods and they cannot wait any longer. They need urgent action from the New South Wales Government now.

ANIMALS AND SCIENTIFIC RESEARCH

The Hon. EMMA HURST (15:13): Forced to inhale cigarette smoke, starved, exposed to harsh chemicals, frightened, isolated and held captive—that is the life of the estimated 11 million animals used for scientific research in Australia. I recently read about an experiment at Monash University where researchers repeatedly induced stress and fear in a group of marmosets held captive in their laboratory before killing them and studying their brains with the apparent purpose of studying primate survival instincts. This abject cruelty and neglect is widespread in scientific experimentation, but Humane Research Australia [HRA] is an organisation that is fighting to change the status quo.

Founded in 1979, Humane Research Australia has worked for over four decades to expose the cruel treatment of animals in medical experimentation and to support scientists to find alternatives to animal experimentation. Despite the length and breadth of Humane Research Australia's work against animal experimentation, troublingly, little progress has been made towards normalising non-animal methods in most Australian scientific experimentation. In 1989 a Senate committee recommended that the Federal Government fund research into alternatives to animal experimentation, a recommendation which Federal governments have never acted on.

We all remember the highly publicised baboon escape from the Royal Prince Alfred Hospital in February 2020. The baboons were bred to have their bodies used and recycled through medical experiments. Their desperate escape attempt tells us everything we need to know about what their lives are like. Baboons share 94 per cent of the same DNA as humans. I do not think it is going too far to suggest that they saw an opportunity to escape and they took it. Again, a Senate motion recommended funding be directed towards ending animal research in Australia, and again the Government has taken no action. Undaunted, HRA continues to work tirelessly to encourage greater transparency around the use of animals in experiments. I extend my thanks to Humane Research Australia for its brave work confronting some of the country's worst animal abuses. It is time to stop using animals for experimental purposes against their will.

CONDELL PARK PUBLIC SCHOOL

The Hon. ANTHONY D'ADAM (15:15): Last year I had the pleasure of visiting Condell Park Public School to hear about its innovative school engagement strategy. The fantastic initiative welcomes families into the learning process to help kids reach their full potential at school. The foundation of the program is a five-step strategy. Firstly, the school pre-assesses students to establish where they need extra help. Secondly, teachers then provide parents with extra resources and tailored strategies to help kids in their areas of need. Teachers then assign home tasks which respect and value family knowledge. Finally, the school provides parents with the post-assessment data and then introduce new learning options and strategies.

The principal of Condell Park Public School, Sian Websdale, implemented the partnership school model after studying at the Harvard Graduate School for Education. With support from the department, the project has grown into a dedicated team of people who are establishing a learning ecosystem to create bespoke learning plans for students. I was grateful that three members of the team were able to take the time to meet with me at Condell Park Public: the project lead and school principal, Sian Websdale; the assistant principal, Vy Than; and the relieving director for education leadership, Irene Farros. It is exciting to see that team developing evidence-based strategies in a way that acknowledges the specific needs and strengths of students and their families.

The Condell Park model is a far cry from the conventional system of intermittent parent-teacher interviews, which make it difficult for parents and teaching staff to work together. Under the existing model, many parents leave interviews with an understanding of their child's needs but without the help or tools to fix the problem. A one-size-fits-all approach inevitably leaves people behind, despite the best efforts of teachers, kids and their families. That is why the project at Condell Park is so uplifting. By valuing the contributions of families, the school has created an education partnership between parents and teachers.

The participation model is not just a warm and fuzzy approach; it is actually based in evidence which shows that higher parental engagement improves student learning outcomes. Currently local funds are supporting the majority of the project, which has not received dedicated funding from the department. I encourage the Government to consider a dedicated program to support partnership models similar to the Condell Park program

at other public schools. I hope that honourable members will join me in congratulating the Condell Park Public School and its community on their excellent work.

ANTISEMITISM

Reverend the Hon. FRED NILE (15:18): I speak briefly in support of the official definition of "antisemitism" that has been adopted by the International Holocaust Remembrance Alliance, representing many organisations and religious groups and obviously representing Jewish groups as well. The definition reads:

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

I hope that all members of the House will support the definition. The definition was adopted by the NSW Jewish Board of Deputies, which recently stated:

... the emphatic adoption of the motion is a clear sign that the Jewish community is broadly united behind the definition and would strongly welcome its application across NSW.

Adopting the definition will send a powerful message that we will combat antisemitism and adapt our tactics accordingly. Rejecting the definition would send a negative message to the Jewish community in Australia. It is time for the New South Wales Legislative Council to give its full support to the International Holocaust Remembrance Alliance. I urge all members to support the definition.

WAGE GROWTH AND INFLATION

The Hon. ADAM SEARLE (15:21): I draw the attention of the House to recent comments made by the Governor of the Reserve Bank, Philip Lowe. He warned that Australians face a real pay cut of 1.5 per cent this year because of sluggish wage growth and increasing inflation. Inflation is around 3.5 per cent at the moment, and Philip Lowe foreshadowed that it might reach as high as 4.5 per cent. That comes on top of an effective wage cut in the previous year of about 1.2 per cent. Again, that is caused by the gap between real wage growth and inflation. It is a matter of record that real wages have been stagnant in Australia for nearly a decade. That has been the cumulative effect of the loss of industrial arbitration—for different reasons—at State and Federal levels.

The architecture of the legislation at a national level has effectively removed industrial arbitration, apart from minimum wage movements outside extraordinary circumstances. New South Wales has the Government's legislated 2.5 per cent wages cap. It is a matter of record and history that public sector wage growth was often a trendsetter for private sector wage growth. The cap in New South Wales has sent a clear message and has acted as a brake on wage growth in New South Wales more generally. We see workers in health, retail, hospitality, mining and manufacturing all suffering from effective wage cuts. In a previous speech, the Governor of the Reserve Bank identified multiple factors, including multi-year enterprise agreements where wages were locked in, small changes in annual minimum wage cases and public sector wage caps. In previous years we saw 2.6 per cent inflation with wages growing at lesser amounts, creating effective cuts.

In the professional sector there has been wage growth of only 1.3 per cent. The Health Services Union national president and state secretary, Gerard Hayes, who represents hospital and aged-care workers, has again raised concerns about rising inflation eroding any small gains for its members. Some 140,000 public health workers, nurses, paramedics, ambulance attendants, allied health workers and the like are all facing renegotiations of their enterprise agreements. In the nursing field outside of Victoria, average pay rises are between 2 per cent and 2.5 per cent. Retail wages are only growing by about 2.5 per cent, and fast food by 2.3 per cent, which is way below projected inflation. While there may be a limit to what New South Wales can do, we should start by scrapping the public sector wage cap in New South Wales.

FLOODS AND CLIMATE CHANGE

The Hon. MARK LATHAM (15:24): I thank the many volunteers, SES workers, police, council workers and other emergency service workers who recently assisted with the floods in south-west Sydney. While the focus has quite rightly been on the north of the State, floods like this have not occurred in Camden since the 1980s. Camden has five bridges in and out, and four of them were cut off. The water rose up through businesses and homes in a way that has not been seen for decades. It is worth noting that with changes in the catchment, the floods were thankfully not as severe as the experiences in the late 1800s when the Crown Hotel Motel and the agricultural hall were three metres under water. The water only lapped up against those buildings on this occasion.

It is a reminder that the weather comes and goes and that these floods are essentially weather events. Residents, business owners, volunteers and emergency service workers resent attempts to politicise these particular weather events. You could hand The Greens a golden gong for the way they opportunistically jump all over these weather events. They describe them as weather events, but only a couple of years ago during the

bushfires the rhetoric from Matt Kean and The Greens in this place was that those dreadful bushfires would be a constant summer event in New South Wales. To some extent, they were waiting for the bushfires again this summer—bushfires that did not come. In fact, the fires turned into floods, which discredits the idea that isolated weather events can be turned into an argument about climate change.

For reliability in this space, we need only go back to the report of Ross Garnaut under the Rudd Government, which drew on the best climate science around Australia. Garnaut clearly said in his recommendations to the Rudd Labor Government that we could not attribute single weather events to climate change. Climate is a long-term pattern rather than one bushfire, flood or drought. The high priest of the climate change argument for the left, Tim Flannery, said that the rivers and dams of Sydney would never fill again. It just shows that the opportunism has blown up in their faces. Over the past 12 months the dams and rivers have filled, refilled and filled again. Arguments by people who confuse weather with climate to opportunistically score political points are not credible. We hear it time after time. Climate science is real, but it is a disservice to discredit that science by wrapping it up in politics and weather events.

MEDICAL RESEARCH

The Hon. TARA MORIARTY (15:27): Medical researchers do fantastic work in helping to advance our understanding of diseases. They are critical to the development of medicines and treatments needed to keep people healthy or to manage illnesses. In my capacity as shadow Minister for Medical Research, I have had the pleasure of meeting with a number of New South Wales research centres to hear about some amazing pieces of work in the medical research space. Lung cancer is the fourth leading cause of death in Australia. Over 5,100 men and 3,600 women died of lung-related cancer in 2019. It is estimated that one in three Australians have or will be affected by lung disease. The overwhelming number of men and women dying of lung disease shows the importance of research centres such as the Lung Foundation Australia to support people living with related illnesses.

The Lung Foundation Australia is a leading lung health organisation that is committed to improving the lives of people impacted by or living with lung disease or cancer. Through its research program, the foundation funds research projects to answer questions about lung disease and cancer, with the hope of finding a cure. Since 1990 the foundation has invested \$15.6 million into research and has advanced its work in many areas, including recent projects in profiling lung cancer and the immune system; the impact of childhood respiratory infection in the development of reduced lung function in middle age; and clinical trials in the diagnosis, treatment and management of lung cancer. I was pleased to meet with the organisation recently to hear about its work. I acknowledge on record the foundation's work and its passion in lung health and preventive measures to protect people from this disease. It is a terrific organisation.

The foundation is just one of the distinguished centres making headway in medical research. The Ingham Institute of Applied Medical Research has championed breakthroughs in cancer, injury and rehabilitation, mental health and robotics, and health technology research. Situated in south-west Sydney, its research is driven by the needs of western Sydney and its diverse communities. It partners with universities and the South Western Sydney Local Health District to help people live healthier, longer and happier lives. To give members an idea of the wealth of knowledge and work being done by the institute, it has supported over 500 clinical trials with 2,500 participants and over 350 research projects. An example of its incredible work is its flagship program in mental health research, which has supported a world-first study on the early identification and treatment of development disorders, including autism. Last week I was very pleased to visit the Ingham Institute at the Liverpool Hospital complex to hear about the amazing work it does in medical research and its solid focus on the communities and specific needs of western Sydney. [*Time expired.*]

Committees

COMMITTEE ON THE OMBUDSMAN, THE LAW ENFORCEMENT CONDUCT COMMISSION AND THE CRIME COMMISSION

Membership

The Hon. DAMIEN TUDEHOPE: By leave: I move:

- (1) That the Hon. Catherine Cusack be appointed as a member of the Committee on the Ombudsman, the Law Enforcement Conduct Commission and the Crime Commission in place of the Hon. Don Harwin, resigned.
- (2) That a message be forwarded to the Legislative Assembly conveying the terms of the resolution agreed to by the House.

Motion agreed to.

*Bills***VOLUNTARY ASSISTED DYING BILL 2021****Second Reading Debate****Debate resumed from an earlier hour.**

The Hon. MICK VEITCH (15:31): I speak in debate on the Voluntary Assisted Dying Bill 2021. I have spoken in debates on three similar bills in my time as a member of this House, so my contribution to this debate will be rather brief. I suggest that honourable members who are not aware of my position on the issue should look at *Hansard*, which accurately reflects my sentiments. It will be no surprise to members that I will speak in support of this bill. I extend my appreciation to the committee chaired by the now Deputy President for its valuable body of work on this bill. In discussions with me honourable members have been drawing upon the submissions and testimony provided to that committee. It provided valuable work and is one of the reasons why the upper House has those committees.

All members have been receiving a large number of emails from those on both sides of the debate. I extend my appreciation to those people who have engaged with my office and with me on this matter. Generally the tone has been respectful, thoughtful and considered. There may have been a couple on both sides of the debate who were not quite that way, but in the main people have been thoughtful, considered and respectful. Looking at this debate I thought I would reflect on my contributions to two similar debates. I repeat a part of my contribution to debate on the bill in 2013. I stated:

The law should permit assisted dying. Rational adults who are suffering intolerably and incurably should be able to choose to receive medical help to end their lives if that is what they want. It is our life, our death; it should be our choice. Why should others determine how and when we should die? People know what is best for them. Individual autonomy is a fundamental, though not exclusive, value.

My view has not changed. However, I pick up on something the Hon. Greg Donnelly has pursued during my entire time as a member of this Chamber. He has been a passionate, forceful advocate for palliative care. Considering the availability of palliative care, particularly in regional New South Wales, I believe that he is right: There needs to be more funding directed to palliative care in regional New South Wales. It is something on which he and I agree. The context of this debate is not about one or the other. Society requires the funding of a breadth of services and assistance for people whose lives are pressured at a point in time when they have to make these decisions. This is not an either/or proposition. It should be a part of a broad raft of services available to people.

Whilst I support the bill, I state that one's postcode should not dictate one's access to support. If this legislation gets up, we need to make sure that the services available to those in metropolitan Sydney, Newcastle and Wollongong are also available to people in regional New South Wales. That is the same for palliative care. Many members will talk of the barriers to access. We must resist adding unnecessary barriers to already tightly safeguarded processes; for example, the requirement that psychiatric assessment be made mandatory. I do not want this to be a barrier for people living in the bush because often they cannot readily access some of these services. I will quote from professors Ben White and Lindy Willmont from the Queensland University of Technology. They state:

"Piling on" ad hoc safeguards to already sound VAD laws does not make laws safer and can make them worse.

- Ad hoc safeguards have been added during parliamentary processes to already sound proposals for VAD laws.

They also state that ad hoc safeguards can lead to "inconsistency and incoherence in laws without improving patient or community safety". Members need to make sure that if this legislation gets up, we get it right. We should draw upon the body of work undertaken by the committee chaired by the Deputy President. There are a number of new members in the Chamber since the last time we debated a bill of this type. I am keen to hear from other members in this debate. I refer members to my previous contributions; there is no need for me to take up the time of the House. All members know I will be supporting the bill.

The Hon. MARK LATHAM (15:37): The Voluntary Assisted Dying Bill 2021 is said to have a record number of parliamentary sponsors. It is also fair to say it trades in record complexity. I hold the bill in my hand, all 81 pages of it. One needs a Rosetta Stone to decipher it. It has 73 definitions in its dictionary and scores of new legal processes, certifications, forms, requirements, authorisations, assessments, declarations, prescribed substances committees, coordinating bodies, administrative agencies and even a new dying board in New South Wales. In a Parliament dominated by the politics of COVID and trying to keep people alive and living a full life, this is where we have landed with the creation of a New South Wales dying board. If that is not strange enough, all of this complexity can end up in the Supreme Court for judicial review in closed, secret hearings.

How did the mover of this bill in the other place, the member for Sydney, explain his spaghetti bowl of confusion and bureaucratese in his second reading speech? At page 3 of his contribution he talked about the

coordinating practitioner, uncertain as to whether a patient qualifies for early death, referring them to a specialist, being alert to pressure and duress, sending them to a social worker, making a first assessment, reassessing the criteria, referring the patient to another doctor, then what to do about conscientious objections, how to deal with mandatory obligations, making the assessment after the first assessment, securing a written declaration, organising the witnesses, making the final request and then the final review, going back to the question of pressure and duress, then the coordinating practitioner stepping in with another final request, an authorisation, for a so-called "substance" from the dying board and then back to the coordinating practitioner for a prescription to be sent to an authorised supplier—I am not making this up.

Members may contribute to debate according to emotion, feelings and good intentions, but it is important to read the 81 pages of the bill. That process and complexity, that dense thicket of legislative provisions, new bodies, processes and agencies—I am not making it up. That is what the bill is trying to legislate. That is what the bill is trying to pass into the law of New South Wales. I have given the House a summary of only one-quarter of the Greenwich speech, only one-quarter of what the member for Sydney had to say in the other place. Who knew that death could be so complicated? As I read through that dense thicket of legislative complications, new processes and incomprehensible provisions, I thought to myself, "How hard is it to die in our society?"

Who knew that the politburo was still alive and kicking, drafting the dense thicket of legal verbiage straight from the old, darkened halls of Lenin's tomb. The member for Sydney must be very rueful indeed that he wrote such a long bill because obviously he did not have time to write a short one. The bill has been put together by a committee of MPs—that is always a recipe for chaos and confusion. Each MP has added their own favoured clauses to the point where no MP can possibly understand what the bill means in its totality. The bureaucratic red-tape committees that put together and advanced Mao's Great Leap Forward, the Cultural Revolution and the "1972 East German Guide to Clean Olympic Competition" had more success than this particular parliamentary committee in New South Wales.

The Parliamentary Counsel in its drafting, and in order to clean up the mess, decided to wage war on the statute books and, from what I can see, the statute books have won—with a long, turgid, incomprehensible guide to legalised suicide. The bill is to death what Barry Jones' "noodle nation" was to education policy: nobody can possibly understand what it means. I guarantee that no member of Parliament, including the 28 sponsors, could explain in any detail every aspect of the 81 pages of the bill in its totality if they were asked to stand, without notes, in an extemporaneous setting such as a town hall or community meeting and explain for 10 minutes what the bill is supposed to mean. I made the point earlier about the contribution from the Hon. Peter Primrose, who had written down every single word of his second reading contribution in order to be as clear, explicit and accurate as he could be.

But that is the point. If, as an MP, you need to go through the dense thicket of 81 pages and write down every single word of your 20-minute speech, it does indicate that it is impossible for the citizens of New South Wales to understand what we are trying to legislate in this Parliament in its totality. I maintain the point that no-one—none of the sponsors of the bill, nor anyone who has spoken in favour of it—could possibly stand for 10 minutes without notes and give an accurate description of what the bill means. It is beyond our ability to comprehend what is intended. I may be many things in Parliament but I am not the dumbest of MPs. If I am telling you that the bill cannot be understood or comprehended by us, what hope is there for the people of New South Wales? Of course, that in itself is a disturbing aspect. The bill in its complexity is ripe for confusion, exploitation and failure—the tragic failure of innocent and unwilling people dying an early death.

A law that nobody can understand is, of course, not much of a law. Indeed, those are the worst of laws. We often hear the cliché about death and taxes. Now Mr Greenwich has joined them in another sense—tied together by legislative complexity. The tax laws are full of loopholes as a result of over-drafting, over-amendment and their encyclopaedia of whirring, conflicting detail. Now euthanasia laws are trying to join them—but with more serious, lethal intent. In 1993 Paul Keating told us in relation to Dr Hewson's new tax, "If you don't understand it, don't vote for it." That is very much how I feel about the bill. We will hear the advocates for the bill reading out word for word their 20 minutes of speaking notes—regardless of whether they drafted them or whether they were drafted by their staff—because each and every one of them will be incapable of standing here as a parliamentarian and lawmaker and giving even just a 10-minute explanation of all the different processes, complexities and complications that I have mentioned in my short contribution.

My argument is that we should take the old-fashioned approach of actually reading the bill rather than lazily relying on emotions and feelings. I have read the bill and I cannot comprehend how it works. That worries me to the point of opposing the legislation. Death is too important a matter to be left in this circumstance, drafted this way, with a complexity that no citizen of New South Wales could possibly understand. And then there are the pitfalls, problems and unforeseen circumstances that opponents of the bill will obviously point out in their

contributions. I do not think it was ever a good idea to have a cross-party working group drafting the legislation. The question of death is much too important for a process that has clearly failed. I oppose the bill.

Ms CATE FAEHRMANN (15:45): Almost a decade ago, on 23 May 2013, I stood in this place as another bill in support of voluntary assisted dying was voted down by 23 votes to 13. It was a bill that I introduced after working with stakeholders for a number of years and building on the work of my former Greens colleague Ian Cohen. When the Rights of the Terminally Ill Bill was defeated, there was a cry from the President's gallery, "You have no right! You're all gutless!" That man was Paul Fletcher. Paul had suffered from Charcot-Marie-Tooth disease for more than 40 years. It is a terrible hereditary disorder. By the time I met Paul both of his legs had been amputated due to gangrene, and he was in excruciating pain every day. Paul died waiting.

That day Paul was joined by Loredana Alessio-Mulhall, who I have spoken about a number of times in this Chamber. I first met Loredana in 2012. At that time she was already paralysed from the neck down and could only answer the phone by blowing into a tube. Multiple sclerosis eventually killed her. She lived alone and only qualified for about seven hours of care a day, meaning she was alone in her apartment for much of the day. Loredana begged politicians in this State for years to make assisted dying legal. After spending the last stages of her life as a tireless advocate for voluntary assisted dying, Loredana died waiting on 13 April 2019.

The last attempt to legalise voluntary assisted dying in this place was the culmination of work by the NSW Parliamentary Working Group on Assisted Dying. The bill was introduced in 2017 by former National Party MLC Trevor Khan, along with my colleague and former Greens MLC Mehreen Faruqi as co-sponsor. That too failed. New South Wales could have been the first State to legislate voluntary assisted dying. Instead we are the last. In the years between when this House first considered the issue and now, countless people with cruel terminal illnesses have died traumatic, agonising deaths that they were desperate to avoid—so let's get it done. I stand here as a proud co-sponsor of the bill and I acknowledge the other 27 co-sponsors—a record for any bill introduced into any Parliament in Australia.

I have only 20 minutes to contribute to debate on the Voluntary Assisted Dying Bill 2021, so I will not outline the bill's provisions and comprehensive safeguards. They have been covered extensively in the other place and by the honourable member with carriage of the bill in this place, the Hon. Adam Searle. The bill is the product of significant research and consultation, and I acknowledge the work of Alex Greenwich, MP, who is seated in the gallery today, and his adviser Tammy Nardone in getting us to this point. The bill builds upon experiences in jurisdictions around the world, as well as here in Australia, which have successfully introduced schemes that provide a legal framework for mentally competent, terminally ill adults to access assisted dying at the end stage of their lives when their pain and suffering has become unbearable.

When I spoke to my 2013 bill I outlined the reasons why I strongly support voluntary assisted dying and I refer anyone who is interested to that debate. Since then every other State has moved. Victoria was the first State to pass voluntary assisted dying laws in 2017 with its Voluntary Assisted Dying Act coming into effect on 19 June 2019. Western Australia's law came into effect on 1 July 2021. Tasmania's law will commence on 23 October 2022. South Australia's law was passed on 24 June 2021. Queensland's law will commence in January 2023. It is now beyond time for New South Wales to do the same. And while we are at it, the archaic Commonwealth law that prevents the Australian Capital Territory and the Northern Territory from introducing their own voluntary assisted dying laws also must be abolished.

On 23 February 2022 I tabled in this place a petition with 100,000 signatures in support of this bill. It was the same petition tabled in the Legislative Assembly by Alex Greenwich, MP. It shows the extraordinary level of public support there is in the community for these laws to pass—support which has ballooned in the past decade. Part of the reason for this support is that everyone has a story. Some of these stories were compiled by Go Gentle and Dying with Dignity NSW in the publication they provided to all MPs. The stories of the loved ones of terminally ill people who died traumatic, painful deaths are harrowing and distressing.

I met with Cathy Barry to hear the story of her beloved brother, Tom, who was diagnosed with a metastatic facial cancer in 2019 at the age of 69. Tom's last two weeks of life were spent in agony. Tom's facial cancer started to grow inwards and outwards. His jaw became terribly deformed and his face started drooping. He started to drool out of his mouth months before he passed away and he had terrible, painful mouth ulcers. Cathy Barry gave evidence to the upper House committee that examined this bill that about 2½ weeks before he died Tom said to his family:

I am in unbearable pain all over my body. I feel really, really sick. I am ready to die and I want to die.

The option was not available to him. In his final week he could barely speak and he uttered only two words, "inhumane" and "help". The argument that people access voluntary assisted dying because they are afraid they are becoming a burden to others just has no basis in fact. But this did not stop Dr Gregory Pike, Director of the Adelaide Centre for Bioethics and Culture, telling the inquiry:

... people made to feel they really ought to go, so as to stop burdening others, and made to feel they are consuming resources that might be better spent, lives made to feel they have no remaining value, and so death becomes a benefit.

When someone with a terminal illness is screaming in pain at the end of their lives, sometimes for days, begging their loved ones and the healthcare workers around them to show some compassion and end their lives, why can they not have the choice of the benefit of an early death? They know what is in store for them—they have researched it; they have spoken to their doctors. Sometimes they have witnessed the terribly painful death of a parent or a relative from the same disease. This is quite common for people with mesothelioma or motor neurone disease, for example. People who want to access this law—make no mistake—are staring an absolutely horrific death in the face. They do not want to die. They would do anything to not have the terminal illness that is eating away at their bodies and minds, that is taking them tragically and too soon, but they are dying.

Palliative care is a wonderful thing and more resources need to be invested in it, particularly in regional New South Wales, but the evidence and countless testimonies of loved ones of terminally ill people who have died prove that it cannot help everyone. One witness at the inquiry, from the Presbyterian Church, stated that where she worked in palliative care the majority of patients who requested euthanasia were able to be helped by actually sitting down with them and going through the concerns that they had, some of which were the potential for ongoing pain. That is wonderful, because palliative care is an essential part of end-of-life care for many people, but it is not for everyone and it does not work for everyone. How would sitting down and going through the concerns with Jayde Britton have helped her in the last few weeks of her life with cervical cancer? Her partner, Abbey Egan, gave evidence to the upper House inquiry into this bill:

The way that her tumour was positioned in her body—when I would have to change her, parts of her tumour would fall out from her, which was horrendous for everyone involved, especially Jayde ... The tumour was so large in her back that it cracked her vertebrae. In terms of her being in bed, when we would have to move her so she wouldn't get bedsores, trying to roll her over—she would scream in absolute agony because of the cracked vertebrae. You could only imagine.

They are just things that people should not have to go through. ... Unfortunately for you guys, you did not get to know Jayde. But if you did know Jayde, you would know that she was an incredible fighter and she did not want to die ...

The way that she was forced to leave this world is horrific. It is just so unjust. When you put the people that you love the most in these positions and you watch the way that they are forced to leave this world, it traumatises you.

Abbey said she was 28 when Jayde died. She said:

I am 31 now and it is never going to leave me. It is never going to leave her family. It is never going to leave my family. It will forever be etched in my memory.

Ray Smith said of the death of his wife, Tanya, a non-smoker, of lung cancer:

The pain was constant and brutal. It sent her almost insane. No amount of medication would ease it, and the doctors were withholding food and drink. She eventually died in agony, and with thirst and starvation. It wasn't very dignified for her, or peaceful.

The doctors were withholding food and starving her. That is how she died. They were hastening the inevitable death of Tanya in a manner whereby if someone did the same to an animal they would be charged with animal cruelty. I note the letter addressed to members in this place dated 22 February 2022 and signed by more than 100 New South Wales doctors, including the former Deputy Premier and New South Wales health Minister, the Hon. Dr Andrew Refshauge, asking us to support this bill. The letter states:

As medical professionals, we interact with adults with terminal illnesses. We know that some of our patients experience great suffering, when treatment options have been exhausted and death is inevitable. The suffering can be severe and causes harm, not only to the dying patient but also their families and the health teams caring for them. Even with optimal palliative care, some patients still suffer a prolonged and distressing death, with symptoms that medical science is not able to adequately relieve.

They letter also states:

At present, doctors work in a legal grey area when it comes to caring for dying patients. A clear, regulated framework will provide certainty and protection for both patients and practitioners. A voluntary assisted dying law will also allow our patients to have more open conversations with us about the end of their lives and the choices available to them.

Another story that Go Gentle chose to highlight was the story of Milenka and her mother, from Macmasters Beach, who made the choice to die not in hospital but at home, in her end stage of pancreatic cancer being told that death from malnutrition would be about a month. Opponents to voluntary assisted dying ignore the reality that people are killing themselves in violent ways, leaving their loved ones or first responders to make the gruesome discovery. Mr Gavin Patullo, a senior staff specialist anaesthetist and pain medicine physician, gave evidence during the inquiry. He found his wife who, having lived for 14 years with recurrent aggressive leukaemia and facing death by asphyxiation, was forced to take her own life alone and without saying goodbye to her loved ones. The trauma of Mr Patullo telling that story at the inquiry still haunts me.

How can we not allow someone with motor neurone disease or severe multiple sclerosis, like that which afflicted Loredana, to be able to choose when to die from the disease that will eventually kill them by slowly paralysing them to the point that they choke or suffocate to death over many weeks and months? Remember we

are talking about people who are dying anyway, people whose death is staring them in the face, people who know that their death will be drawn out, cruel, agonising and undignified because of the very nature of the terminal illness they are afflicted with. I say to the opponents of the bill who are against voluntary assisted dying because of their religion: You do not have to access this law when your time comes. Remember what is a really important word in the title of the bill—the word "voluntary".

The vast majority of people alive today will, thank goodness, not be in a situation where they seek to die by this law. Even most people with a terminal illness will not seek to die by this law. But for those whose pain and suffering is beyond anything we can imagine; when the tumours are eating them up from the inside out; when they cannot hold back the screams any longer as mesothelioma tears through their body and shuts it down; when motor neurone disease eventually stops the muscles in a person's diaphragm from doing its job and they are put on an oxygen machine to breathe; when a person is vomiting their own faeces in the final days when bowel cancer has destroyed any remaining dignity they have, do not stand in the way of these people accessing an assisted death if that is their wish.

National coronial data reveals that in 2019 one in five suicides in New South Wales of people over 40 were by people with a terminal or debilitating medical condition or who had experienced a significant decline in physical health. Penny Hackett from Dying with Dignity told the inquiry how the mother of one of her friends jumped in front of a train at Lindfield station several years ago. She had a terrible cancer and saw no other way to end her suffering. She had a loving family and the best possible medical care, but she felt she had to take matters into her own hands. So too did father-of-two Lawrie Daniel, who took his own life before multiple sclerosis robbed him of the use of his hands. His son, Albert, is the sponsor of the active e-petition to this Parliament to support the bill.

Dr David Leaf, who is the New South Wales Convenor and National Co-convenor, Doctors for Assisted Dying, gave evidence to the inquiry and spoke of discussions he had had with his counterpart in the United States, Dr David Grube, who for 24 years has been one of the original doctors in Oregon involved with assisted dying laws there and assisted dying. Dr Grube told of families who came home to find their loved one deceased and made a comparison with those deaths where assisted dying had been achieved. He said the latter families left behind—and especially children and adolescents—are much better off for the rest of their lives. You can imagine coming home to find your father or another loved one dead in some grisly way compared with having the opportunity to set a date—you know it is coming, there is some music, you get to hold their hand, you get to have a cry and say goodbye, and the person dies peacefully.

I know some disability advocates have expressed concern that voluntary assisted dying laws could be used to hasten the deaths of people living with disabilities. There are strict safeguards in place to prevent this occurring. My colleague Ms Abigail Boyd will address that issue more broadly in her speech. I thank everyone who has worked tirelessly to see voluntary assisted dying laws passed in New South Wales and the organisations that have contacted MPs in support of the bill—the NSW Nurses and Midwives' Association, the Australian Paramedics Association, the Council on the Ageing, the Older Women's Network, ACON, Cancer Voices NSW and many others. There are some individuals who have gone above and beyond and literally dedicated years of their lives to ensuring that voluntary assisted dying becomes lawful in this State: Shayne Higson and Penny Hackett from Dying with Dignity NSW need particular mention here, along with Andrew Denton, Dr David Leaf and Dr Robert Marr, and politicians including Alex Greenwich, Trevor Khan, Mehreen Faruqi, Ian Cohen and all the others who for many years have championed this cause in this place and outside it.

I note that 46 amendments were agreed to in the other place. The Greens will not be moving any amendments to the bill in this place. We believe that, while some of the amendments were not necessary because adequate safeguards already exist in the bill as introduced in the lower House, the bill before us today should be supported unamended. Let's just get it done. This bill resoundingly passed the lower House. Other similar laws have been debated, and passed, by parliaments in every other State in the country. There is massive support in New South Wales for voluntary assisted dying to be legal.

How many more terminally ill people in New South Wales who are staring death in the face, and staring down the barrel of an agonising and distressing death, have to die waiting? Will we vote to give them and their loved ones some comfort in the knowledge they may just be able to access a more peaceful and dignified death when their time comes? We are elected to this place to make laws that make the world a better place. I truly believe that is what this sensible, compassionate and long overdue bill does. I proudly commend it to the House.

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (16:04): I appreciate the opportunity to make a contribution to debate on the Voluntary Assisted Dying Bill 2021, but before I commence my remarks I acknowledge a former member of this place, the Hon. Trevor Khan—as his Honour was then known—for his work in relation to this matter. I am sure that other members in this Chamber may have acknowledged, or intend to acknowledge, Trevor in their contributions to the debate. I think it is a shame that he

is not here to be part of this debate. However, having seen him last Sunday—I am due to see him again later this week—I know that he is enjoying his new role very much. Nevertheless, I am sure that he maintains a keen interest in what is happening in this Chamber and, in particular, with this legislation, which I know he has been driving for a number of years.

I intend to be relatively brief in my contribution to this debate. But I will say that normally when we have conscience votes in the Parliament—and in the almost 11 years I have been a member of this House quite a number have taken place—they are very easy votes for me. I am very clear what my position is; it is not something I need to consider. However, I am happy to put on record that I have struggled with this particular issue. Ms Cate Faehrmann spoke about her bill in 2013, which I voted against. I was struggling with the issue and I am happy to be up-front about that. With no disrespect to Ms Cate Faehrmann, I also had some concerns about the frameworks and safeguards within that specific legislation. I think it is important to put those points on the record.

I also state for the record that when there was a vote on this issue in 2017, I did not vote. I have heard some conversations around this building that I abstained. I was actually on maternity leave as I had just given birth to my second child. Obviously it is the convention in Parliament that pairs are not recorded for conscience votes. I did not abstain. I have never abstained on a vote since I have been in Parliament—certainly not a conscience vote—and I would not have done so on that occasion. I think about why I have struggled with this issue. I find there are parts of the bill that just do not sit well with me. As someone who, people may argue, can be articulate, I cannot express it any better than that. I find death confronting. I think a lot of people do. These are hard issues to talk about. I add that in some respects I find confronting the concepts around voluntary assisted dying. I think we should be honest about that.

These are complex and challenging issues. It is okay to question morally and ethically what you think is the right thing to do. It is tough. A feature of this debate is that it has been respectful. We respect the views of others in relation to these issues. I know that during debate both here and in the other place—I acknowledge the Hon. Adam Searle and Mr Alex Greenwich, MP, who is in the President's gallery—members have shared stories of watching those whom they loved deeply dying a very slow and very painful death. Those speeches were absolutely heartbreaking. It has been equally heartbreaking to hear the stories of those who made the decision to take their own life because voluntary assisted dying was not available.

I know that many in the community have shared their personal experiences of these issues, and those of family members, with members of Parliament through various parliamentary processes. I know that is not easy. It cannot be easy for people to speak so openly and so honestly about issues that must be incredibly painful and, at times, incredibly upsetting. I say thank you to everybody who has made the effort to be part of the parliamentary committee and to email members of Parliament with their views and their stories, because it helps us, as members, to make decisions on bills of this type. Like me, no doubt other members have been considering their positions very carefully. We should respect the views of others in this debate. It should be above politics and above personal circumstances. We should be able to say what we think in this House because our experiences shape who we are as people and the views we bring to Parliament.

Like everybody, I have lost loved ones in my life. But I have been very lucky—and I am thankful—that those close to me who passed away had relatively quick and, in many respects, quite merciful deaths. I have not had the experiences that others in the Chamber and members of community have shared of watching those who they love suffer in pain awaiting their inevitable death. That is the reality that people find themselves in. Maybe that is why I find this issue more confronting: It is not something that I have had personal experience with in the way that others have.

Reflecting on how I will vote on the bill, the more that I think about it and the more that I look at the specifics of the legislation, I believe fundamentally that people have the right to die with dignity and make that choice for themselves. I completely agree with the arguments that have been put forward regarding palliative care. I reiterate what the Hon. Mick Veitch said: This should not be an either-or proposition. We should make sure that there is support available for people in our community through palliative care, but this option should also be available for those who choose voluntary assisted dying.

Broadly I believe the legislation has been drafted with the appropriate mechanisms and safeguards in place, and I will consider any amendments in the Committee stage on their merits, as I believe each member will. I will say something that I would not normally say: I find myself agreeing with Ms Cate Faehrmann, who said that the key word in the bill is pretty simple—it is "voluntary". If I feel uncomfortable or confronted by voluntary assisted dying, as maybe I do, and if I never want to use the provisions in the bill, I do not have to. It would be my choice in the same way that nobody in New South Wales would be forced to use the provisions if they did not want to. The bill will make voluntary assisted dying available for people who want control at the end of their lives.

The more that I have considered these issues in preparation for my contribution to the debate, the more I find myself thinking that I do not know. I cannot predict what I would do if I found myself in the circumstances where the provisions in the bill applied to me. Earlier I mentioned that I was on maternity leave during the last debate that we had in the Chamber on these issues. As a parent I think about my girls and what I would want them to be able to do to help me, or what would I want to be able to do if I were in that situation. I do not want my kids to watch me go through a long and painful death.

I do not want them to see me losing control at the end of my life, if that is the circumstance that I find myself in. I do not want them to feel distraught or responsible. I want to be in a position where I can make that decision. At the moment in New South Wales I cannot do that. Currently many people in New South Wales do not have that option. This bill is about making sure that we give people the opportunity to make that choice for themselves and that they have the legal protections to do that. If people want to make that choice about the end of their lives—which, sadly, is fast approaching for those whom this bill covers—and if they want that end to be dignified, pain-free and on their terms, then ultimately I support their right to do that. That is why I support the bill.

Ms ABIGAIL BOYD (16:12): I speak in support of the Voluntary Assisted Dying Bill 2021, of which I and all of my Greens colleagues are co-sponsors. I particularly acknowledge my colleague Ms Cate Faehrmann for her longstanding support and significant work towards this reform, having herself introduced a bill to provide for voluntary dying many years ago in this place. I support the words in her contribution to the debate, and I thank her for them. This bill is long overdue. Despite the majority of our community having been in support of this reform for some time, the views of a minority, disproportionately represented in this Parliament, have held back progress. The delay in passing voluntary assisted dying laws in New South Wales has caused so much needless suffering that could have been avoided with quicker action by this Parliament. But here we are, with a bill put forward not by the Government but by a group of cross-party MPs determined to do the Government's job for it, and to do what the majority of the community are asking us to do.

Many members have spoken about the need for a conscience vote on the bill, the position taken by both the Labor Party and the Liberal Party, and we should question why that is, particularly for members in the upper House who, at least theoretically, are supposed to represent their parties rather than their electorates. Conscience votes are, of course, reserved for bills where Labor and Liberal members cannot agree a position internally and their factional divisions hold them back from having a clear policy.

The constant squabbling between the religious right and the more moderate parts of both parties means that each election they go to voters without clear policy positions on vital issues such as this one, where the public simply does not know what it is going to get if they vote for one party or the other. That is one of the many reasons that I chose to be a Greens member, and why I am proud to be a Greens MP. Our policies are there for everyone to see, both before and after elections, developed and passed by our membership as a whole. What's more, our representatives are elected explicitly to follow those policies. They are not elected as Greens MPs to put our own self-interest ahead of the people who voted to put us here, but instead to represent faithfully the platform on which we were elected.

So it is that I do not have a conscience vote on this issue. Greens MPs do not need conscience votes on any issue. But, for the record, I would still gladly support the bill, which is about compassion, choice, and allowing people to have control and autonomy over their own bodies. It reflects not only my views and Greens policy but, vitally, also the views of a clear majority of people in New South Wales. There is no doubt that governments could be doing a lot more to improve palliative care. There is no doubt that, at times, people are suffering needlessly due to a lack of resources dedicated to helping people live with dignity at the end of their lives.

There is no doubt that the financial pressures of a Medicare system that does not apply universally or extend to developing treatments makes an already incredibly difficult period even more stressful. And there is no doubt that we could be doing so much more to improve our medical knowledge, the palliative care system, universal health care and our understanding of what it means to be terminally ill. I firmly believe we will get to a stage where we achieve all of that and more, albeit perhaps only after a change of government at both State and Federal levels. But we simply cannot argue with reality. We do not yet live in the world that we could, and ought to, live in. When faced with that reality, people ought to be able to choose how they spend their last days.

Let me be very clear: No person in New South Wales should have their choice limited by inadequate palliative care or financial pressures exacerbated by an incomplete healthcare system. Even when the very best and most universal palliative care is available, terminally ill people must be allowed to have control over the end of their lives. No-one should be forced to experience unrelievable suffering. In the interests of passing this bill as quickly as possible, I will not make a long contribution to this second reading debate. But I want to put on record the concerns that have been raised by some about how this law would impact on people with a disability. When we look at the long list of people overlooked and outright neglected by the current State and Federal Coalition

governments in their policy decisions, people with a disability are particularly hard done by. That has been glaringly obvious during COVID, and it is an absolute disgrace.

As the Physical Disability Council of NSW [PDCN] noted in its submission to the inquiry into the bill, voluntary assisted dying is a difficult subject for many with disabilities due to its inherent connection to quality-of-life judgements. It stated:

Many in society, including legislators, project their own ableist biases when assessing quality of life and it is the role of organisations such as PDCN to challenge the assumption that disability, in and of itself, reduces the quality of a person's life. These assumptions, particularly when reflected across public policy, entrench prejudices about the lives and capacities of people with physical disability in the community, which in turn can cause damage to individuals with disability, affecting how society relates to them and how they think and feel about themselves. It is important to note that the last two years have been a time of increased vigilance for the disability community. Public policy decisions regarding issues such as vaccine allocations and lockdowns have placed the health and welfare of people with disabilities, many of whom have increased vulnerability to the virus, at increased risk.

In this context it is unsurprising that some people with a disability have an entirely reasonable fear about the misuse of these laws. However, having discussed the issue with stakeholders in the disability space, I am comfortable that the bill strikes the right balance. Importantly, section 4 of the bill acknowledges that every human life has equal value, that people must be supported to make informed decisions and that all people have the right to be shown respect for their personal characteristics. That sets a really important foundation for the operation of the bill.

Moreover, section 16 (2) expressly provides that disability is not, in and of itself, a condition that enables a person to access voluntary assisted dying. Again, that is a really critical provision. I want to thank so many for their tireless advocacy and work to bring about this reform. I acknowledge, of course, the work of Dying with Dignity NSW, which has worked for four decades to achieve this reform, with a special shout-out to the Central Coast branch and its coordinator, Beverly Simons.

I also acknowledge the work of Go Gentle Australia and the 29 member organisations of the NSW Voluntary Assisted Dying Alliance, which includes key national healthcare and professional bodies. I thank the Council on the Ageing, ACON, Cancer Voices NSW, Humanists Australia, Marque Lawyers, the Older Women's Network, the Rationalist Society of Australia and so many others who took the time to write to me and my office to express their support for the bill. I also put on record my thanks to my fellow co-sponsors of the bill, without whom the bill could not have happened. I am extremely proud to stand with them to support the bill.

Reverend the Hon. FRED NILE (16:20): I am pleased to have the opportunity to speak on the Voluntary Assisted Dying Bill 2021, which, as members will gather, I strongly oppose on behalf of the Christian community particularly, the Christian Democratic Party and Christian churches. I have letters from all the heads of churches opposing this legislation, and I am pleased to represent their views in this debate. Yes, many Australians of faith oppose this legislation. For people who have a Christian faith, that faith has been the bedrock of our Western civilisation. There are many people of faith in New South Wales. In fact, there are probably more people of faith in New South Wales than the other States, and their views must be respected and heard, not rejected by those who do not have similar Christian beliefs.

The preservation of life is the core of the Christian faith. I acknowledge there are Christians who support euthanasia but, in my respectful view, they are misguided. The vast majority of Christians who do not support euthanasia should have their views respected and heard. The *Bible* tells us that life is God-given, and that the giving and taking of life is God's domain—not that of man. We should not take life but, indeed, preserve it. As it states in the *Bible* in Romans 5:3-5:

Not only that, but we rejoice in our sufferings, knowing that suffering produces endurance, and endurance produces character, and character produces hope, and hope does not put us to shame, because God's love has been poured into our hearts through the Holy Spirit who has been given to us.

I am not a particular scholar of other religions, such as Islam, but I have made inquiries into what the Islamic community thinks about this type of legislation. I am pleased that Australian Muslims, with whom I have been in touch, are opposed to euthanasia. The Australian National Imams Council statement, "Islam's Position on Euthanasia", dated 1 November 2017, states:

Only God has the right to take your life. Islamic jurisprudence, based on a convincing interpretation of the Holy Quran does not recognise a person's right to kill oneself voluntarily.

...

According to Islamic teachings, life is a divine trust and cannot be terminated by any form of active voluntary intervention. All the Islamic scholars, of the past and the present regard euthanasia as forbidden.

First Nations Australians, our Aboriginal brothers and sisters, have long been sceptical and wary of the Australian medical system due to its long history of systematic racism, abuse and harmful patriotism. The First Nation view

of death is that it is not an individual act but a collective one. One of their prominent leaders Senator Pat Dodson, a Yawuru man from Broome, spoke about the Aboriginal view on euthanasia in debate on former Senator Leyonhjelm's assisted dying bill. Senator Dodson said:

If we give one person the right to make that decision—that is, to assist in committing suicide—we as a whole are affected. If we give one family that right, we as a whole are affected. If we give one State or Territory that right, we as a country are affected.

Regrettably, we already have euthanasia in Australia. The normalisation of intentional death has begun, but it does not have to be so in New South Wales. We do not have to join the other States in their journey into what I regard as darkness and error. We stand for life and we can do better. It reminds of Ecclesiastes 7:17, which asks, "Why should you die before your time?" Our lives are in God's time. I call on members to oppose this legislation. I acknowledge the zeal and sincerity of The Greens, who promote this legislation and have for many years. But I believe their sincerity is not sufficient for us to support the bill. I call on all members of the House to vote against it on this occasion.

The Hon. SHAYNE MALLARD (16:27): I support the Voluntary Assisted Dying Bill 2021. I do so because of my fundamental belief as a classic liberal in the innate human dignity in the control over one's body, which I believe is a fundamental right of humanity. It is one that the State should not deny to people in the clearly defined tragic circumstances of a painful and often horrific end of their life. The Voluntary Assisted Dying Bill 2021 provides a framework for patients whose death is imminent and whose pain and suffering has become unbearable to get assistance to end that suffering at a time and place of their own choosing.

In 2017 in this place I spoke in support of the previous bill brought to this House by a cross-party working group and moved by the Hon. Trevor Khan. It was defeated by one vote in this place. I note that this private member's bill, moved by the member for Sydney in the other place, was extensively debated by our colleagues in that place and passed with a significant majority. It is now for the house of review to cast our eyes and ears over this historic legislation. The will of the popular House is known. It is for us to review that decision and, in my mind, to constructively improve upon it if possible—but not to attempt to frustrate the bill's progress. Over the intervening five years since I last spoke on this issue, my position has not changed.

Indeed, over that time I have only become more aware through correspondence—some of which members have heard of today—of people suffering unimaginable pain and anguish as loved ones, with few or no options to die with dignity, took to a slow, cruel, agonising death or, even more tragically, a violent, lonely suicide. Some people—and often assisted—choose to starve and dehydrate themselves and cease treatments to speed up their death. Others die in a haze of medications, absent of awareness, self-determination and dignity. I would think most members in this place have personal life experience touching on these decisions and these approaches to death.

This bill offers a framework for people who are in the final stages of a terminal illness and who are experiencing cruel suffering that cannot be relieved by treatment or by palliative care to be provided with the choice to die peacefully, to die with dignity and surrounded by loved ones if they choose. New South Wales is the only State in Australia that has not acted on the issue of voluntary assisted dying, with Victoria, Western Australia, Tasmania, South Australia and Queensland all passing similar legislation in that area. In many ways, we are not entering a brave new world, some Orwellian healthcare system. Others have traversed this landscape and, with the overwhelming support of their communities, delivered a compassionate end-of-life model with varying but similar safeguards as contained in this bill. There has been no epidemic of applications nor evidence of the feared "coercion" of the vulnerable in the other States. The people of New South Wales are overwhelmingly looking to us as legislators to develop and deliver a viable, workable solution to this complex issue. I believe this bill offers that.

I will not dwell at length on the provisions of the bill. Many others have done so, and I associate my position and support with the words of the Hon. Adam Searle in his second reading speech as he introduced the bill to this House and, indeed, the words of Mr Alex Greenwich, the member for Sydney, in his second reading speech in the Legislative Assembly, both of whom in some detail rightly outlined the checks and balances in the process for people to access voluntary assisted dying. In my opinion, the steps a person must take are actually quite complex, more so than was proposed in the 2017 bill—the contribution of the Hon. Mark Latham on that issue was quite touching.

The protections for healthcare workers to ensure that they can conscientiously object; the rights and responsibilities of institutions and facilities, including the right to refuse to provide voluntary assisted dying services; the eligibility criteria for other persons involved in the process such as doctors, nurses and witnesses; the composition of the Voluntary Assisted Dying Board; the option to request a review of a decision through the Supreme Court; and the offences and the review of the legislation after two years of operation by a select

committee of this Parliament—these have all been outlined in detail by previous speakers in the debate, and I support those measures.

I will briefly speak to some of the safeguards that have been included in this bill to ensure its efficacy. Eligibility to access voluntary assisted dying is restricted to patients at least 18 years old who are an Australian citizen, a permanent resident, or have been living in Australia for at least three continuous years and ordinarily would reside in New South Wales. A patient must be diagnosed with at least one disease, illness or medical condition that is so 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 a decision-making capacity to make a voluntary assisted dying decision. In seeking the assistance, the patient must be acting voluntarily and without any pressure or duress. Pressure or duress is defined to include coercion, intimidation, threats and undue influence.

I note that in 2017 a similar bill was before the Parliament for consideration. As I said, at that time a broad range of stakeholder groups made their views known to members. It is important to recognise the efforts that have been undertaken to reflect those views in this iteration of the bill. This bill has been drafted in direct consultation with the NSW Nurses and Midwives' Association, the Paramedics Association, the Pharmaceutical Society of Australia, the Law Society of New South Wales, the New South Wales branch of the Services Union, the NSW Ombudsman, and aged-care providers. In my opinion, the bill establishes a robust framework that creates a viable, if not complex, pathway for a person seeking access to voluntary assisted dying whilst at the same time providing the vital safeguards against abuse or coercion of vulnerable people.

This bill values the role of palliative care, which we should all support regardless of our position on the bill. In no way does voluntary assisted dying replace or channel people away from the palliative care option should they chose that path—which, I will add, there is no doubt the overwhelming majority of terminal disease patients will continue to choose. I note that Palliative Care Australia estimates that 4 per cent of patients are beyond its help, and there is evidence that palliative care cannot effectively control 10 to 20 per cent of end-of-life symptoms. I am pleased to see proposed section 28 in the bill requires a coordinating practitioner to advise patients of their palliative care options if they are eligible for voluntary assisted dying. That is a new component included in this bill. The New South Wales Government already invests a record \$220 million into palliative care services every year in this State, and I note the Premier's commitment in his contribution to debate on the bill in the other place to increase that funding.

In preparing for my brief contribution today, I returned to my notes and contribution to the 2017 bill in this place. I spoke on 16 November 2017 and, like other speakers, I would like to associate that contribution with this debate today as most of it is quite relevant. There are some parts that I think are worthy of repetition in contribution to debate that will be reflected in today's *Hansard*. One particular aspect, which moved me strongly in 2017, was first raised by the Hon. Trevor Khan—and it is a measure of his parliamentary contribution that after he has left this place he is still contributing to debate—which I will include in my contribution today which once again bears repeating as the gravity and desperation of the information contained is too compelling to ignore.

Without a legal avenue to take control of one's own life and death, what are the options for people in the circumstances we are talking about? We can analyse the Victorian Coroners Court data on people who have taken their own lives between 2009 and 2013—granted, that is 10 years ago but we can expect it to be a similar reflection. In that period 2,879 people took their own lives. Of those, 240 had irreversible physical health conditions, with the highest frequency being those aged 65 and over. Those 240 people—that is just under 10 per cent of the people who took their own lives—were mostly elderly, suffering from some sort of terminal disease and they died in horrific circumstances.

Of those people, 74 poisoned themselves, 64 hanged themselves, 34 died as a result of a firearm—and we can assume the majority of them were in the bush, where firearms are more prevalent—19 died as a result of threat to their breathing, 13 died from motor vehicle exhaust fumes, eight died from rail, seven jumped from a height, five used a sharp object and 16 others died from various causes. In that period, 240 people desperate to end their terminal suffering and take some form of control over their end of life took their own life through poisoning, hanging, gunshot, suffocation, car exhaust, jumping from a bridge, jumping from a building, cutting their wrist or throwing themselves before a train.

It is just unimaginably horrific and tragic that people are forced to go to those extremes, not to mention the magnified trauma for all involved including family and, of course, first responders and witnesses. Since that time—and, granted, the data is now a decade old—one can only assume the figures would be similar. We owe it to people like those 240 in desperate circumstances to offer them another option, a legal and a managed option—one that they take control over, one that is certain and not the uncertainty of what the 240 went through.

The Voluntary Assisted Dying Bill 2021 offers that pathway for those few who choose it. We all come to this issue from various personal aspects. Many of us have been involved in difficult, painful end-of-life experiences with loved ones. As I said at the outset, I come to this debate mindful of the right and freedom of the individual to choose over the autonomy of their body in the narrowly defined—as society rightly wants it to be done—circumstances of a dreadful terminal illness. As I said in 2017, I would not want any loved one of mine accessing this legislation but, on reflection, that in my opinion is a selfish proposition. It is not fair for me or for any others to impose upon a dying person—a loved one caught up in the circumstances as prescribed by this legislation—an extended suffering, a lingering death, perhaps starved and dehydrated to death or absent in a cloud of morphine or, even worse, a lonely, violent death by suicide.

Recently I spoke at a memorial service for a dear friend, and I reminded the hundreds of people present that death is actually a part of living. It is part of our existence. It usually walks silently beside us and reminds us all too often of our mortality and our short lives. It reminds us to seize every opportunity that comes along in life. In preparing for the inevitability of death, we should all be taking time to talk with our loved ones, not just in regard to this legislation but other end-of-life decisions like the role of life support, the potential to be an organ donor and even funeral and estate arrangements. They cannot be ignored. I very much admire other cultures, like those in Asia, that, unlike ours, engage death as part of family and community. To Europeans death is very much couched in the values of the Victorian era. Even our cemeteries and closed coffins still reflect that. Death is something we instinctively rage against, and as poet Dylan Thomas appeals:

Do not go gentle into that good night,
Old age should burn and rave at close of day;
Rage, rage against the dying of the light.

We all want to "rage against the dying of the light"—it is instinctive—but for some the rage turns inward and becomes a rage against their own body through unbearable terminal suffering and the loss of dignity and control. Rage against the dying of the light by all means; I support that. Rage while you can. Rage while you have the capacity. Rage while you hold the hope and belief. But if that rage is all-consuming or indeed gone and replaced by a body raging against itself through an agonising terminal disease, it is appropriate to have the choice to accept a peaceful surrender on your own terms to the dying of the light. Extinguish that light in dignity and grace, surrounded in sorrow but also love and release by those you most love. You should have that right. I commend the bill to the House.

The Hon. CATHERINE CUSACK (16:40): I contribute to debate on the Voluntary Assisted Dying Bill 2021. Reference is often made to the fact that the last time this matter was before the House it was defeated by one vote, and members all look at me. I struggled with this issue when it was last considered and voted against it. I have changed my position and will be supporting the bill before the House. For that reason, I speak briefly to explain the change in my position. The first matter is the fact that the bill originated in the Legislative Assembly and was carried by a very substantial majority. For the Legislative Council as the house of review, I think that is important. It is certainly very important in my thinking. Generally, I would prefer that conscience votes originate in the Legislative Assembly. I think that is very helpful to members of the Legislative Council in exercising our review role. It is not ideal for legislation like this to be originating in our House. I respect that there are circumstances and reasons for that, but the way the bill has come forward is a factor for me.

I thought the Hon. Sarah Mitchell spoke very well about palliative care. It is an issue that concerns and upsets every rural and regional member in this House. It is not good enough, and when the Premier spoke to the bill he straight up admitted that it is not good enough and we need to do a lot more. The Hon. Sarah Mitchell pointed out, however, that palliative care should not be made a condition in relation to the principles in this bill, and that is a shift in my thinking. I think that is a very fair point. Just because we have a big job to do on palliative care does not mean we should be robbing people of their rights.

I note that legislation to permit dying with dignity, as we are calling it, has passed in other States and is anticipated to come into force. I met with constituent Cathy Barry in Lennox Head recently and we talked about it. She is passionate about it and many members have referred to her representations, and I will not repeat those. She referred to the fact that there is a resident in my community who has a terminal illness and who has made the difficult decision to move to Queensland and live with her son even though she would much prefer to stay at home in New South Wales. The reason for that is she wants to have the option of this legislation. As a compassionate person, I can see that is unacceptable. The country has moved in this direction and our citizens are as deserving as everyone else.

I have realised that we already have dying with dignity in the form of people who can make that choice by the withdrawal of treatment—for example, "Turn off the oxygen. I can't go on." Therefore, this legislation is for those people for whom the withdrawing of treatment will not have that effect. I think all our citizens should be

empowered, and not just randomly according to whether or not turning off the oxygen machine and exercising your right to cease treatment has the effect of giving you a choice.

A big issue for me last time was the pressure on people to take a decision to terminate their lives. I was not referring to pressure from other people. I was actually referring to pressure from within themselves, thinking that their illness is costing their family a lot of pain and money and that they do not want their children's inheritance devoured by taking care of them. Normally, families want family members to keep living; I know that is not the issue. The issue for me was always about how people feel in terms of the impact they are having on other people they love. I have changed my position and I accept that it is up to them to make that decision. It is not a decision I would like to think anybody would make or feel obliged to make, but ultimately this is their decision if that is how they feel. The safeguards in the bill relating to other external pressures satisfy me.

The DEPUTY PRESIDENT (Ms Abigail Boyd): Order! The member will be heard in silence.

The Hon. CATHERINE CUSACK: There has been a lot of strident argument that almost suggests that if you ask questions about euthanasia and do not support it, somehow you do not support dignified deaths. I think that is a little unfair on the people who are questioning the issue because I think the questions are legitimate and it would be monstrous for legislation and reform like this to occur without anybody asking questions, putting the case against it, testing the arguments and testing the model that has been put to the House. I am one of those members who was responsible for a delay on this issue.

I do not think it is very respectful to say that that delay has inflicted deliberate, unnecessary suffering on other people. I do not find it very helpful or persuasive in relation to the bill before the House. I would never inflict needless suffering on any person. It has been a very difficult issue. The difference between conservatives and liberals is that conservatives are absolutely certain about absolutely everything and a liberal is always uncertain about almost everything. I am in the latter category of being a liberal, and I am simply trying to do my best in the public interest. I think it is very good and in everyone's interests that this come to a conclusion and the bill be supported. I thank the proponents of the legislation.

Mr JUSTIN FIELD (16:48): I support the Voluntary Assisted Dying Bill 2021. There are instances of people tragically suffering terminal degenerative diseases that are often incredibly physically and psychologically painful and from which there is almost no chance of recovery. Many people who have suffered those types of illnesses have called for access to a system of assisted dying to enable them to make their own end-of-life decisions to die at a time of their choosing and with dignity. With the bill, we can create a system like that and give that option to people who face those circumstances. People who have faced those circumstances, and families and friends who have witnessed those circumstances, have said that in many instances a person will not make the choice to use assisted dying but that even the fact the choice is there gives them a peace of mind that enables them to focus on making the most of their last days, weeks and months with their family and friends. We can give them that peace of mind with this bill.

Should voluntary assisted dying become law in New South Wales, others will choose not to avail themselves for other reasons, including their faith, and that is their choice. The bill does not remove anyone's agency, and it preserves a right to conscientious objection. The alternative to a system of voluntary assisted dying is difficult to talk about. For some it is intolerable suffering until their death, even with the best palliative care. For others it is unthinkable to take their own lives, sometimes in horrific ways because of their physical limitations and sometimes in lonely ways because of the consequences should their loved ones be involved in that most human of experiences of caring for someone and being there at their death. The bill creates an alternative to that suffering.

The issues surrounding this policy reform have been well ventilated in the debate here, in the other House, in other parliaments and in the public. The public have weighed in on this issue and they overwhelmingly support this right and support establishing a law to facilitate assisted dying. Polling suggests that almost two-thirds of New South Wales voters support voluntary assisted dying. I note from correspondence that all members have received that other surveys also suggest majority support amongst people of faith in our community. We have all been inundated with messages from people supportive of this reform. Few issues generate a similar level of engagement. I appreciate the many personal emails I have received from people sharing their stories. Many of those stories have been put on the record by members in this place and the other place.

I acknowledge that there have been other emails opposing this reform. While I respect those opposing views, ultimately I believe that concerns about the operation of the law have been addressed, particularly in regard to protections. We know how similar legislation operates in other jurisdictions. This legislation has substantial protections against many of the risks that have been argued should prevent this reform. Those have been clearly articulated by the mover of the bill here and in the other House. I do not think more can practically be done to further reduce those risks without fundamentally restricting access to the point that the reform would be of little

or no use to those who would benefit most from it coming into law. It is time to move ahead. That is not to suggest that everything is perfect and we will not learn more over time about how a system like this should best operate to protect people's rights, but that should not be a barrier to passing this legislation.

I particularly acknowledge those individuals who have devoted much of their lives and, in many instances, the final moments of their lives to raising awareness of this tragic gap in our laws and campaigning for change. At a time when they and their families were dealing with a debilitating and incurable illness, they selflessly gave their time and energy to a campaign that they knew would not benefit them but would be of great relief to those who would come after them. It is an incredible sacrifice that is evidence of the great humanity that underpins the push for voluntary assisted dying laws.

I acknowledge the many family members who have continued their advocacy after a loved one's death. This bill and the bills that have passed in other jurisdictions are a result of that cumulative effort for change. In that way, I acknowledge the members of Parliament who have championed this reform over a long period, particularly the work of Alex Greenwich and his team. I also acknowledge those in this House who have brought previous legislation to the Parliament and the public debate, including the mover in this House, the Hon. Adam Searle, and the Hon. Trevor Khan, Ms Cate Faehrmann and Mr Ian Cohen.

Recently, MPs have been receiving emails arguing against these laws because of surveys from those using the assisted dying laws in Oregon in the United States. They have identified that untreatable pain is not one of the top reasons for requesting assisted dying. The top reasons quoted are losing autonomy, at 90 per cent; being less able to engage in activities that make life enjoyable, at 90 per cent; losing dignity, at 73 per cent; being a burden on family, friends and caregivers, at 47 per cent; and losing control of bodily functions, at 43 per cent. The concluding argument is, "The legalisation of assisted suicide and euthanasia would have the result of responding to mental and emotional suffering with lethal force." This law does not specify that the illness that would trigger eligibility to access the scheme is causing untreatable pain. The question is whether or not it is causing suffering to the person that cannot be relieved in a way the person considers tolerable. That is a question for that person to determine.

The bill is about giving people their own agency to make that choice for themselves. This law is only available to a person who is suffering an advanced and progressive illness that will cause death and will, on the balance of probabilities, cause death within six months, or for a disease, illness or medical condition that is neurodegenerative, cause death within 12 months. The experience of those last few months of a person's life who is suffering that type of illness is for them to determine. The suffering that they consider to be tolerable is for them to determine. It is entirely understandable that suffering may include considerations of the quality of their life and losing autonomy, bodily functions and dignity, and we would not be human if we did not also recognise the consequences of that on those we love. The arguments proposed in the email received are not arguments against creating these laws; they are evidence of the complexity of the human experience and the need to create laws to give people choices and agency in their end-of-life decisions.

I note that these laws specifically exclude people who are suffering from dementia and those who cannot exercise a decision-making capacity, and I understand why. But it is a reality that many sufferers of dementia have similar fears about their end-of-life experience too. At some point we will need to grapple with how advanced care directives can, if at all, intersect with voluntary assisted dying laws in the future. Many will see that as evidence supporting the slippery slope argument, but the principles of the Act are good and unarguable. One principle of the bill states:

... a person should be encouraged to openly discuss death and dying, and the person's preferences and values regarding the person's care, treatment and end of life should be encouraged and promoted.

Support for voluntary assisted dying does not and should not preclude more support for medical treatment and access to quality palliative care. That is also one of the founding principles of the bill, which states:

... a person approaching the end of life should be provided with high quality care and treatment, including palliative care and treatment, to minimise the person's suffering and maximise the person's quality of life.

These debates on matters of conscience are rare; they are opportunities for our parliaments and parliamentarians to step out of the oppositional nature of politics. The public often becomes far more engaged in political questions that are subject to conscience votes, which is a good thing. I suspect the public would like to see more political disputes resolved through votes of conscience, and I suspect those outcomes would often more clearly reflect the balance of views within the population. If the outcome here is reflective of the community view, we would pass this bill and establish voluntary assisted dying laws in New South Wales.

There are very different and deeply held views about voluntary assisted dying in the public, and that is reflected in the Parliament as well. I appreciate that we have the privilege to exercise a conscience vote, but I must say that I struggle with the fact that we as parliamentarians get to exercise our conscience on a matter that most

people believe should be a matter for their own conscience. That is ultimately why I support the bill and why I was happy to co-sponsor it. This law will empower citizens to make their own decisions should they find themselves facing a terminal, progressive or degenerative illness at the end of their lives. We should make certain there are protections in place to protect those who are at a very vulnerable point in their lives. The answer to the threshold question of whether or not they should have the right to make that decision for themselves in a supported way is absolutely clear to me. I commend the bill to the House.

Debate adjourned.

Motions

ISRAEL AND BOYCOTT DIVESTMENT SANCTIONS

The Hon. MARK LATHAM: I move:

That private members' business item No. 1614 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK LATHAM (16:59): I move:

That this House calls on the New South Wales Government not to financially support the Sydney Festival or any other arts, cultural, sporting and education system events where participants and event organisers engage in Boycott Divestment Sanction [BDS] campaigns directed at Israel, given the antisemitic nature of BDS.

This motion stands up against antisemitism—those who would want to destroy the State of Israel—but for our purposes here in the New South Wales Parliament it also stands up against those who would sabotage New South Wales government funding of an arts festival, an education event or a cultural or sporting event. Sadly, this was what happened in the recent Sydney Festival. There was an allocation of government funding of \$5 million—not an insubstantial amount when members know the pressures on the budget right around the State. Here was \$5 million that triggered a boycott and the sabotage of the event whereby 30 acts cancelled all in the name of something the average New South Wales taxpayer and citizen would regard as completely inoffensive and trivial: the allocation of \$20,000 of funding from the Israeli embassy to support a dance choreographer whose politics are most likely of a left-wing variety and who would perhaps not have been unsympathetic to the sort of political causes advanced in the BDS boycott.

Why would there be an organised attempt to sabotage a festival for the sake of \$20,000 from the Israeli embassy for someone who was a dance choreographer contributing to the festival, and whose politics were not of the conservative kind that one might find in Israel itself? That in itself highlights the absurdity of what the BDS campaign was all about. These are people who previously had no objection at all to funding by the Chinese Government and its mistreatment of the Uighur people. That was of no concern to those wanting to boycott and sabotage the Sydney Festival. The hypocrisy stands out. We should be clearly saying as a Parliament that those who want to boycott, protest and make political statements about Israel should raise their own money. Do not bludge off the New South Wales taxpayer. Do not waste our money. Do not cause harm to the budget and the taxpayer; go raise your own money.

Quite frankly it is not a cause I support, but in our free nation if people want to march up and down the street day and night on this matter and do so while funded by themselves, that is their right. They can do so. However, the fact is they will not do that because they have got an environment where, in the case of the Sydney Festival, they have ripped it in two. They have launched their sabotage at taxpayers' expense and they have caused enormous damage. The event lost one-third of its performances and it was not in great shape anyway. Because of COVID the numbers for the Sydney Festival had halved in 2021. When I asked the question on notice about the attendance in 2022 there was no answer, but it probably was down again. I did find out there was \$5 million of funding that was actively sabotaged by people supporting the Palestinian cause and the BDS campaign.

Surely members from both sides of politics in this Chamber recognise it is completely unacceptable. The taxpayers deserve better. The cause of political neutrality at arts events deserves better. We do not run these events to become political, but unfortunately so much of so-called artistic endeavour and cultural events has become just another form of left-wing politics. They should go raise their own money in their own time and do their own protests without bludging on and sabotaging the money provided by the New South Wales Government. People in New South Wales work very hard to pay their taxes. We should not be providing an environment where those taxes are used to foster and engage in the sorts of protests that the Sydney Festival suffered.

The festival chair, David Kirk, did not necessarily bend a knee to BDS but he apologised on an ABC interview for taking the innocuous \$20,000 from the Israeli embassy. Why would Israelis not be allowed to support one of their performers—a dance choreographer, one of their backstage people—participating in this festival? What is wrong with that? We should encourage embassies and nations to support the people they have at different

festivals. It takes some of the burden off our taxpayers. It adds to the quality, capacity and resources of the event. Why would we ever get into a situation where BDS, in its antisemitism, would ignore the situation of Chinese government funding and the mistreatment of the Uighurs but then pick on the \$20,000 provided by the Israeli embassy? The average citizen in New South Wales would regard this as abhorrent. It is time to draw a line in the sand to say, "This should never happen again. You do one wrecking exercise and it is the last one you ever do at taxpayers' expense."

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (17:05): The New South Wales Government opposes the motion of the Hon. Mark Latham. In January this year I was privileged to attend the opening night of Ohad Naharin's *Decadance*, performed by the Sydney Dance Company. The work was extraordinary. Applauded by critics and punters alike, it was visually sensational, innovative and deeply moving. On opening night and at subsequent performances the show received a standing ovation from audience members in a physical demonstration of their appreciation of an art form exceptionally executed.

Sadly, on this occasion artistic excellence was overshadowed by controversy surrounding the Israeli embassy's sponsorship of the Sydney Festival to help fund the staging of this work. The decision by the Sydney Festival to accept this funding caused anxiety among the artistic community, with several artists and organisations calling for a boycott of the festival and withdrawing their participation in the 2022 event. The festival's chairperson, David Kirk, expressed his regret for any distress caused to participants in the festival. Throughout, however, the Sydney Festival maintained its support for the work of the Israeli choreographer and denounced the pressure experienced by some artists to feel they must withdraw their participation from the 2022 festival.

I am a passionate supporter of artists expressing their independent views without fear or favour. Artists are known for their expression, daring and skill. They create experiences not only for us to enjoy but to encourage self-reflection and experimentation, and inspire new ways of thinking. To ensure this important contribution can continue, it is critical that all artists are free to express their art—within the confines of the law—no matter their background. The New South Wales Government is proud to support the Sydney Festival. As the festival's artistic director, Olivia Ansell, explained, festivals exist "to have critical discourse and conversation and [for] the exchange of myriad perspectives and views."

Every artist must be free to walk their own path and act in accordance with their beliefs. However, I have significant concerns about trying to shut down specific creative voices simply on account of their nationality. I do not support the use of boycotts, especially when they impact on the expression and presentation of artists' work and livelihoods. To start demanding artists boycott festivals and events because of differing views about the world's geopolitical situation risks silencing other diverse voices that are valuable for us to engage with as a society. To be clear, the Sydney Festival did not engage in the boycott. Consistently the festival maintained its support to showcase the work of the Israeli choreographer Ohad Naharin within the festival, indicating its support for the same freedom of expression I just described.

I seek an extension of time.

Leave granted.

The Hon. BEN FRANKLIN: If the New South Wales Government were to withdraw funding from the Sydney Festival, it would be punishing the festival for its rejection of a boycott and its enduring support of the work of the Israeli choreographer. The New South Wales Government would be aligning itself to those who supported the Boycott, Divestment, Sanctions campaign, in direct opposition to what I understand to be the member's intention. The New South Wales Government opposes the motion of the member and maintains its support for the Sydney Festival.

Ms ABIGAIL BOYD (17:08): In December 2021 a coalition of Arab artists, solidarity groups, and Arab and Jewish organisations requested that the Sydney Festival board decline Israeli government sponsorship or face a withdrawal of artists who could not perform under the logo of the State of Israel. Subsequent to Sydney Festival continuing to accept Israeli Government sponsorship, over 40 acts withdrew from the 2022 Sydney Festival. The actions of the artists who withdrew from the festival are consistent with the global campaign that played a significant part in ending apartheid in South Africa. I am proud to be a member of a political party that not only stands firmly against antisemitic behaviour but also recognises the complexities of the Palestine-Israel conflict, and I will always stand up for international human rights. We also recognise the fundamental right of artists to withdraw their labour in opposition to Israel's apartheid practices and in support of human rights in Palestine.

Last month The Greens NSW State Delegates Council unanimously passed a resolution in the following terms: First, to express our solidarity with the artists who withdrew from the 2022 Sydney Festival because of its sponsorship by the State of Israel; secondly, to condemn as undemocratic and punitive motions of the kind put

forward by the Hon. Mark Latham, which echo a recent proposal by the Opposition; thirdly, to support the right of all people to engage in boycotts and acknowledge Australia's history of cultural, sporting and labour movement boycotts as a legitimate, non-violent political expression in support of human rights and environmental causes; and fourthly, to demand that all cultural and sporting institutions in New South Wales adopt ethical and transparent sponsorship policies for events that they receive government funding for.

To criticise the actions of the Israeli Government is not antisemitic; in the same way that criticism of the Pope is not a criticism of all Catholics, nor is criticism of the Australian Government discriminatory against Australian citizens. We can and should legitimately criticise the actions of any government that is acting in violation of human rights. Boycotts, divestments and sanctions [BDS] continue to be an effective way to pressure governments to change. This motion, and the reactionary narrative that it is riffing off, is an attempt to silence those who are concerned about human rights violations by accusing them of antisemitism. The people claiming that the BDS movement is antisemitic have co-opted the very real concerns about antisemitism that Jewish Australians have in relation to the far right, and they try to use it as a weapon to silence the progressive left.

They do not hurt me, The Greens or those who are working tirelessly to establish peace in Gaza with that sort of behaviour. They hurt Jewish Australians who are looking for a thoughtful and considered approach to tackling the real and growing threat of antisemitism and neo-Nazism—people who have, for generation after generation, been subjected to thousands of years of persecution. It does no-one in this Chamber any credit to support this blatant and negligent politicking. We oppose the motion.

The Hon. WALT SECORD (17:11): As the shadow arts Minister, Deputy Chair of the NSW Parliamentary Friends of Israel and a member of Sydney's Jewish community, I contribute to debate on the Hon. Mark Latham's motion. Everyone in this Chamber knows about my view on the Boycott, Divestment, Sanctions [BDS] campaign and my support for the State of Israel. I have repeatedly spoken out against BDS. In fact, I have opposed BDS since 2011 and when it first came onto the scene with Marrickville council in December 2010. I believe that a boycott of Israel is utterly counterproductive to a two-State solution. It hurts not only Israelis but also Jewish and Arab citizens, and the Palestinian people. Worse yet, it actually makes Israeli-Palestinian peace more distant. That is not just my view; that is the official view of the Australian Labor Party at both State and Federal levels.

In July 2021, in a Zoom event hosted by the Executive Council of Australian Jewry with 70 community leaders, Federal Labor leader Anthony Albanese said he regarded the BDS campaign as "one that is based upon a racial targeting of a group, in this case Israel". In fact, as recently as last night Federal Labor leader Anthony Albanese reaffirmed his opposition to BDS. I also note that on 14 February arts Minister Ben Franklin said in correspondence to me that his Government would not adopt tougher measures against BDS, similar to what the Hon. Mark Latham has advocated for.

While I vehemently oppose the BDS movement, the Hon. Mark Latham's motion goes a tad too far and members in this Chamber know that I have much firmer views on the matter. The Hon. Mark Latham's motion stems from the disgraceful episode in January of an attempted boycott of a Sydney Dance Company performance at the Sydney Festival entitled *Decadance* by lauded Israeli choreographer Ohad Naharin of the internationally-renowned Batsheva Dance Company. What is most ironic is that Mr Ohad Naharin is active on the left in Israel. In fact, he would be further to the left than everyone in this Chamber.

The Hon. Ben Franklin: And opposes the boycott.

The Hon. WALT SECORD: And he opposes the boycott. The Sydney Festival has been subjected to reprehensible and intolerable pressure for accepting a \$20,000 partnership with the Israeli Embassy in Canberra to stage the dance piece, despite contributions from foreign embassies—and from China and China Southern Airlines—to the Sydney Festival being routine.

I seek an extension of time.

Leave granted

The Hon. WALT SECORD: Thankfully, the activity involving the boycott coincided with the publication of an open letter featuring the names of more than 120 international entertainment industry professionals arguing against the boycott. The letter included Australian producer Emile Sherman, singer Deborah Conway, musician Willy Zygiel, director Stephan Elliott and my friend Dan Rosen. After the Sydney Festival incident, a number of artists said they were coerced into participating in the boycott against their wishes. I agree wholeheartedly that the actions of those who would discriminate against Israel by employing BDS tactics against the country are cowardly and deplorable. Finally, I note that those who support BDS say that it is a core issue in western Sydney—that is absolutely untrue. Tolls, child care, health care, electricity prices and cost-of-living pressures are what families in western Sydney are worried about. I thank the House for its consideration.

The Hon. SCOTT FARLOW (17:15): I contribute to debate on the motion before the House and I thank the Hon. Mark Latham for moving the motion. I will not support the motion but I acknowledge the intent behind it. I concur with the comments made by Minister for the Arts, the Hon. Ben Franklin, who said that the motion would be counterproductive to an organisation that stood firm against the Boycott, Divestment, Sanctions [BDS] movement in regard to the Sydney Festival, which I commend. It was difficult for the Sydney Festival. A strong BDS campaign was waged and it was noted in the House that several artists decided that they would withdraw from the Sydney Festival because of the support of the Israeli Government for the *Decadance* dance program. I draw the attention of the House to the *Abraham Accords*, which, for those who are not familiar, form an agreement between the State of Israel, the United Arab Emirates and Bahrain to seek peace and stability in the Middle East. It states:

We support science, art, medicine, and commerce to inspire humankind, maximize human potential and bring nations closer together.

The divisive and destructive BDS movement, in this case backed by terrorist organisation Hamas—which celebrated the boycott—seeks the opposite. It works to entrench division and embolden antisemitism and it works against the goal of a two-State solution for Israel and Palestine. I commend the Hon. Walt Secord for his advocacy in that regard by standing up for the State of Israel. I am very proud to have the Hon. Walt Secord as my Deputy Chair of the NSW Parliamentary Friends of Israel. I note his work on behalf of the Jewish community in New South Wales and the State of Israel. We must stand up. No State is singled out more than Israel, whether it is before the United Nations or through instances like these.

As has been reflected in the Chamber in contributions from the Hon. Mark Latham and the Hon. Walt Secord, the Chinese Government and China Southern Airlines can sponsor events at the Sydney Festival without anyone batting an eyelid or questioning it, but the opposite happens as soon as Israel raises its head and supports an artistic group that seeks to show the talents and broad diversity of Israel. In the State of Israel, the United Arab List is the third largest party in the Knesset—it is not an apartheid State. In fact, it is the only Jewish State that the Jewish people have in a world of over 200 nations. Those people have been persecuted for thousands of years; we must stand up for Israel. I commend the Sydney Festival for standing strong in response to the barrage that it endured through the BDS movement.

Ms CATE FAEHRMANN (17:18): I speak against this motion as The Greens arts and creative industries spokesperson. In December a coalition of Palestinian and Arab artists and activists called for a boycott of the Sydney Festival in response to a \$20,000 sponsorship arrangement with the Israeli embassy for the Sydney Dance Company performance of *Decadance* by Israeli choreographer Ohad Naharin. The sponsorship gave the Israeli embassy "star partner" status and a prominent spot in the festival's publicity. The group made three requests: divest from the star partnership, end all relations with the State of Israel and remove any Israeli Government emblem from Sydney Festival's promotional material. They were all rejected.

The boycott was started by artists, with the Arab Theatre Studios' musical ensemble *Dandana* alerting other artists and being the first to boycott the festival along with Bankstown Poetry Slam. The boycott quickly grew and was soon supported by a broad coalition of solidarity groups, including the Arab Australian Federation, Boycott, Divestment and Sanctions Australia, Greens for Palestine, Sydney University Staff for BDS, Independent Australian Jewish Voices, Jews against the Occupation, and the United Australian Palestinian Workers. When the festival started on 6 January over 20 acts had withdrawn, including Tom Ballard and Yumi Stynes. By the end of the festival, that number would be over 30. Ballard tweeted at the time:

I love the Festival and I love telling jokes, but standing up for human rights and standing against a system of apartheid is more important.

Staff at Carriageworks even refused to work shifts at the festival after they were asked to remove pro-Palestine badges. The newly minted Minister for the Arts, the Hon. Ben Franklin, decried the boycott as a "kind of censorship" and the Opposition's Hon. Walt Secord called for the Government to pass legislation that would cut funding to arts organisations that participate in boycotts of Israel. Boycotts play a vital role in our democracy. They are a legitimate form of political expression and a powerful tool that has been used to achieve social change. Immediate examples are the green ban movement of the 1970s and the anti-apartheid boycott movement.

Like those boycotts, this one has been effective. It has given Palestinian voices, like journalist Jennine Khalik and community activist Fahad Ali, a national platform to talk about the issue of ongoing human rights abuses against the Palestinian people by the Israeli Government. The artists and organisations that chose to boycott the Sydney Festival did so because morally they could not associate themselves with the embassy of an apartheid State that continues to forcibly displace Palestinians from their homeland. Art is inherently political. Members in this place should consider the terrifying precedent that would be set if the Government chose to restrict the political and moral expression of artists. We strongly oppose the motion.

The Hon. ANTHONY D'ADAM (17:21): I make a brief contribution to this debate. There is some irony that the Hon. Mark Latham would bring a motion that seeks to censor free speech. In his first speech in this place he got up and waxed lyrical about how important it was to protect free speech, and yet here we have a motion that seeks to censor those who want to express a legitimate political position. They disagree with the policy being adopted by the State of Israel and they want to do something about it, and they are doing that by engaging in an age-old practice of boycotting.

I remember the campaign to bring down apartheid in South Africa. In that campaign no-one batted an eyelid about boycotting or imposing sanctions on South Africa. It was a legitimate tool to be used against a regime that was engaging in illegitimate practices. Israel is doing exactly that. It is engaging in a process of systematically dispossessing the Palestinian people. We are here to talk about two-State solutions, but Israel is not interested in a two-State solution. Israel is not interested in it and there is no prospect for the Palestinians to get a State of their own. What is a State where they live under the jurisdiction of a government, the Government of Israel, where they do not have a vote, where they do not have equal civil rights, where they are not equal in terms of the law, where they do not have rights over their own property? What do you call that kind of State? What do you call it? It is nothing less than apartheid. It is appropriate that we use a boycott-sanctions system when confronted with a regime that engages in the systematic oppression of people living under its jurisdiction.

I also question the appropriateness of bringing a motion to this House to seek to use State policy to pursue the interests of a foreign power. Israel is a foreign power and yet, with this motion, the Hon. Mark Latham wants to use the instruments that are available to the State Government to punish those who dare to challenge Israel in pursuit of interests, not of New South Wales but of a foreign power. I think that is disgraceful, it is inappropriate and we should not support this motion.

Mr DAVID SHOEBRIDGE (17:24): I oppose this motion and support the work and words of my colleagues Ms Abigail Boyd and Ms Cate Faehrmann. I also commend the words of the speaker we just heard, Mr Anthony D'Adam. I will start perhaps with the words of Randa Abdel-Fattah, an award-winning author and academic, who wrote in *The Guardian* recently a powerful opinion piece on this. She concluded with this:

Those who attack cultural boycotts in the name of "free speech" are invariably missing in action when Palestinians are routinely censored, bullied and "cancelled" for daring to speak their truth. Certainly they remain silent and indifferent to the violent suppression of Palestinian arts and culture, on the raids, lawfare and intimidation of Palestinian artists and artistic and cultural institutions.

The silence of those in the face of the appalling oppression of the Palestinian people and the arrogant, wrong assertions in this motion could not be more clearly an example of just how deeply wrong and politicised this is. The idea that State Government funding should be policing the exercise of conscience in arts and cultural funding decisions and act to punish those—many of them Palestinian-Australians who know what is happening to their families—speaking out about human rights abuses is plainly offensive and wrong.

Proposing to defund or boycott arts, cultural, sporting and education system events in retaliation—if you read this motion—for even a single participant stating their support for boycotts, divestments and sanctions as a peaceful way of putting pressure on a State that is oppressing a significant part of their population based upon their religion and race is one of the most unworkable and ridiculous proposals that I have ever seen put to this House. And I note that the Government rejects that concept. It is unworkable and wrong. Would it mean, for example, that a single student in a school or a player or a physio in sporting team speaking out during an event would result in the full withdrawal of public funding in their organisation? That is how foolhardy this motion is.

The way to win the moral argument here is to actually have the discussion, not engage in the censorship, and stop pretending that illegal settlements, military courts and what is effectively an apartheid society do not exist or are not a problem. That is not convincing anybody of what is happening. We have seen the New South Wales Government and the Federal Government suddenly get all hot about boycotts, sanctions and divestments when it is directed against Russia. We boycotted apartheid South Africa, so we are okay with boycotts generally. What is different here? It is because those asking for support are Palestinian people—they are the wrong colour and they are the wrong religion. This motion should be comprehensively rejected together with the politics behind it. *[Time expired.]*

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): Mr Latham, when the clock gets to zero I will call you in reply and you will have a full three minutes. The clock has not yet reached zero yet.

The Hon. Mark Latham: Thirty minutes were allocated for the debate. It is normally 27 and then three in reply. Is that how we normally do it? We are doing 33 minutes now.

The Hon. SHAOQUETT MOSELMANE (17:28): I support the 40 acts that withdrew from the Sydney Festival. They have every right, in our democracy, to have their expression heard, whether it is in protest, whether it is in words or whether it is in action. These boycotters had the right to boycott the Sydney Festival. When Sydney Festival had earned \$5 million from the State Government, it had \$5 million to spend. The Sydney Festival

executive went to the Israeli embassy and asked for support, asked for donations. It asked for a measly \$20,000 and then made the Israeli embassy a star sponsor—a star sponsor for \$20,000.

Making an apartheid State a star sponsor of the Sydney Festival in the democracy that we have in Australia is shameful. Many actors withdrew from the festival because, as a matter of principle, they would not accept being part of a festival that endorsed apartheid. On a daily basis the Palestinians are humiliated; they are oppressed; they are incarcerated. Long walls are built in the middle of their towns. Gaza is the biggest open-air prison. That is why Amnesty International, Human Rights Watch and B'Tselem all called it an apartheid. [*Time expired.*]

The Hon. MARK LATHAM (17:30): In reply: I thank all the members who spoke during the debate, especially the Hon. Scott Farlow and the Hon. Walt Secord for their rhetorical support—if not necessarily their vote. Their words were very much appreciated indeed, but I understand the reality of politics behind the scenes in major parties. I must say it was refreshing to hear the voice of tolerance and diversity from The Greens and their fellow traveller the Hon. Anthony D'Adam. We had Mr David Shoebridge defining a \$20,000 donation from the Israeli embassy as a human rights abuse that had to be boycotted.

I noted the tolerance and diversity of saying, "What we are on about here is smashing the State of Israel—forged out of the horrors of the Holocaust—in support of Hamas-backed boycotts of an artistic event in Sydney." Those members ought to hang their heads in shame. It is disgusting to take that point of view about Israel and this particular Sydney Festival. It is completely amazing to otherwise masquerade and pretend that they are the voice of tolerance and diversity but none of the tolerance extends to the Jewish people of Israel. None of the diversity extends to the State of Israel, and a \$20,000 donation, described as "measly", provokes a boycott to sabotage what is supposed to be an artistic event.

The Minister said he supports people being free to express their art. Trying to smash the State of Israel is not art. It is a form of political barbarism that should be rejected in all its forms. The Minister said he does not support the use of boycotts. Then why does he fund them to the tune of \$5 million? The Minister said that not funding them would be punishing the Sydney Festival. It is clear what the Minister needs to do. People who work in factories in St Marys and Campbelltown and who pay their taxes will not necessarily attend these events. It is a privilege to receive funding. The Minister should be saying to the bodies that receive funding, "You are fortunate and privileged to receive New South Wales taxpayers funding. None of your participants, the artists who have been booked and the people you plan to pay, are going to boycott and sabotage this event as well as wreck our taxpayer funding." That is all the Minister needs to say to the Sydney Festival and like bodies.

That is the fair and reasonable thing to do, but if the Minister wants to turn every single artistic event into a mass political protest that is designed to smash the State of Israel, denigrate the Jewish people and engage in antisemitism, the taxpayers will say, "That is not why we pay our taxes. That is not tolerance and diversity in the State of New South Wales. That is a form of politics that people should fund themselves and go about in their own time in different ways." I do not see why in future for these types of events it is impossible for the Minister to say, "You must respect the privilege you have in being taxpayer funded and you should give us a guarantee there will be no sabotage."

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

The House divided.

Ayes5
Noes29
Majority.....24

AYES

Banasiak (teller)
Borsak

Latham (teller)
Nile

Roberts

NOES

Amato
Barrett
Boyd
Buttigieg (teller)
D'Adam
Donnelly
Faehrmann

Field
Franklin
Graham
Hurst
Jackson
Maclaren-Jones
Mallard

Moriarty
Moselmane
Poulos
Searle
Secord
Shoebridge
Taylor

NOES

Fang
Farlow (teller)
Farraway

Martin
Mitchell
Mookhey

Tudehope
Ward

Motion negatived.

*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. Don Harwin. I announce that members shall assemble for such purpose on Thursday 24 March 2022 at 10.30 a.m. Members of the Legislative Council and members of the Legislative Assembly are required to give their attendance accordingly. In order that members of both Houses of Parliament may be duly informed of the convening of the joint sitting, the Governor has addressed a like message to the Speaker of the Legislative Assembly.

*Bills***MOTOR SPORTS BILL 2022****MAJOR EVENTS AMENDMENT BILL 2022****First Reading**

Bills received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Damien Tudehope, on behalf of the Hon. Natasha Maclaren-Jones.

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

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

Motion agreed to.

*Documents***SOUTHERN HIGHLANDS REGIONAL SHOOTING COMPLEX****Production of Documents: Order**

The Hon. MARK BANASIAK: I move:

That private members' business item No. 1629 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK BANASIAK (17:47): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created between 1 July 2016 to 30 June 2021 in the possession, custody or control of the Minister for Tourism and Sport, Department of Enterprise, Investment and Trade or Office of Sport relating to the Southern Highlands Regional Shooting Complex:

- (a) all documents and correspondence relating to financial information and operating budgets;
- (b) all documents and correspondence relating to the number of days open per year, including documents which identify:
 - (i) the number of days open for general sighting in; and
 - (ii) the number of days open for approved matches.
- (c) all documents and correspondence regarding the number of competitions held;
- (d) any document which discloses a list of all shooting clubs involved the Southern Highlands Regional Shooting Complex;
- (e) all documents and correspondence regarding range licence approvals;

- (f) all documents relating to promotional material; and
- (g) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I will not labour the point; this motion is a further Standing Order 52 around the Southern Highlands Regional Shooting Complex. It has been moved because there was a technical drafting error in the original motion that did not identify correctly the Office of Sport. I do not necessarily put any blame on the drafters of this motion. It was more due to the fact that the machinery of government has become so convoluted and difficult to comprehend.

The Hon. Scott Farlow: It is not our fault.

The Hon. MARK BANASIAK: Yes, it is your fault. It is the same motion as last time but this motion identifies the Office of Sport. I note that I have had a conversation with the Minister and he is open to a briefing on how we can better manage this facility. I thank the Minister for that offer, and I look forward to having that discussion once we have these documents and the full information to hand. I commend the motion to the House.

The Hon. SCOTT FARLOW (17:48): Standing Order 52s are a fundamental part of ensuring accountability to this Parliament. This request is for five years of detailed operational information about processes that comply with the relevant legislation and regulation and a very broad range of routine operational matters. Responding to orders for papers requires resources to be either supplemented or diverted from operations. In the past two years the upper House has moved several hundred orders for papers under Standing Order 52, and in 2021 it surpassed the number of any previous Parliament. I congratulate the Hon. Daniel Mookhey and the Mookhey wing. He is for the record books. This amount of calls for papers is now imposing an unprecedented administrative burden on departments and agencies, taking away resources from servicing the communities and citizens of New South Wales.

The time and cost involved with servicing this motion would be substantial for a small agency such as the Office of Sport. I am advised that at least 30 full-time person working days will be required to retrieve and categorise the information ready for tabling in the Legislative Council. The Office of Sport proudly operates the Sydney International Shooting Centre and the Southern Highlands Regional Shooting Complex and is committed to ensuring that the shooting community enjoys facilities that are run to the highest standards of transparency, accountability and probity. The resources for that task must either be diverted from other customer-oriented tasks or contracted. Either scenario has an opportunity cost for those that use the Southern Highlands Regional Shooting Complex.

The available resources are, right now, giving priority to maintaining customer focused services at the Sydney International Shooting Centre and the Southern Highlands Regional Shooting Complex, while managing the impact of COVID-19 illness and isolation, and flood recovery. The complex operates under strict compliance guidelines set by Planning. These compliance guidelines set the number of days the complex can operate and how many persons attend. Operations have, in recent times, already been severely disrupted by the devastating Green Wattle Ridge fires, storm damage, extreme fire danger and COVID. As part of its planning approvals, the complex is subject to an annual compliance audit, an independent environmental audit of the project conducted by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Secretary of Planning. Given the time involved and the cost and diversion from current priorities, this motion is not supported by the Government.

The Hon. JOHN GRAHAM (17:50): In this instance the Opposition supports the motion.

Mr DAVID SHOEBRIDGE (17:50): The Greens support the motion. We were always troubled by the amount of money that the Southern Highlands Shooting Complex received and we would like to see what on earth that money produced.

The Hon. ROBERT BORSAK (17:51): I have listened with interest to the litany of moaning, complaining and whinging from the Government for having to do its work, become transparent and explain to us what is going on. The Southern Highlands Shooting Complex is excellent but it has been massively mismanaged by the Office of Sport. It does not need to be managed in the way that it is. It has nothing to do with fires or COVID but it has everything to do with incompetence; it is as simple as that. It is licensed for four or 4½ days a week and it is lucky to be open two days a week. The people who are shooting in that complex have also been told that unless things change they are going to close it down or get rid of it. That is not good enough. We are simply trying to find out exactly what is going on there so we can work out what our attitude and what the attitude of the Government is in relation to this matter. Stop whinging and get on with it.

The ACTING PRESIDENT (The Hon. Rod Roberts) (17:52): The question is that the motion be agreed to.

Motion agreed to.

*Motions***ANTISEMITISM**

Reverend the Hon. FRED NILE: I move:

That private members' business item No. 1505 outside the order of precedence be considered in a short form format.

Motion agreed to.

Reverend the Hon. FRED NILE (17:53): I move:

- (1) That this House endorses and adopts the International Holocaust Remembrance Alliance definition of antisemitism together with its contemporary examples, which is:

"Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."
- (2) That this House notes that this definition is to be understood in the contemporary examples given by the International Holocaust Remembrance Alliance, such as:
 - (a) calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion;
 - (b) making mendacious, dehumanising, demonising, or stereotypical allegations about Jews as such or the power of Jews as collective—such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions;
 - (c) accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews;
 - (d) denying the fact, scope, mechanisms (for example, gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust);
 - (e) accusing the Jews as a people, or Israel as a State, of inventing or exaggerating the Holocaust;
 - (f) accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations;
 - (g) denying the Jewish people their right to self-determination, for example, by claiming that the existence of a State of Israel is a racist endeavour;
 - (h) applying double standards by requiring of it a behaviour not expected or demanded of any other democratic nation;
 - (i) using the symbols and images associated with classic antisemitism (for example, claims of Jews killing Jesus or blood libel) to characterise Israel or Israelis;
 - (j) drawing comparisons of contemporary Israeli policy to that of the Nazis; and
 - (k) holding Jews collectively responsible for actions of the State of Israel.

I have put the case to the Legislative Council to adopt the International Holocaust Remembrance Alliance [IHRA] definition of "antisemitism". I have presented it to the House. I now call on all honourable members to vote for it.

The Hon. SHAYNE MALLARD (17:54): I respond on behalf of the Government and thank Reverend the Hon. Fred Nile for moving this motion. There is no doubt that there is no place for antisemitism, hate speech or discrimination anywhere in the world, particularly in New South Wales. The New South Wales Government is standing strong in stamping out all forms of hate and vilification, which is why I am pleased to inform the House and Reverend the Hon. Fred Nile that on 16 December 2021 Premier Dominic Perrottet announced that New South Wales became the very first State in Australia to endorse the International Holocaust Remembrance Alliance working definition of "antisemitism". The announcement affirms the New South Wales Government's commitment to a peaceful, vibrant multicultural society.

The New South Wales Government has worked closely with the Jewish community, the New South Wales Jewish Board of Deputies and other community leaders, and stands with them in the fight against antisemitism. By adopting this definition—and I encourage members to read the definition in full—we are now able to clearly identify and call out antisemitism wherever it hides on the street and on social media. New South Wales set an example for the rest of the world as a peaceful and harmonious multicultural society. I am proud of our Government's commitment to stamp out extremists who are directly threatening our social cohesion and our community harmony. We are working closely with communities to enable them to be better connected to support each other in times of need and to provide more support for those who are vulnerable to negative influences and who are most at risk. This is how we build an even stronger society to counter extremism and hate.

The New South Wales Government has in place programs that aim to inspire and empower young people to stand united against fear, hate and division as champions for community harmony today and tomorrow,

including the Community Partnership Action Program, which brings young people together to stand up and stand united as champions for community harmony against divisive forces of hate, fear and violence. The New South Wales Community Resilience Response Plan is a whole-of-government plan that aims to maintain and promote community harmony, build community resilience and better equip the State to prevent, limit, withstand, respond to and recover from situations that threaten community harmony in New South Wales. Finally the Remove Hate from the Debate project is an online project that aims to amplify and empower positive voices for change in our community. I again thank Reverend the Hon. Fred Nile for bringing this motion to the House, and we endorse the adoption of the antisemitism definition.

Ms ABIGAIL BOYD (17:56): The motion seeks to endorse a definition of "antisemitism" that has been incredibly controversial and, when read alongside the accompanying contemporary examples from the International Holocaust Remembrance Alliance [IHRA], explicitly links criticism of Israel with antisemitism. Let me be clear: antisemitism is an insidious and growing threat to Jewish people that must be actively opposed. The Greens stand against all forms of hatred, prejudice and discrimination based on ethnic, religious or cultural identity, including antisemitism. We also stand very firmly against the diminishing of antiracism through its misuse for political purposes. Equating criticism of the State of Israel with antisemitism without additional evidence to suggest antisemitic intent damages the plight of legitimate action against antisemitism.

Criticism of Israel is criticism of a nation State, not criticism of its people, in the same way that criticism of Australia is criticism of the actions and policies of our government and not a criticism of the Australian people. Similarly, support for boycotts, divestments and sanctions is a legitimate way of applying pressure to a nation State to comply with international law, whether we seek boycotts, divestments and sanctions against Israel or against Russia. As identified by Geoffrey Robertson, AO, QC, the IHRA definition is simply not fit for purpose. By pivoting on expression that arouses hatred, it does not cover speech that arouses hostility and it fails to protect Jewish people from many prevalent and insidious kinds of antisemitism. The definition is liable to suppress legitimate criticism of human rights abuses against Palestinians by defaming critics of Israel as antisemitic.

The Canadian organisation Jewish Voice for Peace has argued that the IHRA's definition is so vague and incomplete that it is hard to disagree with it, but for that reason it is equally useless in identifying incidents of antisemitism. The IHRA's definition is opposed by a variety of other organisations internationally as well, including Jews against fascism, Jews Against the Occupation, Free Speech on Israel, the International Jewish Anti-Zionist Network, the Conference of Presidents of Major American Jewish Organizations, European Jews for a Just Peace et cetera. I draw the attention of the House to the Jerusalem Declaration on Antisemitism, which is a widely respected resource for strengthening the fight against antisemitism developed by a group of antisemitism scholars, after deliberation on the IHRA's definition and its implications on freedom of expression.

Included in those guidelines are examples that are antisemitic and examples that are not. Examples that, on the face of it, are not antisemitic include supporting the Palestinian demand for justice and the full grant of their political, national, civil and human rights; criticising or opposing Zionism as a form of nationalism; evidence-based criticism of Israel as a State; and boycott, divestment and sanctions. The Greens stand unequivocally against antisemitism and call for genuine action to combat it. For that reason, we cannot support a definition of antisemitism that equates an entire people with the actions of a nation-state. As *The Times of Israel* reported, "Ultimately, this is a fight that matters not only for free speech advocates and supporters of Palestinian human rights but for all those who care deeply about the integrity of the battle against genuine antisemitism." The Greens oppose the motion.

The Hon. DANIEL MOOKHEY (18:00): I represent the Opposition in contribution to debate on the motion moved by Reverend the Hon. Fred Nile and enunciate Labor's position. I inform the House that Labor supports the International Holocaust Remembrance Alliance definition of antisemitism. This definition reads:

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

Labor will continue to work to end all forms of racial and religious discrimination. Labor again calls, and will continue to call, on both sides of the Israel-Palestine conflict to refrain from any actions that hamper peaceful outcomes for both the Israeli and Palestinian people. Equally, support for the International Holocaust Remembrance Alliance definition of antisemitism does not prevent parliamentarians from expressing concerns about the actions of various Israeli governments when necessary.

Labor has long supported and continues to support a two-State solution to the Israel-Palestine conflict. Labor supports Israel's right to exist within secure and recognised boundaries, and we support the creation of a Palestinian State in the West Bank and Gaza. A just two-State solution will require recognition of the rights of both Palestinians and Israelis to live in peace and security. Labor will continue to express concerns about the actions of any government that undermines human rights or that is inconsistent with its international obligations.

The Hon. WALT SECORD (18:02): I speak in support of the motion moved by Reverend the Hon. Fred Nile on the International Holocaust Remembrance Alliance [IHRA] working definition of antisemitism. IHRA is an intergovernmental organisation that aims to strengthen, advance and promote Holocaust education, research and remembrance, and to uphold the commitment to the 2000 Stockholm Declaration. IHRA's 35 member countries, including Australia, recognise the need for international coordination to strengthen the moral commitment to combat increasing Holocaust denial and antisemitism.

On 13 July 2021, Federal Labor leader Anthony Albanese was the first major political leader in Australia to commit to the definition. In a meeting on the same day he also condemned antisemitism, boycotts of Israel and the apartheid slur, and reiterated support for a two-State solution. In the spirit of bipartisanship, I also acknowledge that Australian Prime Minister Scott Morrison made a similar statement on 14 October 2021. Australia became the thirty-third nation to adopt the definition and the second country in the region, after South Korea. I also note that Premier Dominic Perrottet and Opposition leader Chris Minns have also endorsed the definition.

The definition has been accepted by the European Parliament, the United States, Germany, the United Kingdom and many other countries. Even at the municipal level, The Greens, Labor and Liberals at Waverley council have endorsed the definition. Labor endorsed the IHRA definition at its October conference. Only a tiny fringe are advocating an alternative definition, and they are being manipulated by a disingenuous group of anti-Israel activists and people on the far left and far right of politics. In September 2018 even the British Labour Party adopted the IHRA definition, and that was under disgraced British Labour leader Jeremy Corbyn. I thank the House for its consideration.

The Hon. SCOTT FARLOW (18:03): I support the motion as moved by Reverend the Hon. Fred Nile and commend him for bringing it forward for the House's consideration. This is not the first time that the House has considered the motion. Last year it came up for formal business in the last sitting of the Parliament. Sadly, the House did not adopt it at that time, but it is good to have the opportunity to debate it again today. Hopefully the House will right the wrong and accept the IHRA definition of antisemitism.

In today's debate we have heard some of the criticisms of the IHRA definition, such as it apparently equates any criticism of Israel with being antisemitic. If we look at Reverend the Hon. Fred Nile's motion, the IHRA definition is very explicit in terms of what it captures. In part, it states:

- (e) accusing the Jews as a people, or Israel as a State, of inventing or exaggerating the Holocaust;
- (f) accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations ...

These are examples of what it defines as being antisemitism, but there is nothing about the criticism of the Israeli Government or its practices, which all of us in a democratic society can do of our nation or of other nations. Israel is the reigning democracy of the Middle East. It took them four times to come up with a government over the past year. The third-largest party is the Arab List. That government represents a very pluralist society. They are not just Jewish people. They are people who are Muslim or Christian, people who have no faith at all or people who have a Druze background. It is a very tolerant society. When it comes to the IHRA definition of antisemitism, as the Hon. Walt Secord noted, that was adopted by the Prime Minister on 14 October. I called for that definition to be adopted in this House.

The Hon. Natalie Ward: Hear, hear!

The Hon. SCOTT FARLOW: I am very grateful for the support of the Hon. Natalie Ward, who was at the time the Minister for Multiculturalism, and the Premier in adopting the definition in New South Wales. The Hon. Walt Secord made note of the bipartisanship because the definition has been endorsed by the Leader of the Opposition at a Federal and State level. This should not be controversial but some members seek to make it controversial. We need to stamp out antisemitism. We need to ensure that the Jewish people are protected wherever they may be around the world. The IHRA definition gives us an opportunity to define antisemitism to ensure that we stamp it out. Defining antisemitism does not in any way, shape or form limit people from criticising the actions of Israel or the democratic government in Israel, whichever hue it may be. In Israel, we know those hues are often rainbow coalitions.

The Hon. SHAOQUETT MOSELMANE (18:07): I speak in debate on the motion regarding the International Holocaust Remembrance Alliance [IHRA], as moved by Reverend the Hon. Fred Nile. Let me state at the outset that no-one I know condones racism, prejudice, vilification or antisemitism. All forms of racism must be condemned, and I condemn it. However, the motion is not about protecting people of the Jewish faith against antisemitism. The motion is no more than a tool pushed by Israel and its lobbyists around the world to silence criticism of Israel's human rights violations. It is about silencing people of the Jewish faith and others who are critical of Israel's apartheid practices.

A report published by Oxford University in 2021 found that what is supposedly intended to protect Jews against antisemitism was twisted to protect the State of Israel against valid criticism. The International Holocaust Remembrance Alliance definition of antisemitism is a political statement. The issue of substance are the examples attached to the so-called "definition", which are unacceptable. The so-called definition conflates criticism of Israel—an apartheid State and settler colonial State—as being antisemitic. That is wrong. The definition is rejected by many Jews and many decent people around the world. If members google the IHRA definition, they will find many documents criticising it.

It is a political tool being used to deflect criticism of Israel as an apartheid State, which has subjugated, oppressed and dehumanised the Palestinian people for the past 70 years. Palestinians are made to walk on separate footpaths, drive on separate roads, eat in separate eateries and wait in long lines at checkpoints on their way home from work or on their way to work, and the sole aim is to denigrate and humiliate them into submission. The incarceration of young men and women, and children as young as eight being subjected to police or military questioning, is not a democratic practice. It is clearly nothing else but apartheid.

The Canadian Association of University Teachers, which represents more than 70,000 academic faculty and staff around Canada, voted on a motion to oppose the International Holocaust Remembrance Alliance's so-called definition of "antisemitism". Last year the Ontario Confederation of University Faculty Associations, which represents 17,000 professors and academic librarians in more than 30 faculty associations across Ontario, publicly rejected the province's unilateral move to adopt the IHRA definition, calling it an abuse of power.

The Hon. MARK LATHAM (18:10): One Nation supports the motion of Reverend the Hon. Fred Nile. It is self-apparent that anyone dedicated to smashing the State of Israel is antisemitic because the State of Israel has every right to exist after the horrors coming out of the ashes of the Holocaust. Any fair-minded person would be sympathetic to the cause of the Jewish people and the existence of Israel. It beggars belief that people otherwise on the left of politics, saying they believe in tolerance and compassion, would be so cold-hearted and harsh on Israel to say, "Smash that State. We are supporting Hamas. We are supporting Hezbollah. We are supporting the worst elements in the Middle East to get rid of Israel." Israel is a beautiful country but it is not perfect. It makes errors and it is open to criticism. But to draw an equivalence between the old apartheid regime in South Africa and Israel is so abhorrent, wrong and draconian in its attitude. Those things are not true and there is no equivalence between the apartheid regime and Israel. I visited Israel and to say it is a nation of apartheid is fundamentally untrue.

I do not blame the Israeli people or their Government for a single moment in having something of a siege mentality and always defending themselves. It is true that out of the Holocaust they had every right and necessity, given the nature of history and the persecution of Jewish people, to try to establish their own State, a safe haven from gas chambers, historic persecution, death, murder and genocide that had run over many centuries. They had every right to establish the State of Israel. I remember a briefing in the Federal Parliament with Benjamin Netanyahu where he said Australia is such a lucky country because our neighbour is the ocean. Imagine being the State of Israel, living under a constant state of siege with neighbours who would wipe them out and drive them into their ocean if they had a chance. For The Greens and their fellow traveller the Hon. Anthony D'Adam to be saying, "Smash the State of Israel and let's give it to the Jews one more time," is so fundamentally wrong and they ought to be ashamed of themselves.

Mr DAVID SHOEBRIDGE (18:12): I speak to oppose the motion and also to oppose antisemitism. I commend the words of my colleague Ms Abigail Boyd. We join with human rights leaders globally who have raised significant concerns over this overly simplistic and unhelpful definition. That notably includes a group of some 122 Palestinian and Arab academics, journalists and intellectuals. I also note the opposition of the Progressive Israel Network, which includes a large number of left-wing groups that oppose this codification of the definition.

We should be worried about all attempts to conflate legitimate criticisms of the actions of the State of Israel with antisemitism. It is not un-Australian for First Nations people to speak out about the racist foundations of the colonial State, Invasion Day or the ongoing racism in the police force. Likewise, it is not antisemitic for Palestinian people to criticise the divisive and racist actions of the Israeli State. We support the fight against antisemitism and this motion does not assist in that struggle. We support clear statements opposing antisemitism, such as the Jerusalem Declaration, but we also support the struggle against anti-Arab and anti-Palestinian attitudes. The Sydney Statement on Anti-Palestinianism of September 2021 states:

Accusations of Anti-Semitism should not be used to shield Israel from criticisms of its oppression of Palestinian people and its defiance of international law.

Often the strongest supporters of Palestinians are reflective and liberal Jewish people. Peter Beinart, the editor to the US publication Jewish Currents, has written:

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

I note that one of the most problematic examples provided for in this definition is:

... denying the Jewish people their right to self-determination, for example, by claiming that the existence of a State of Israel is a racist endeavour.

As pointed out by Mark Muhannad Ayyash from the Mount Royal University in Calgary, Canada:

The list of academic articles and books that would become anti-Semitic if we accepted this example is indeed astounding. It would include the writings of Hannah Arendt, Edward Said, Gilles Deleuze, Judith Butler, Joseph Massad, Achille Mbembe, Robert Wolfe, Angela Davis, Hamid Dabashi, Audra Simpson and many others. In fact, an entire academic journal, *Settler Colonial Studies*, would have to be removed from all of our libraries.

A definition that censors legitimate critique does not help the fight against the scourge of antisemitism. Conflating criticism of the actions of a State with bigotry against some people of that country makes no-one safer. We oppose the motion.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (18:15): I support the motion of Reverend the Hon. Fred Nile and thank him for bringing this important motion to the House, and for the considerable work he has done over a very long period to support this and other matters. Antisemitism is on the rise, and there is a report into antisemitism every year which ensures that we have a way of addressing this issue and identifying it and recording it. I wish we did not have such a report, but nonetheless we do. That is why the motion is important. I thank Reverend the Hon. Fred Nile for bringing it forward.

The New South Wales Government has a strong record when it comes to addressing racially motivated hate crime, racial discrimination and racial vilification in New South Wales. In 2018 we strengthened laws to protect members of the community against public threats of violence, with the introduction of section 93Z to the Crimes Act. I thank the Hon. Mark Speakman for bringing that forward. Section 93Z provides for up to three years in prison for those publicly threatening or inciting violence to another on the grounds of race, religion, gender, sexual orientation, intersex status or HIV/AIDS status. Offences under the new law are investigated by the NSW Police Force. To ensure the community was aware that those laws had come into effect, the Department of Communities and Justice, in partnership with Legal Aid NSW, worked closely with Multicultural NSW—and I had the privilege of serving as the Minister of that portfolio at that time—the NSW Police Force hate crimes unit, Anti-Discrimination NSW and community stakeholders in developing a community awareness campaign around the new law called Stop Public Threats.

Discrimination and public threats of violence have no place in New South Wales. The motion is seeking to endorse that antisemitism, which we know is on the rise, is a threat and must be addressed. It is important to restate that New South Wales became the first Australian State to endorse the International Holocaust Remembrance Alliance working definition of "antisemitism". I am proud to be part of a State that embraced that early and first. I encourage all members to continue working with their communities to ensure that all incidents of violence are reported to New South Wales police and to refer complaints to Anti-Discrimination NSW. The New South Wales Government and I are committed to addressing racially motivated hate crime, discrimination and racial vilification in New South Wales. Having such a definition ensures that we have an opportunity to focus on what antisemitism is and what it is not, and that is very clear and specific from the definition in the motion. In my experience, the Jewish community is not concerned about criticism; it embraces criticism. Israel is a highly democratic country and its Knesset demonstrates that. I support the motion.

The Hon. ANTHONY D'ADAM (18:18): Mr Assistant President—

The Hon. Mark Latham: It is all about Palestinians and the branch stacking. That is what it is about. He smirked there. The truth is known.

The Hon. ANTHONY D'ADAM: As the grandson of a refugee from fascism and someone with Jewish ancestry, I am not going to be lectured to by you, a proto-fascist, who peddles in bigotry in this place.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): Order! The member will resume his seat. Members will behave civilly. I will not hesitate to call members to order and remove them from the Chamber. The Hon. Anthony D'Adam has the call.

The Hon. ANTHONY D'ADAM: I make a brief contribution to the debate. There are many concerning features with the International Holocaust Remembrance Alliance's definition of antisemitism. It goes without saying that we are all opposed to any form of antisemitism in this place. However, there is a core problem with not so much the actual definition but with the contemporary examples about the way it deals with the State of

Israel. First of all, the definition implies that Israel is a proxy for Jewish people, and it is not. There are many Jewish people who do not support the State of Israel.

I accept that Israel was created out of an aspiration for Jewish people to be safe. That is fair enough after the horrors of the Holocaust. Absolutely. But Jewish people should be safe everywhere in the world. They should be safe from bigotry everywhere, not just through the device of Israel. In fact, I would argue that Israel has made Jewish people more unsafe. The core problem that we have to face in terms of combatting the politics that underpin the motion is that the agenda to close down debate around Israel is problematic. We should be careful about signing up to that. I accept that the motion will pass, and I will be voting in favour of it because that is the position adopted by the Labor Party. But I have serious reservations about the underlying agenda of the motion.

The Hon. TAYLOR MARTIN (18:21): I thank Reverend the Hon. Fred Nile for bringing the motion before the House. The adoption of the International Holocaust Remembrance Alliance's working definition of antisemitism is another instance of how New South Wales continues to set an example for the rest of the world as a peaceful and harmonious multicultural society and, dare I say it, the most successful multicultural society in the world. That success could not be possible without a whole-of-government approach to addressing racially motivated hate crime, racial discrimination and racial vilification in this State.

The NSW Community Resilience and Response Plan [COMPLAN], led by Multicultural NSW, aims to maintain and promote community harmony, build community resilience and better equip the State to prevent, limit, withstand, respond to and recover from situations that threaten community harmony. Under COMPLAN, Multicultural NSW meets regularly with the NSW Police Force hate crimes unit, Anti-Discrimination NSW and other agencies to share information and coordinate responses to hate-based behaviours from a cross-agency perspective.

That is a whole-of-government approach to preventing and managing the risks to community harmony that are identified by agencies through any of their community engagement activities and social cohesion programs. Strengthening community resilience and safeguarding social cohesion into the future will require a concerted effort across all sections of our society. The Premier's endorsement in December 2021 of the International Holocaust Remembrance Alliance's working definition of antisemitism is another step towards ensuring that we can continue to have a peaceful and vibrant multicultural society in New South Wales.

Reverend the Hon. FRED NILE (18:23): In reply: We have covered all the issues. I commend the motion to the House.

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

Motion agreed to.

Documents

FRIENDLYJORDIES YOUTUBE CHANNEL

Production of Documents: Order

Mr JUSTIN FIELD: I move:

That private members' business item No. 1720 outside the order of precedence be considered in a short form format.

Motion agreed to.

Mr JUSTIN FIELD (18:25): 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 motion the following documents created since 1 January 2020 relating to Friendlyjordies, Jordan Shanks or Kristo Langker:

- (a) the following documents in the possession, custody or control of the Minister for Police, Attorney General, Department of Communities and Justice, NSW Police Force, State Archives and Records Authority of New South Wales or Department of Premier and Cabinet:
 - (i) all documents concerning the NSW Police Force investigation into Jordan Shanks or Kristo Langker by the fixated persons unit;
 - (ii) all documents relating to Strike Force Wyargine;
 - (iii) all documents relating to the establishment of a NSW Police Force strike force to investigate the Friendlyjordies YouTube channel, Jordan Shanks or Kristo Langker;
 - (iv) all documents relating to the defamation action taken by former Deputy Premier John Barilaro against Jordan Shanks;
 - (v) all documents that refer to "Mark O'Brien" or "Mark O'Brien Legal"; and
 - (vi) all documents relating to the arrest of Kristo Langker.

- (b) all correspondence, including emails, text messages and messages via secure messaging apps, relating to Friendlyjordies, Jordan Shanks or Kristo Langker, in the possession, custody or control of the Minister for Police, Minister for Transport and Minister for Veterans, Department of Communities and Justice, NSW Police Force, Department of Regional NSW, State Archives and Records Authority of New South Wales or Department of Premier and Cabinet; 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.

Earlier this month the NSW Police Force dropped all charges against Friendlyjordies producer Kristo Langker and the Local Court ordered the NSW Police Force to pay \$12,000 in legal costs to Mr Langker's lawyer. Mr Langker was arrested in June last year. He was charged with four counts of stalking or intimidating the former New South Wales Deputy Premier John Barilaro with intent to cause fear or physical harm, and a hearing was set down for May this year. This case has understandably attracted significant public attention. It has attracted attention in this House and through the budget estimates hearings.

A video was widely circulated of the arrest of Mr Langker, which included a very physical arrest by members of the NSW Police Force fixated persons unit, as well as a video of what appeared to be a relatively innocuous interaction between Mr Langker and former Deputy Premier John Barilaro just hours before. The circumstances and speed of the arrest just hours after that interaction have raised many questions. The role of the fixated persons unit has been raised in this place and in budget estimates hearings. Procedures that should have been followed for cases under the unit's jurisdiction were not followed. It seems clear that no fixated persons assessment was conducted in relation to either Mr Langker or to Mr Shanks before the fixated persons unit's detectives turned up at Mr Langker's doorstep.

I have been informed—and it is an item subject to the motion—that the police established a strike force for the Friendlyjordies YouTube channel and those involved with it long before Mr Langker's arrest and well before the infamous Friendlyjordies video, which was filmed in the former Deputy Premier's holiday home. The NSW Police Force arrested a political critic of the government of the day under circumstances that seemed entirely over the top and outside of normal practices, and coincided with a private defamation action by the former Deputy Premier. The police then dropped the charges after the resignation of the Deputy Premier. Mr Langker's lawyer, Mark Davis, has said publicly:

What became evident was Kristo and Jordan were being monitored for a long time before this event—for many months.

He asked, "How on earth did they come to the attention of the fixated persons unit?" He further described the circumstances as "particularly sinister". It certainly is curious and there are indeed questions to answer. It is entirely appropriate for the Legislative Council to seek those answers with an order for papers. Those questions relate to how Friendlyjordies came to the interest of the police in the first instance; the decision to establish a strike force for the YouTube channel and those associated with it, and the circumstances that led to that decision; most importantly, the role of any elected officials and public servants in communicating with the NSW Police Force about the establishment of the strike force, the investigation, the role of the fixated persons unit and the arrest of Mr Langker; and the circumstances that led to the arrest of Mr Langker, which I have described as quite curious. Mr Davis, who is the lawyer for Mr Langker and Mr Shanks, also said:

There is a strong political odour hanging over the ability to have a dedicated police unit with extended powers and resources to monitor political satirists ...

That is quite extraordinary for a lawyer to say. It is not just in the interests of those who have been involved in this particular case but in the interests of the public and also the Government that the details surrounding this matter and the role of those involved be much more transparent than they have been. I commend the motion to call for papers associated with these matters to the House.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (18:30): The Government does not oppose the motion.

The Hon. WALT SECORD (18:30): I welcome the Government's decision not to oppose the motion. It is a fait accompli.

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

Motion agreed to.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): I will now leave the chair. The House will resume at 8.00 p.m.

Motions

HARMONY WEEK

The Hon. SCOTT FARLOW: I move:

That private members' business item No. 1712 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. SCOTT FARLOW (20:04): I move:

- (1) That this House notes that:
 - (a) Harmony Day is held on 21 March every year and Harmony Week is being held between Monday 21 March and Sunday 27 March 2022;
 - (b) Harmony Week brings Australians from all walks of life together to celebrate Australia's rich and diverse multicultural community;
 - (c) the theme for Harmony Week in 2022 is "everybody belongs" and encourages inclusiveness and respect within society;
 - (d) Australia is one of the most successful societies and Sydney one of the most multicultural cities in the world; and
 - (e) the significant contribution of multicultural communities throughout New South Wales and how multiculturalism strengthens our identity and cohesion as a society.
- (2) That this House notes that:
 - (a) on 17 March 2022, the Australian Chinese Youth Elite Club and Australia Sydney Little Red Hat Association held a Harmony Week event at Pennant Hills Community Centre in Pennant Hills;
 - (b) the event was attended by:
 - (i) the Hon. Cr Philip Ruddock, AO, Mayor of Hornsby Shire Council and former Minister for Immigration and Multicultural Affairs;
 - (ii) the Hon. Scott Farlow, MLC, Government Whip in the New South Wales Legislative Council;
 - (iii) Cr Sreeni Pillamarri, councillor for Ward C, Hornsby Shire Council;
 - (iv) over 70 members of the Australian-Chinese community; and
 - (c) this event raised \$710 which will be donated to Rural Aid to assist farmers and their families with the recovery after the recent floods.
- (3) That this House acknowledges:
 - (a) the tireless dedication of Mr Leo Wei, JP, Founder and Chair of the Australian Chinese Youth Elite Club to multiculturalism in Sydney; and
 - (b) the organisation conducted by Mr Wei and the contribution of community members to this successful event.

Australia is undoubtedly one of the most successful multicultural societies in the world and our rich cultural diversity is the backbone of our wonderful and vibrant communities throughout New South Wales. The theme of Harmony Week in 2022 is "everybody belongs" and that encourages inclusiveness and respect within the over 300 different ethnicities and 120 faiths across Australia. Harmony Day is held on 21 March every year and Harmony Week is being held between Monday 21 March and Sunday 27 March 2022. The diversity across our society in New South Wales is one of our greatest assets. It is our strength, and by empowering every person across our State we will be able to confront and thrive through the challenges we will face in the coming years.

Harmony Week seeks to celebrate our diverse stories, beliefs and customs, which is a testament to those who originated Harmony Day. Previously I have spoken in the House about Mr Ernie Friedlander, OAM, the President of Moving Forward Together, who was inspired to create Harmony Day 17 years ago to create a better understanding among all sections of the community with a vision to live together in harmony. Ernie Friedlander has faced the most harrowing and darkest moments in life when only he and his mother survived the Holocaust. He showed incredible tenacity by working in a knitting factory and learning English at night school after he arrived in Australia at the age of 15 in 1950.

By striving to reach across all religious and cultural groups and unify Australians, Ernie Friedlander is seeking to leave a legacy that will have tangible societal benefits for generations to come. The dedication of Moving Forward Together in this pursuit for harmony is commendable. I will say what I have said many times previously: When one sees a Holocaust survivor, who has seen the absolute worst of humanity, it is always so inspiring that none of them is ever drawn to hate, but rather they are drawn to love and are drawn to connecting with their fellow man throughout the world.

Throughout the pandemic, multicultural communities and organisations across New South Wales have been committed to informing their communities about the often rapidly changing policy settings and coming together to support those in need. Dr Jamal Rifi was a core part of this effort in the Canterbury-Bankstown area, dispelling misinformation about the COVID-19 vaccine and having those all-important conversations about the strong effectiveness of the vaccine. Many of those conversations were in Arabic and, with the information coming

from a trusted source, vaccination rates in the Canterbury-Bankstown area climbed. Congratulations to Dr Rifi on his impactful work!

Last week I attended a Harmony Week event at the Pennant Hills Community Centre in Pennant Hills hosted by the Australian Chinese Youth Elite Club and Sydney Little Red Hat Association to celebrate the unity that Harmony Day encourages with over 70 members of the Australian Chinese community. It was great to be together in person, and I want to acknowledge Mr Leo Wei, who organised the event. The Australian Chinese Youth Elite Club is a non-profit organisation that runs weekly multicultural community events in both virtual and in-person settings. Over the past two years, the Australian Chinese Youth Elite Club has been working closely with the Department of Home Affairs and NSW Health to broadcast COVID information and promote vaccination in the multicultural community. They have done extensive work to reduce domestic violence and organised a fundraiser at last week's event to raise vital funds to be donated to Rural Aid to assist farmers and their families with the recovery after the recent floods in northern New South Wales.

The Sydney Little Red Hat Association is an Australian Chinese organisation with members who speak Cantonese, Mandarin and English. With an average age of 65, the Sydney Little Red Hat Association seeks to bring together seniors from across Sydney and has a membership of approximately 1,200 members in the Sydney metropolitan area. The association hosts a weekly tour of Sydney for members and hosts a cooking group for members to share their culinary skills—in which I must say I was pleased to participate last week. By witnessing members of the Sydney Little Red Hat Association firsthand, I can see strong, lifelong friendships forming in that group, which are integral in getting everyone in the group through the difficulties of the pandemic. Of course it is fundamentally important for our ageing policy settings to also focus on multicultural groups and culturally appropriate ageing.

The work of multicultural organisations perfectly embodies the theme of Harmony Week in 2022 in that "everybody belongs" by seeking to foster stronger connections within multicultural communities and to empower their work within the wider community to make a positive impact upon people's lives. It is of course something that is lived from the oldest to the youngest. This week I was proud to see my children wearing the colour orange on Harmony Day last Monday to celebrate our multicultural communities throughout New South Wales.

The Hon. DANIEL MOOKHEY (20:09): It is my honour to lead for Labor in debate on this motion and I am proud to say that we support it. Firstly, we acknowledge International Day for the Elimination of Racial Discrimination, which was celebrated in Australia on Monday 21 March as Harmony Day. It is marked on 21 March because on that day in 1960 the Sharpeville massacre took place in South Africa. That is when the apartheid government massacred 50 of the 5,000 people who had assembled to protest the laws that restricted the movement of black people in South Africa into white townships. It was an inciting event in the global movement to isolate the South African regime that resulted in actions from the global community. The response from people in Australia at the time, and especially afterwards, did the nation proud.

Marking the sixty-second anniversary of the death of those heroes is appropriate to acknowledge that the anti-apartheid movement had a heavy influence on our First Nations peoples' struggle for racial justice and racial equality. Australia became a key part of that movement, partnering with countries like India. I digress a little, but very famously the friendship between Prime Minister Bob Hawke and Indian Prime Minister Rajiv Gandhi, as they moved to isolate South Africa and apply Commonwealth sanctions, especially at the 1985 Commonwealth Heads of Government Meeting, is still one of the finest examples of Australian leadership in the region, and was also the foundation of the partnership that still exists between Australia and India.

That is my way of saying that it is an important day that should be marked in the Parliament. It is important that we celebrate harmony. By moving this motion the member has drawn attention to the events that have taken place throughout this week and in the week leading up to it. I conclude by saying that it is important that all of us confront racism wherever we see, whether it be at an individual or structural level, and that we confront the obstacles that hold back some of us and treat others as being more important. This is an area in which we should maintain bipartisanship. I commend the mover of the motion and I look forward to supporting it.

The Hon. WES FANG (20:12): I associate myself with the motion by starting with an apology. I make an apology to my researcher, Will Coates, and to Hansard because although he has written a wonderful speech for me, I am not going to use much of it tonight. The past 24 to 36 hours have been somewhat of a whirlwind for me. Today, during one of the first times I was in the chair as the new Deputy President, I got a text from Will. He said, "How good was Atticus on the news last night?" However, I did not know that Atticus was on the news last night in Wagga. This is a little window into the world of a regional member. Being a regional member of State Parliament, we miss out on a lot of things. Ironically, Atticus was on the news talking about Harmony Day.

The Hon. Natalie Ward: Your son?

The Hon. WES FANG: Yes, my son Atticus.

The Hon. Shayne Mallard: That is important context.

The Hon. WES FANG: Yes, my son Atticus. I am presuming that everybody knows Atticus is my son. But Atticus was on the news talking about Harmony Day and I did not know. Will sent me the clip, and after I got out of the chair I had the chance to listen to it. Out of the mouths of babes, as they say, Atticus said that the reason we celebrate Harmony Day is that it is, "Okay to be different. Being different is good; it means you're special." We will debate this motion and I am very happy to associate myself with it, but what does Harmony Day mean?

In so many ways my 10-year-old son happened to encapsulate it in two lines. While I very much value the speech that was written for me, I do not think much more needs to be said other than that. Children grow up with the ability to love and be friends with everybody, no matter race, colour or creed. Society can change those views, so it is on us as members of this Parliament and on those in society to change the way that we see each other to try to make a kinder and gentler world because, as my son would say, it is okay to be different.

The Hon. SHAYNE MALLARD (20:15): I also associate myself with the motion, which Government members welcome each year. It certainly has uniform support across the House. Today we have heard some connected themes about harmony and multiculturalism in our State and our nation. As my colleague the Hon. Scott Farlow noted, Monday was Harmony Day and the United Nations International Day for the Elimination of Racial Discrimination, which is a noble objective. We are currently in the middle of Harmony Week, which is led by the Federal Government. Harmony Week recognises diversity and celebrates the Australian multicultural story.

Australia is home to the oldest continuous culture in the world and one of the most diverse populations in the world. Australians from over 300 ancestral backgrounds call this country home, which is an incredible achievement for a young nation. We only have to watch *Maeve O'Meara's Food Safari* on SBS—

The Hon. Daniel Mookhey: I watch that all the time.

The Hon. SHAYNE MALLARD: —it is one of my favourite programs—to get a sense of the diversity of Australians and the rich cultural background that they brought with them to this nation. I will give a little plug: My Danish husband was on the show, cooking frikadeller.

The Hon. Walt Secord: Maeve O'Meara's *Food Safari* is your contribution to multiculturalism?

The Hon. SHAYNE MALLARD: You really are a pain sometimes. The Danish contribution to this State is very welcome. The community service and sacrifice made by Australians of all backgrounds has been on display for decades.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): Order!

The Hon. SHAYNE MALLARD: You are on two calls; do you want to go for a walk early? The community service and sacrifice made by Australians of all backgrounds has been on display for decades, whether in the form of answering the call to defend our nation and our values or the simple act of supporting a neighbour in tough times. That spirit was on show once again during the dreadful floods that the State experienced recently. Sikh Volunteers Australia and Turbans 4 Australia travelled to the Northern Rivers from Melbourne and Sydney respectively to provide food and comfort for people in great need.

I am particularly proud of the rich multicultural communities that call western Sydney home. As the Parliamentary Secretary for Western Sydney and a resident of the region, I have watched as it has grown in population and in its economic contribution to our State. Much of this is on the back of some of the newest residents in our nation. Those Australians came from elsewhere and wasted no time establishing businesses and families, and creating security, jobs and wealth. I have spoken previously in the Chamber about the Indian and Afghan communities of Liverpool, who I got to know when I worked for the recently re-elected mayor of Liverpool, Ned Mannoun—bring back Ned!

I have attended many cultural activities with my colleague the member for Holsworthy, Melanie Gibbons. I have noted George Street in Liverpool in the past and it is worth mentioning again with respect to this motion—it is one of the great streets for South Pacific saris. I point out that Mayor Mannoun is bringing back Starry Sari Night, which is an amazing multicultural street film festival event in Liverpool. Because of the interruption I will cut short my contribution, but I warmly welcome the motion and support the bipartisanship towards it.

Mr DAVID SHOEBRIDGE (20:19): Today is spoken about as Harmony Day in Australia after a decision by Prime Minister John Howard to change the name from what had been the International Day for the Elimination of Racial Discrimination. That day and that event was adopted by the UN General Assembly in October 1966. The reason that we celebrate the day is because on 21 March 1960 police opened fire and killed 69 people at a peaceful demonstration in Sharpeville, South Africa. Those people were protesting against the

appalling apartheid "pass laws". Proclaiming that day in 1966 was the United Nations signifying the struggle against racial violence and division in apartheid South Africa, but it was also telling us and the rest of the world that we need to unite against any similar form, or even lesser forms, of racism and division, wherever it is found. It called upon us to redouble our efforts to eliminate all forms of racial discrimination. It is important to acknowledge that history and not accept a blinding out of the day.

We acknowledge, in fact, that this day started in recognising and calling out appalling levels of State-directed violence, police-directed violence and military-directed violence against people because of their race and because of their colour. Yes, we come together to celebrate the day. But I come here as a Greens MP because this is the International Day for the Elimination of Racial Discrimination, which is why we are supporting this motion. I will finish by acknowledging the success of Australia, not unambiguous success. We have enormous work to do to deliver reconciliation, truth and justice, and land to First Nations peoples. We should acknowledge our privilege has come at the expense of First Nations people. We should commit collectively to deliver on that promise of truth, justice and reconciliation for First Nations people but we should also acknowledge the extraordinary contribution of multicultural Australia at moments like this.

Our multicultural society has so many extraordinary achievements that we can point to. Just three days ago I was in Lismore and I saw what Turbans 4 Australia were doing there. They were taking food supplies from Sydney and Melbourne and providing support. They delivered those supplies to the people of Lismore for free. That is a sign of a society working. We commemorate the day and we commemorate the history.

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (20:22): I make a very brief contribution in support of the motion moved by the Hon. Scott Farlow to acknowledge the comments, in a sense, made by Mr David Shoebridge. Before Mr David Shoebridge entered the Chamber, the Hon. Daniel Mookhey also highlighted the history of this day.

Mr David Shoebridge: I think I was in the lift well coming down.

The Hon. SARAH MITCHELL: You might have been in the lift. I thought I would mention that. I would not suggest that you had copied his homework in any way.

The Hon. John Graham: That is a serious allegation from the education Minister.

Mr David Shoebridge: Say that by way of a motion.

The Hon. SARAH MITCHELL: No, of course not. I will use that to segue into the reason I did want to make a contribution to this debate. As the education Minister, I know on Monday our schools and other early childhood services held many wonderful events for Harmony Day but also throughout the course of Harmony Week. I encourage members to look at the Department of Education social media channels, which have some great photos of how kids in schools right across New South Wales have celebrated the day.

On Monday my two girls were decked out in orange T-shirts for preschool and school. I was an absent parent as well, but I managed to see the note and remembered to remind my husband about the orange shirts. As the Hon. Wes Fang said, it was a great opportunity for students right across New South Wales to celebrate our difference and diversity. Each time I visit schools and early childhood services across the State I see how incredibly well they do this. We have fantastic multicultural communities within our schools. We have students from different backgrounds, excelling in public education, non-government schools and our early childhood sector. I give a shout-out to our school communities and the exceptional job they do to recognise Harmony Week. I thank the Hon. Scott Farlow for moving the motion.

The Hon. TAYLOR MARTIN (20:24): I support the motion of the Hon. Scott Farlow regarding Harmony Week. This week communities, schools and workplaces will come together to celebrate diversity across New South Wales. Our shared Australian values of respect, equality and freedom go beyond our different cultures and are what makes Australia such a great place to live. As the motion identifies, Australia is one of the most successful multicultural societies in the world. This is something that we are proud of, and we should celebrate it and strive to maintain it. Nearly half of all Australians were born overseas or have at least one parent who was. Since the end of World War II, more than 7½ million people have migrated to Australia. This diverse Australia is supported by the community, with 85 per cent of Australians agreeing that multiculturalism has been good for the country.

I commend the Australian Chinese Youth Elite Club and Australia Sydney Little Red Hat Association on the event they held last week, which raised \$710 to be donated to Rural Aid to assist farmers and their families with the recovery after the recent floods. Across the regions where I have responsibility as a Liberal Party MLC, the Hunter and the Central Coast, Harmony Day events are being celebrated at the University of Newcastle, Hope Cottage in Gorokan, Cooranbong Public School, Arcadia Vale Public School, St John the Baptist Primary School,

Woy Woy South Public School, Wyong Neighbourhood Centre, Tanilba Bay Public School, St Columba's Primary School in Adamstown, Shortland Public School, Woodberry Public School and many others.

These events celebrate inclusiveness, respect and belonging for all Australians, regardless of cultural or linguistic background, united by the core set of values I listed earlier. At many events, participants choose to wear orange to show their support for cultural diversity and an inclusive Australia. Diversity of backgrounds and experiences makes Australia stronger. I thank the schools, organisations and individuals that have organised events for this week. I thank the Hon Scott Farlow again for moving this motion, and I commend it to the House.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (20:26): Firstly, I thank the Hon. Scott Farlow for bringing this motion to the House and note that Harmony Week is of huge importance, particularly for multiculturalism. It is essential to support our multicultural communities across the State. This is something the New South Wales Government is committed to, and it has continued to work hard to combat racism in all forms to ensure that New South Wales remains a cohesive, resilient and diverse society.

We proudly have in place programs that aim to inspire and empower people to stand united against fear, division and hate. Harmony Week is a perfect opportunity to inform the House of these programs. The Community Partnership Action Program, known as COMPACT, aims to encourage young people to stand up as champions for community harmony. The program has engaged more than 40,000 young people in more than 130 schools in its early years, and it is inspiring a new generation of community leaders, critical thinkers and champions for community harmony.

The New South Wales Government, through Multicultural NSW, has partnered with digital industry partners and our fearless ambassadors from the Remove Hate from the Debate project. It aims to amplify and empower positive voices for change and helps young people identify hate speech and understand how best to respond. These are just a few of the many initiatives the New South Wales Government has for ensuring our community remains a cohesive and harmonious society. I wish everyone a happy Harmony Week and thank our diverse communities across New South Wales for making our State an example to the rest of the world of a peaceful and harmonious place to live, work and play.

[Business interrupted.]

Visitors

VISITORS

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): I welcome to the Chamber young dancers and artists from the Pakistan National Day celebration, who are guests of Mr David Shoebridge. They are very welcome. It is incredibly appropriate and rewarding for us that they have joined us during debate on a motion regarding Harmony Day.

Motions

HARMONY WEEK

[Business resumed.]

The Hon. SCOTT FARLOW (20:29): In reply: It is a fitting tribute to be joined by visitors celebrating Pakistan National Day. They can celebrate with us in the Chamber as we talk about Harmony Day and Harmony Week in New South Wales and their positive contribution to our multicultural society. Everyone, no matter what cultural group they are from, is valued, respected and embraced in our society. I thank all members for their contributions. In particular, I thank two of our culturally diverse members in the place, the Hon. Daniel Mookhey and the Hon. Wes Fang, for their personal reflections within the debate. I also thank the Hon. Shayne Mallard, Mr David Shoebridge, the Hon. Sarah Mitchell, the Hon. Taylor Martin and the Hon. Sam Faraway for their reflections in the debate.

The debate was certainly focused on what we can do together. It is good to see this House commit to a harmonious multicultural community in New South Wales. We have had a lot of discussion about our children and the world for our children. I think it is safe to say that, with the history of Australia, it has not always been the way that we have looked at a peaceful, harmonious society as something that is a given, but we are the most successful multicultural nation on earth. We have the greatest diversity in our society, and we have the greatest number of people who are born overseas of any western nation. We should look at that diversity and interconnectedness with the rest of the world as a great asset of our nation, and that connectedness of course has been challenged through the pandemic.

It is important that we look at the movement forward. I note the comments in terms of the significance of 21 March in South Africa, which was raised by the Hon. Daniel Mookhey and Mr David Shoebridge, and it is

important that we note that context. But it is also important that we look forward in a positive sense, with the harmony of our society and the harmony of what we want to achieve here in New South Wales and Australia. That is why it is so important, with our children as well, to be able to create that harmony. The Hon. Sarah Mitchell reflected on children wearing orange to school. My wife took my daughter to buy some orange on Saturday. It was pretty much sold out at every Kmart and Myer throughout New South Wales because of the number of children who were celebrating Harmony Day. My son was prepared to wear his Wests Tigers shirt for Monday. However, after losing to Newcastle 28-4, he decided he would wear his orange sports shoes instead because he did not want to be teased about the Tigers' loss on the weekend.

The Hon. Daniel Mookhey: It is a burden we carry.

The Hon. SCOTT FARLOW: It is a burden. I have to say, as he was crying on Sunday afternoon as the Tigers were getting thrashed, I told him that this is the cross he has to bear as a Tigers supporter throughout his life. I told him that it is character building.

The Hon. Daniel Mookhey: For decades—but we will get there!

The Hon. SCOTT FARLOW: Thankfully, there is not a cross to bear when it comes to a harmonious multicultural society in New South Wales. I thank honourable members for their contribution to the debate. 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.

RAIL SERVICES DISRUPTION

The Hon. JOHN GRAHAM: I move:

That private members' business item No. 1687 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. JOHN GRAHAM (20:34): I move:

- (1) That this House notes the following evidence given by Transport for NSW officials to the Parliament regarding the rail network shutdown:
 - (a) the decision to shut the rail network for safety reasons was made between 10.30 p.m. and 10.43 p.m. on Sunday 20 February 2022;
 - (b) on Sunday 20 February 2022 the Minister for Regional Transport and Roads, the Hon. Sam Faraway, MLC, and the Minister's chief of staff were texted at 10.43 p.m. to inform them of issues on the rail transport network; and
 - (c) on Sunday 20 February 2022 the Minister's chief of staff received a phone briefing from the deputy secretary, Regional and Outer Metropolitan, Transport for NSW, at 11.13 p.m. regarding the "network closure" of the intercity fleet and its implications.
- (2) That this House notes that on 23 February 2022 the Minister for Regional Transport and Roads, the Hon. Sam Faraway, MLC, was asked a question without notice in this House concerning when he was briefed on the decision to shut down the rail network, and the Minister stated, "I knew the Greater Sydney rail network was shut down on Monday morning at 6.00 a.m. when I watched the news".
- (3) That this House orders the Minister for Regional Transport and Roads to attend in his place at the commencement of business on Thursday 24 March 2022 to provide an explanation for his answer on 23 February 2022, including whether he misled the House.

This is an important issue about accountability because the rail shutdown impacted many people across the State. We have debated in this place exactly how that happened in a range of forms, but today we debate the narrow question of what the House has been told versus what was disclosed in budget estimates hearings. The motion sets out the key facts.

Before I get into the facts, I acknowledge that the Opposition believes that this Minister is doing quite a good job. He has been on the ground during the floods, which is to his credit. But we believe in accountability, and there is a difference between the Government and the Opposition on what was placed on record. The motion invites the Minister to correct that because it was the subject of some discussion at budget estimates hearings both with Transport for NSW officials and with the Minister. But I make it clear that this Minister has our support for the work that he is doing on the ground.

The facts of this matter are about the heavily contested question of when the Government was briefed about the rail shutdown. It is clear from the evidence we have had from Transport for NSW officials that the decision for the shutdown was made between 10.30 p.m. and 10.43 p.m. on Sunday 20 February this year. That night the

Minister and the Minister's chief of staff were texted at about 10.43 p.m. to inform them that there was an issue. Crucially, about half an hour later at 11.13 p.m., the deputy secretary of the regional and outer metropolitan division briefed the Minister's chief of staff on the fact that the network would be closed for the intercity fleet. It is that briefing that causes the problem.

In question time the Minister was asked when he was briefed. He said—and this is not disputed, and I am sure the Minister will happily agree with this and provide some explanation—"I knew the Greater Sydney rail network was shut down on Monday morning at 6.00 a.m. when I watched the news." That statement is true, but it was not what he was asked. It provided a misleading answer to the House in that he and his office were briefed the night before. The central issue is that the Minister's office was briefed and, in the Westminster tradition, that matters. It is not just when the Minister becomes aware; if the Minister's office was briefed by the agency the night before, that is material information that we say should have been placed on record when he was asked when he was briefed.

That is the dispute between the Government and the Opposition. In some ways it is a small thing, but in this instance it is a major thing because it has provided an alibi for the Minister in the other place who was in charge of the Sydney metropolitan network. It has provided an alibi for a Minister who has been far more combative and who argues the toss over whether he was briefed at all. We bring this motion before the House to ask the Minister to correct the record on providing that alibi for Minister Elliott. That is the central issue.

We are not arguing over many of the facts; we are arguing that when the Minister was asked, "When were you briefed?" it was inappropriate for him to not put on record the fact that his office was briefed the night before and knew not only about the fact that there would be issues but also that there would be a network closure. The officials were clear that they said they would need to have a closed network, in their words, and that was part of that briefing. Again, I do not believe that is disputed, but we will listen carefully to what the Minister says. That is the motion we put before the House. We think the Minister is doing some good work elsewhere, but we would like him to correct the record. Importantly, as an accountability step, if this resolution is passed, he should be ordered to attend in his place tomorrow to provide that explanation in detail. I commend the motion.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (20:39): I do not know if I am going to thank the member for bringing the motion to the House, but it should come as no surprise that I oppose it. This matter was dealt with in estimates, but clearly the Hon. John Graham did not understand the answers I gave. I totally disagree with the premise that I have misled the House. I totally disagree that the answers were not genuine. I totally disagree that the answers and the time line were not correct. During estimates, when the Hon. John Graham questioned me on that text message, I tabled it willingly before the end of estimates. Rather than ordering the Minister for Regional Transport and Roads to attend in his place and explain himself, let him explain himself now for the record again. On 23 February I was asked by the Hon. Penny Sharpe, the Leader of the Opposition in this place:

... when was the Minister for Regional Transport and Roads briefed on the decision to shut down the rail network?

That is from *Hansard*. It is exactly what I was asked. I replied:

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.

The Hon. John Graham canvassed this in estimates. At 10.43 p.m. on the Sunday I received a text message from Matt Fuller, deputy secretary of regional and outer metro at Transport for NSW. I have openly said that I did not receive the message because I was asleep. I discovered that the network was shut down at 6.00 a.m. the next morning when I was watching *Sunrise*. At 6.21 a.m. I replied to that message and said, "Apologies, missed the message. Plenty of media on it. Catch up soon." In that time I had been briefed early that morning by my chief of staff.

That is when the Minister for Regional Transport and Roads was briefed. It was after 6.00 a.m. on the Monday morning. That was canvassed in estimates. At 11.13 p.m. my chief of staff spoke with the deputy secretary of regional and outer metro. He was briefed on the situation. We must put it into context: Since becoming the Minister for Regional Transport and Roads, all I have dealt with, along with the Minister for Transport, is rolling industrial action. The reality is that we knew that there had been disruption to the network. We already had contingencies in place for rolling disruption to the network. My chief of staff spoke with the deputy secretary, which we canvassed in estimates as well.

I seek an extension of time.

Leave granted.

The Hon. SAM FARRAWAY: I was asked a genuine question by the Hon. Penny Sharpe on that day. I gave a genuine answer on that day. It is in *Hansard*. I was asked:

... when was the Minister for Regional Transport and Roads briefed on the decision to shut down the rail network?

I was briefed multiple times on the Monday morning after 6.00 a.m. That is when I was briefed. The question was not "When was the office of the Minister for Regional Transport and Roads briefed?" or "When was the chief of staff briefed?" It was when I was briefed. I stood at this dispatch box and said that I was briefed firstly by my chief of staff in the early hours after 6.00 a.m. when I spoke with him. I was offered an earlier briefing than the scheduled eight o'clock standard briefing. I said I would continue with the 8.00 a.m. briefing on the Monday morning because I had the opportunity to speak with not only my chief of staff and the media team but also the Secretary of Transport, Rob Sharp, and the deputy secretary of regional and outer metro, Mr Matt Fuller, which was done, and there were lots of briefings.

I was asked a genuine question by the Hon. Penny Sharpe. I gave a genuine answer and I have a time line to prove it. That was canvassed in estimates. I tabled the text messages willingly without having to come to this place and go through my phone. I am here; the Opposition has asked the questions and I have given genuine answers. I think the Opposition has totally missed the point. If the Leader of the Opposition had asked a different question, my answer may, in the circumstances, have warranted me coming here to explain myself. But I maintain that I do not need to explain myself. It is very clear. The time line is clear. It was a genuine question and a genuine answer. At the end of the day, I say to the Hon. John Graham that I think the motion completely unfairly characterises my response on the twenty-third as misleading the House. I do not feel that this House should be supporting this motion. I should not have to face the Chamber tomorrow morning and repeat exactly the same response.

The Hon. DANIEL MOOKHEY (20:45): I paid careful, close and studious attention to the Minister's speech, as I did to his answers to the excellent and forensic cross-examination by my colleague the Hon. John Graham in budget estimates, and I can understand the embarrassment that the Minister might be feeling. We are canvassing what I understand to be the first answer the Minister gave at his first question time upon receiving his commission, and I am sure that he has set a record in that he is the first Minister to have to account for his first answer in a long time. So I can understand some of the sensitivity that he would feel being singled out the way in which he has been, which is why I thought that his defence would have been far more compelling than that which honourable members just heard.

To the extent to which the Minister has a defence, it is a semantic difference. He basically said that his chief of staff in his office is an independent unit entirely separate to him and, in accordance with how he interprets the Westminster conventions, he is not responsible for relying on the information of his staff. That is particularly weak, in my view, because it has always been understood when we are asking questions that the office of the Minister is not separate to the Minister. When he is asked specifically about when he was told, it applies to his office as well. I know this because every other Minister to whom this question has been asked, some of whom are in the Chamber, has been careful to make the same point. They have been careful to check when their staff found out before they provided information.

That is why this particular Minister is separate and he should account for it, because the information Ministers give to Parliament is a serious responsibility. They cannot mislead this place, nor can they mislead the other place. That is the foundational principle of the Parliament, especially when it comes to the accountability of the Executive to this House and to the other place, which is why Ministers are always so careful to correct the record when there is any inference that they may have made an error. The Leader of the Government is actually an excellent exponent of this. Any time the Leader of the Government thinks that there is even a chance that an impression could be formed, he offers a personal explanation. He does it a little more frequently than he would like to, but he is at least careful in that respect. That is the same standard we would expect from this Minister.

I give the Minister some credit; he at least gave his phone number to his department, which is a step forward. The department was in a position to directly contact him, which is a big tick from us. To the best of our awareness, he has not refused any urgent meetings that were demanded by his department. But, to be fair to the department, it does not think that this Minister is that engaged in the industrial relations matters that are afflicting his portfolio. Until now, it has always been the view of the Minister that this is a matter for another transport Minister—one of the four—which is why I am surprised that when he came before this House he said there were contingency plans in place and, therefore, there was no requirement to do anything more. That cannot be right. If we accept that position, then the other Minister has misled his House— *[Time expired.]*

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

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (20:48): Thank you, Madam Acting Speaker.

[Members interjected.]

It gets away from me sometimes, I have to tell you. Having heard that nonsense led me to a situation where I wish I was back in the other place, because you cannot get away with that sort of rubbish down there. You can sort of say those things up here, but not down there. You do not get away with it. The union movement decided to shut down our rail system and it is now seeking desperately to try to level blame at people.

This is a spurious and outrageous motion suggesting that the Minister misled this House when he was asked the question, "When did the Minister"—singular—"discover the disruption or shut down of the rail service?" He answered truthfully and accurately. There is no doubt that he did. Members opposite are in no doubt about it. If they have formed the view that he was being evasive or trying to mislead the Parliament—they know that is not true. It brings into disrepute the moving of a motion when members opposite know that this Minister never had any intention of misleading the House and that he has acted cooperatively with the House in relation to every statement he has made about the union shutdown of our rail system. The unions shut it down.

The Hon. Daniel Mookhey: You are going to have to make another personal explanation after this.

The Hon. DAMIEN TUDEHOPE: I am happy to. He answered accurately about his knowledge of those events. It is pointless moving a motion tonight when members opposite are seeking that the House canvass this topic again tomorrow or at another time so that the Minister makes a personal explanation because I can tell members, he is not going to say one thing different than he has said tonight—not one thing.

The Hon. John Graham: That could be a problem.

The Hon. DAMIEN TUDEHOPE: If that is a problem, then we may have a very serious problem regarding how the Opposition treats motions. In many respects, the mover of the motion is the one being brought into disrepute, not the Minister who has answered and cooperated with the House at every stage. The observations made by those opposite do them no credit.

The DEPUTY PRESIDENT (The Hon. Catherine Cusack): Where is the harmony?

The Hon. SCOTT FARLOW (20:51): The harmony is over. We have had enough harmony tonight; it is disharmony for the rest of the night, no doubt. I give credit to the Hon. John Graham and the Hon. Daniel Mookhey. I will say on record that they are the A team. I have said that in private and I say it on record that they are the A team of the Opposition when it comes to budget estimates, for which I give them credit. But they really are pushing the proverbial up the hill when it comes to this Minister and his performance. I sat through all of the Portfolio Committee No. 6 budget estimates hearings, starting with the Hon. Natalie Ward. The questions about who knew what and when were inevitable from the Hon. John Graham and the Hon. Daniel Mookhey.

There was no evasion at all from this Minister. He was 100 per cent up-front, honest and descriptive. As he said, he handed over his text messages in a flash to corroborate his evidence to the committee to show what he knew and when. The Minister was open. He was asleep when he received the first text message. I will go back to the question that the Hon. Penny Sharpe asked the Minister, and I state to the House that it was the second question because it followed an earlier question asked by the Hon. John Graham, if my memory serves me correctly. The question was:

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."

It goes on:

Given that time line, when was the Minister for Regional Transport and Roads briefed on the decision to shut down the rail network?

With all of that information and context, the Minister was very clear about when he found out. He said:

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.

There is nothing that was presented to the budget estimates hearings that disputes that evidence, which is crystal clear. It is exactly what happened. The Minister outlined what he knew in complete and open truth to the committee. He has done that in this House. What the motion seeks from the Minister is effectively being achieved here tonight. The Minister has given his account in this House for the answer that he gave in question time. He did not mislead the House.

He told the God's honest truth as to what occurred. He woke up at 6.00 a.m., he turned on the TV and he found out the Sydney rail network was shut down. He then went to his phone, as he has outlined to the House, and started responding to text messages. He obviously had phone calls. He was fully apprised of the situation by that time. But when he found out was when he turned on the television and saw that news. The Minister has not misled this House. He has been very clear and open. As Opposition members have said, he is doing an excellent job in the portfolio. He should be allowed to continue to do it. There is no smoking gun here.

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (20:54): I support not the motion, of course, but my colleague and good friend the Minister for Regional Transport and Roads, who is the subject of this debate. Members may know that last week I was in isolation. My four-year-old got COVID-19. I am disappointed because the isolation was not this week, but I am here with you all instead. So I happened to be working from home. I had a few colleagues message me on the day that the Hon. Sam Faraway was before budget estimates to tell me what a great job he was doing. So I tuned in and watched for a little while. I was one of the six who joined—no, it was more than that. The Minister did an exceptional job, particularly as a new Minister. He performed very well. It was very clear from the portion of the hearing I watched that he, as other members have said in this debate, was honest and open in the evidence he gave.

Having been in the House on the day when he answered the questions that are the substance of this motion, I concur with the comments made by others, including the Hon. Scott Farlow. The Minister gave very clear, honest answers with integrity, which reflects the very clear, honest man of integrity the Hon. Sam Faraway is. I have been in this place for 11 years. A Minister being called to attend in his place to provide an explanation is not something that happens often. It is a very rare occurrence. It is a very serious thing for the House to request a Minister to do, particularly to explain whether he misled the House. The Hon. Sam Faraway, this evening, in the original answers he gave on the day in question and in the contribution he made during the budget estimates hearing, has been very clear about what happened and about when he received information. There is absolutely no suggestion that he misled the House. He stands by the comments he made.

As Leader of The Nationals in this place, I stand behind and beside him. This motion is a misuse of the processes of the House and the orders and the ability to call a Minister to attend in his place. It is not necessary. These issues have been canvassed. It is clear that the Minister has been honest and open in his contributions. This motion should be defeated.

The Hon. JOHN GRAHAM (20:56): In reply: I place on record the Opposition's view that the Minister of course was genuine. We found him genuine in his answers. We agree on many of the facts. But to be honest, to be open and to be genuine are not enough if you are a Minister of the Crown. You must also get it right. That is the harsh fact that Ministers rapidly find out. That is why we bring this motion today. In the view of the Opposition, the Minister did not get this right. The Government is entitled to argue the opposite case. Is this too harsh? One of the reasons we have moved this motion is the issue it is attached to. Hundreds of thousands of people were significantly disadvantaged or had their lives ruined as a result of what has gone on. There is a heavier weight attached to this motion because of that fact.

The real dispute here is this issue: In the Westminster system, if your office is briefed is that at all relevant to you? Is that the sort of thing you should mention? I say this not only to this Minister but also to all Ministers who have mounted the opposite case. The Opposition simply says that in the Westminster system if you are asked, "When was the Minister briefed?" and your office was briefed and your chief of staff was told—perhaps you are told there will be a network closure that will affect thousands or tens of thousands of people, and you know that commuters will miss work and people will miss getting the kids to school, miss getting to medical appointments, or have to pay \$250 to get to the airport or miss a flight, which happened to at least one person—then perhaps it is a relevant fact to mention. That is the case we are putting. That obligation extends. There are some grey areas here; I will be clear about that. But this is not one of them.

If a Minister's office is briefed in detail about that by key Transport for NSW officials, we would expect the Minister to put that on record in the House. In the end, the Opposition has put its case; it is simply a matter for the House to determine which of those two cases it accepts. If this motion is passed, I genuinely hope the Minister does not give exactly the same answer. I hope that there is some reflection from members of the Government about why the House might have done so and whether or not, in fact, the case the Opposition is putting on this matter is correct.

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

The House divided.

Ayes 18
Noes 15
Majority.....3

AYES

Banasiak
Borsak
Boyd
Buttigieg (teller)

Faehrmann
Field
Graham
Hurst

Moriarty
Moselmane
Primrose
Secord

AYES

D'Adam (teller)
Donnelly

Jackson
Mookhey

Shoebridge
Veitch

NOES

Amato
Barrett (teller)
Fang
Farlow (teller)
Farraway

Latham
Mallard
Martin
Mitchell
Nile

Poulos
Roberts
Taylor
Tudehope
Ward

PAIRS

Houssos
Searle
Sharpe

Cusack
Franklin
Maclaren-Jones

Motion agreed to.

The PRESIDENT: Order! There is too much audible conversation.

*Documents***ADVERSE WEATHER AND FLOODING EVENTS****Production of Documents: Order**

The Hon. WALT SECORD: I move:

That private members' business item No. 1704 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. WALT SECORD (21:12): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Premier, Deputy Premier, Minister for Emergency Services and Resilience, Minister for Police, Department of Premier and Cabinet, Resilience NSW, NSW State Emergency Service, NSW Rural Fire Service, NSW Police Force or Fire and Rescue NSW relating to potential or actual adverse weather or flooding events:

- (a) all documents, including reports, records, presentations, assessments, modelling, analysis, business cases, briefing notes and cost-benefit assessments created between 19 February 2022 and 6 March 2022 relating to any potential or actual flood event in any part of the Northern Rivers, western Sydney or the Hawkesbury-Nepean;
- (b) all documents, created or amended since 1 May 2020, relating to grants between Resilience NSW and any other party;
- (c) all correspondence, including briefing notes and emails, created between 19 February 2022 and 6 March 2022 sent to or received by the Premier, Deputy Premier, Minister for Police, Minister Emergency Services and Resilience, the Commissioner of Resilience NSW, the Commissioner of the NSW State Emergency Service, the Commissioner of the NSW Rural Fire Service, the Commissioner or any Deputy Commissioner of the NSW Police Force or the Commissioner Fire and Rescue NSW relating to flooding in New South Wales;
- (d) all documents, including correspondence, created between 19 February 2022 and 6 March 2022 relating to potential or actual adverse weather or flooding events to, from or between Resilience NSW, the NSW State Emergency Services, the Rural Fire Service, the NSW Police Force and Fire and Rescue NSW;
- (e) all situation reports, minutes, presentations, notifications and draft notifications created between 19 February 2022 and 6 March 2022 by Resilience NSW, NSW State Emergency Services, NSW Rural Fire Service, NSW Police Force and Fire and Rescue NSW relating to flooding in New South Wales;
- (f) all documents, created between 19 February 2022 and 6 March 2022, relating to offers or requests of support for Defence Assistance to the Civil Community;
- (g) all documents, created between 19 February 2022 and 6 March 2022, relating to the use of Call When Needed aviation support;
- (h) all documents relating to deliberations or decisions on the appointment of a Minister for Flood Recovery, including all records relating to the Deputy Premier Paul Toole, MP, being considered or having declined the role and all rationale supporting those decisions; and
- (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.

As the shadow Minister for the North Coast and under Standing Order 52, I make an order for the production of documents held in a range of government departments and agencies as part of the Government's response to the recent flood events. It is clear to the families and businesses of New South Wales that both Federal and State government responses failed in critical ways in relation to funding. Even the Acting Premier acknowledged that the State Government's response was inadequate. Nearly 1,500 people were in emergency accommodation and 4,000 homes were deemed uninhabitable. There are mountains of garbage on the streets of Lismore and the water and sewerage supply systems have been broken. Residents had to rescue themselves and communication systems failed. Those documents will illuminate the situation and the failures, and hopefully they will provide learnings. Families' lives and businesses were destroyed.

It is clear to the families and businesses of New South Wales that the State and Federal governments' responses failed to provide proper support. Last week I was in flood-affected areas to support the community along with Federal member for Richmond Justine Elliot, State member for Lismore Janelle Saffin and NSW Labor leader Chris Minns. We saw firsthand the devastation in the community. We know the Government was caught completely unprepared. It failed, and it let down the families of the North Coast, who were left to fend for themselves. The Government has failed the families of the North Coast. Finally, on a personal note, this morning two Perrottet Government staff members approached me and asked me about my motion. I allowed them into my office in good faith and they asked, "Walt, could we possibly amend your motion?"

In the spirit of good faith and bipartisanship, I said, "Yes, in principle, I think 21 days would be fair. There is a recovery effort underway." They then proposed 35 days. I thought that was very, very fair. Then I turned on the broadcast of question time in the Legislative Assembly and watched as the Deputy Premier launched a major attack on this motion before the House. He launched an unfair, unhinged attack on this motion.

The Hon. Damien Tudehope: Rightly so. It is an unhinged motion.

The Hon. WALT SECORD: It was an unhinged attack. I will not be amending this motion, because in good faith I agreed to 35 days and everyone in the room said, "Yes, that's fair. Let's have this motion go ahead." Then I turn on question time in the lower House and the Deputy Premier launches an unhinged attack. I think it is appropriate that we go back to 21 days. I commend the motion to the House.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (21:15): This motion represents the worst form of overreach that could possibly be the subject of a Standing Order 52 motion. I have long campaigned in this place for making sure that Standing Order 52 is used appropriately. There are frontline workers continuing a clean-up activity, and the Hon. Walt Secord knows that a significant inquiry is going to take place in relation to the Government's flood response. For him to bring on a motion seeking to have those frontline workers stop what they are doing to help the communities of the Northern Rivers to provide papers about what they did on what days and when, and what the Government's response was at a particular time to a particular situation, purely to satisfy some political purpose of the member, is entirely inappropriate. The member knows it. He knows he should not have brought such a motion at this time.

There is a time and place for these sorts of things. This motion should not have been brought until some time after the flood recovery efforts had progressed, and only in circumstances where frontline workers are not still on the ground assisting people. To ask those people to leave the job that they are currently doing to satisfy the whim of a member of this House is the greatest possible level of overreach in the use of Standing Order 52. It brings the member into disrepute and the use of Standing Order 52 to a new level of low. We can complain all we like in this place about whether we should be asking public servants to give up time in which they serve the Government, but this is a whole new level. It is a whole new level of low when we are asking the very people we are relying on to provide a response to leave their post for the purposes of satisfying this member and a Standing Order 52 motion. That is what he wants.

The Hon. Walt Secord: This is about uncovering your failures. You let down that community.

The Hon. DAMIEN TUDEHOPE: Those interjections are an admission. The member sits here and says, "I know this is an overreach. I know I shouldn't have done it," but he does not have the decency to say, "I will not move this motion. I will withdraw it." A decent member would not have moved this motion.

The DEPUTY PRESIDENT (Ms Abigail Boyd): I remind members that their body language, as well as their words, is very important in this context. If members could hold back from banging fists on tables, that would be good.

The Hon. MARK LATHAM (21:18): In this place we are used to confected outrage from The Greens, if I can say that, but what a lesson in confected outrage we have seen from the Leader of the Government. He has been taking acting lessons. He should be nominated for an Academy Award for that particular display. No frontline worker who is cleaning up Lismore will be involved in presenting the SO 52. It begs the question: What were

senior public servants inside this Government doing during the flood crisis? What has been occupying the time of the well-paid fat cats inside the Kean-Perrottet Government?

What we know is that Water Infrastructure NSW was taking laughing lessons. Here is an idea for the Government: How about it diverts the public servants who disgustingly and disgracefully were engaged in a laughing lesson during the peak of the flood crisis to complete this SO 52 order? How about the Government take those delusional fools at Water Infrastructure NSW and say to them, "Instead of laughing during the floods, instead of spending taxpayers' money with a guy from Laughter Yoga Australia and engaging in that at taxpayers' expense, how about you stop the laughing and stop the disrespect for flood victims and instead undertake the SO 52"?

For this Government—a government of every conceivable woke and wasteful program in the public service—to say that no-one is available to do the SO 52 other than the people who are picking up the debris in Lismore is a complete fabrication at the expense of transparency and the legitimate role of the upper House with SO 52 orders. If this Government had public servants working hard at their real jobs every day for the people of New South Wales, instead of engaging in Bruce Pascoe book clubs or sitting around in the imaginary or running harmony councils or LGBT units or cutting rainbow cakes or raising rainbow flags—a whole long list of woke programs—

The Hon. Damien Tudehope: This is confected outrage; it is confected outrage.

The Hon. MARK LATHAM: This is not confected outrage. This is the unavoidable truth. This Government has public servants working on all these wasteful programs and then has the hide to turn around and say, "Oh, no, no, no. It is not all these highly paid galahs distracted by these woke programs who will be completing the SO 52." This Government could recruit an entire army of woke public servants who are wasting their time and wasting taxpayers' money. The Government is saying it is going to be the frontline workers in Lismore. What a complete load of baloney! I could nominate, from my near three years in this place spent collecting information about the wasteful use of public service resources, a hundred public servants who are completely wasting their time and not doing their day job who could complete this SO 52 order. So there is an idea for the Government: How about it make them do their job. [*Time expired.*]

Mr DAVID SHOEBRIDGE (21:21): On behalf of The Greens, I speak briefly to the motion. First of all, I reject the idea that people who have been working in emergency services—Resilience NSW, the SES and others—have been engaging in the kinds of activities that the member who preceded me in this debate spoke about. There has been a terrible emergency, and I pay tribute and credit to emergency services workers who have been out on the front line, not sharing cakes or doing anything like that but actually saving people's lives and doing essential work. We may have criticisms about whether there were sufficient resources or sufficient boats, but I will not validate in any way that kind of attack on people who have been doing enormously important emergency services work. I pay credit to them. On behalf of The Greens, I thank them for what they have done.

I am certain there will be critiques about how resources are allocated, what decisions were made and what policies were put in place. I think many people are looking at the Resilience NSW model and asking whether that is the right model for this disaster. The Greens believe there should be a permanent emergency disaster force in place because these events will simply become more severe and more regular. But there is a time for that discussion. It does not help to insult the agencies that are doing the best they can with the resources and policies that are in place. That is the first point.

Secondly, nobody from the Government spoke to us about the motion. Government members are angry now and take this position now, but if they want to get their position through this House they have an obligation to speak. If Government members want to get their point across to a majority of members in this House, I recommend that they start by talking to a majority of members first. There has been radio silence from the Government on this motion before now. All that The Greens and I have heard is that the member who moved the motion, the Hon. Walt Secord, had a discussion with the Government earlier today about extending the time allowed to 35 days. The Government then decided to take a big whack at him in the other place and the whole thing fell over. Can I suggest we might lift ourselves above that? If 35 days was on the table earlier, let us consider 35 days to allow a little more time for the production of documents. Maybe we can agree on that amendment even if we cannot agree on the motion.

I have just got back from visiting Lismore over the weekend, and I have seen what is happening up there. At a time like this, there is a desperate, urgent need to deliver resources and deliver help. The Hon. Catherine Cusack knows that better than I do. The desperate need now is for the delivery of resources and the delivery of help. There is collective trauma in that part of the State, and it does the House no credit to have this kind of fighting and bickering over it. If members can go some way towards agreeing by having an extra fortnight to make it 35 days, let us do that. If Government members have those issues in the future, they have to talk to people to get

a majority. That is what politics is about. Complaining without doing any of the groundwork beforehand does them no credit either.

The Hon. CATHERINE CUSACK (21:25): I really did not grasp the motion until tonight, and I am disappointed that there has been that lack of discussion. I thank Mr David Shoebridge for his suggestion. The fighting that I am hearing in the Chamber tonight is completely inappropriate, and the community does not want that combativeness at the moment. The community is well aware that a lot of mistakes were made, believe me. The community knows that people screwed up; volunteers screwed up. Mistakes were made, and people have been crying inconsolably in their cars. We know there will be an inquiry and we know that those stories will come out, and people will be hurt in the process. We are just not in that phase at the moment. Everyone needs to be transparent, and people need to know the phase that we are in.

It is incorrect to say fat cats are out there having laughing lessons. Those people are on the ground. If members go into a centre, they will see that the queues are down to the car park and think, "Well, what's going on in this centre?" When you walk in, you see supervised staff who are absolutely overwhelmed. You see people trying to find enough trained staff to get up there. Do members know what it has been like just getting enough people to perform those services? There are reviews of functional problems, but they are just trying to get a job done and brief the people they need to get the money to the right place and to make things happen fast. I move:

That this debate be now adjourned.

I am not suggesting that we put an end to the motion, by any means. The search for answers is important. I just ask that we not do it in this way, standing and screaming at each other in the Chamber. It is not appropriate. It is not about us; it is not about who said what about me. It is about the people with the fight of their life on their hands. I commend the motion to adjourn the debate to the House. I thank the Government for accepting my suggestion, and I thank members for considering this pause so that hot tempers can cool and the matter can be dealt with before the House in a more considered way.

The Hon. WALT SECORD (21:29): I see and hear the emotion and the pain that the Hon. Catherine Cusack feels. Upon consultation with my colleagues, I foreshadow that we will seek to amend the motion and go back to the original agreement with the Deputy Premier, which was negotiated with his staff this morning, for 35 days. We will honour the spirit of what was originally agreed to with the Deputy Premier despite the Deputy Premier launching his attacks. I will put all that aside. The Opposition will move an amendment for 35 days if the motion to adjourn the debate is unsuccessful.

The PRESIDENT: The question is that the debate be now adjourned.

The House divided.

Ayes 14
Noes 19
Majority.....5

AYES

Amato
Barrett (teller)
Cusack
Fang
Farlow (teller)

Farraway
Field
Martin
Mitchell
Nile

Poulos
Taylor
Tudehope
Ward

NOES

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

Graham
Hurst
Jackson
Latham
Mookhey
Moriarty

Moselmane
Primrose
Roberts
Secord
Shoebridge
Veitch

PAIRS

Franklin
Maclaren-Jones

Houssos
Searle

PAIRS

Mallard

Sharpe

Motion for adjournment of debate negatived.

The Hon. JOHN GRAHAM (21:40): I thank the Hon. Catherine Cusack for her very genuine contribution. I move:

That the question be amended by omitting "21 days" and inserting instead "35 days".

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (21:42): Madam Deputy President, is the clock working?

The DEPUTY PRESIDENT (Ms Abigail Boyd): I ask the Minister to propose that we extend the time for debate.

The Hon. SAM FARRAWAY: I seek leave to extend the time for debate.

The Hon. John Graham: We are happy to consider a request for leave, but could the member indicate the amount of time he is seeking?

The Hon. SAM FARRAWAY: I seek an additional two minutes.

Leave not granted.

The Hon. WALT SECORD (21:42): In reply: I thank all members for their contributions. I commend the motion to the House.

The DEPUTY PRESIDENT (Ms Abigail Boyd): I have been advised that although the time for debate has concluded, if a member wants to seek an extension of the time, it is not by leave but by motion.

The Hon. John Graham: Point of order: To clarify, are we able to go to a vote at this point, given where we are in the debate?

Mr David Shoebridge: To the point of order: We shut the debate. I heard the mover of the motion speak in reply, and the debate was shut.

The DEPUTY PRESIDENT (Ms Abigail Boyd): I have been very well advised by the Clerk on this matter. There is insufficient appetite to extend the time, but we can vote on the motion. We will now move to do that. The Hon. Walt Secord has moved a motion, to which the Hon. John Graham 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.

The House divided.

Ayes20

Noes13

Majority.....7

AYES

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

Field
Graham
Hurst
Jackson
Latham
Mookhey
Moriarty

Moselmane
Primrose
Roberts
Secord
Shoebridge
Veitch

NOES

Amato
Barrett (teller)
Cusack
Fang

Farraway
Maclaren-Jones
Martin
Mitchell

Nile
Taylor
Tudehope
Ward

NOES

Farlow (teller)

PAIRS

Houssos
Searle
Sharpe

Franklin
Mallard
Poulos

Motion as amended agreed to.*Motions***CLIMATE CHANGE****Ms CATE FAEHRMANN:** I move:

That private members' business item No. 1715 outside the order of precedence be considered in a short form format.

Motion agreed to.**Ms CATE FAEHRMANN (21:57):** I move:

- (1) That this House notes that on 27 February 2022 the Intergovernmental Panel on Climate Change finalised the Working Group II contribution to the *Sixth Assessment Report* which found that:
 - (a) human-induced climate change has already caused 1.0 degrees Celsius of global warming above pre-industrial levels and will likely reach 1.5 degrees Celsius between 2030 and 2052 if it continues to increase at the current rate;
 - (b) Australia is one of the most vulnerable developed countries to climate impacts, with climate change already driving extreme weather events, including the irreversible loss of coral reefs, loss of alpine species, collapse of forests in southern Australia, loss of kelp forests, sea-level rise, an increase in severe fire weather days and a dramatic increase in fatal heatwaves; and
 - (c) the world has only a brief and closing window to take action on climate change and secure a livable future.
- (2) That this House notes that New South Wales has already been experiencing an increase in extreme weather due to climate change, including the 2017 to 2019 drought, which saw the driest 36-month period on record and the 2019 to 2020 bushfire season which resulted in the deaths of 25 people in New South Wales, 5.3 million hectares of land burnt in New South Wales and a reported three billion animals killed or displaced, and toxic bushfire smoke blanketed major population centres for over two months leading to severe health problems including deaths.
- (3) That this House notes that the recent floods demonstrate the extreme impact that climate change is having on New South Wales communities with:
 - (a) Lismore receiving 775 millimetres of rain during the 24 hours to 9.00 a.m. Monday 28 February, the second highest daily rainfall ever recorded in New South Wales, causing Wilsons River to reach a height of 14.2 metres, two metres above the previous record flood level of 1954;
 - (b) nine lives lost;
 - (c) hundreds of residents having to be rescued from their attics and rooftops;
 - (d) 3,396 homes declared uninhabitable and another 6,708 inundated in the Northern Rivers with thousands of people displaced and sleeping in cars, caravans, tents, garage floors, evacuation centres and friends' places;
 - (e) one quarter of approximately 15,000 Hawkesbury-Nepean Valley properties that have been assessed to date have been declared uninhabitable; and
 - (f) on 15 March 2022 a record 140 millimetres of rain in Broken Hill in one afternoon, resulting in the death of a 56-year-old man who was swept into a concrete pipe.
- (4) That this House notes that there have been climate emergency declarations globally in 2,082 jurisdictions covering one billion citizens and in Australia in over 100 jurisdictions representing nine million people including declarations by the Australian Capital Territory and the Legislative Council of South Australia.
- (5) That this House:
 - (a) acknowledges that climate change is causing more frequent and intense extreme weather events that pose an existential risk to the people of New South Wales;
 - (b) declares a climate emergency; and
 - (c) calls on the Government to take urgent action to address the climate emergency by fast-tracking the decarbonisation of our economy, including the phasing out of coal and gas by 2030, and releasing a climate adaptation plan for New South Wales.

On 28 February the world's most expert climate scientists released yet another Intergovernmental Panel on Climate Change [IPCC] report warning us of disaster. They said that climate change is already starting to make parts of

the world unlivable. Only hours later, the floodwaters in and around Lismore started rising at terrifying speed. Within a few days the Nepean, the Hawkesbury and the Illawarra were also being hammered by the rain and soon half a million people across the State were told they needed to be ready to evacuate. Our Premier called the catastrophe that followed an unprecedented and unpredicted event.

Maybe the weather warning systems we have in place did not see this coming, but the IPCC report did. It told us exactly what to expect. The report tells us that we can no longer go on expecting a flood like this once every 500 years or even every 5,000 years. Those old assumptions will no longer explain what we are seeing, which is the force and brutality of the climate crisis. Just ask the people of Lismore. It is here, it is now and we have no choice but to face it. Today I call on this Chamber to acknowledge that we are experiencing a climate emergency. This declaration will offer the people of the Northern Rivers, western Sydney and other devastated areas the recognition they deserve—the honest truth: that the root cause of the distress, damage and loss of life they have suffered is climate change.

Declaring a climate emergency will also form the backbone needed for policy and legislative change in this State that recognises the crisis we are in. This motion is important because by naming the driving force behind the increasing frequency and magnitude of extreme weather events, we can connect them, and because we need to stop looking at each extreme climate event as an individual shock and start preparing for the reality that we are living disaster to disaster.

From one once-in-a-lifetime catastrophe to the next, it is an ongoing accelerated climate emergency. We have seen extraordinary resilience from the communities of New South Wales in the face of these crises. But disaster resilience is impossible when there is no time for towns, industries and ecosystems to recover. We need a different way of understanding the magnitude and frequency of the disasters we are facing because these are not natural disasters. There is nothing natural or normal about the catastrophes we are facing and the magnitude of them. They are climate disasters, symptoms of successive governments' policies and decisions. But we know all of that; none of it is new.

The surprise that our leaders expressed following this month's floods confirms that they have simply had their heads in the sand. They refuse to face the reality of the climate crisis and their pig-headed, persistent denial has slowed down their capacity to react when it really mattered. Instead of immediately mobilising funds and assistance on the ground, they prevaricated and delayed. While families spent desperate nights on their rooftops, while volunteers swam through windows to rescue elderly neighbours and while people's homes, businesses, schools and whole towns were being washed away in a muddy pile of wreckage, there was almost a week of indefensible silence before the Premier finally recognised that his Government had failed.

The DEPUTY PRESIDENT (The Hon. Wes Fang): According to sessional orders, proceedings are interrupted to permit the Minister to move the adjournment motion if desired.

The House continued to sit.

Ms CATE FAEHRMANN: That delayed reaction to the floods confirms what the IPCC report has been telling us: We are not prepared for more global warming. Where are our mechanisms to ensure this does not happen again? New South Wales used to have a department of and Minister for climate change and its job would have been to prepare us for what we are experiencing now, but this Liberal-Nationals Government scrapped it. We have been going backwards under this Government. We can change, but we need to change course. We need more investment in building our community's resilience, adapting to climate change and preparing for disaster. We know that we are in the third year of the last critical decade for action and the window of opportunity to take that action is narrow and closing rapidly.

We need to change course immediately. We need a legislative framework that allows us to recognise the scale of the response required. Just as a state of emergency needs to be called before we can release funding to Lismore or mobilise rescues for each individual disaster, a state of emergency needs to be called for the climate so that we can act quickly and with consistency, coordination and purpose. That is what this motion does. I urge all members in this place to put politics and vested interests aside and support this motion for the good of the people of New South Wales and their future.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (22:02): The Government opposes the motion. At the outset, I acknowledge the devastating impact that drought, bushfires, floods and enormous disasters have had on this State. In particular, we have seen the enormous suffering that flood victims and communities in our State have endured over the past few weeks, and we thank our amazing volunteers and emergency services personnel for their work. But the Government is already taking urgent action to address climate change, guided by science

and economics as well as the recommendations of the Intergovernmental Panel on Climate Change [IPCC]. Their message is clear: The window for decisive action to reduce emissions is narrowing.

That is why the Government has committed to delivering our net zero plan to accelerate the decarbonisation of the State's economy. We have set targets to achieve net zero emissions by 2050 and a 50 per cent reduction in emissions by 2030, based on 2005 levels. Across the economy the Government is acting in ways that are consistent with the IPCC's recommendations and it is fast-tracking decarbonisation. The global transition away from fossil fuels will take time and the New South Wales Government's future of coal statement makes clear the Government's continued support for coal production to meet global demand. Recognising that coal is likely to have a finite lifespan as an energy source, we will work to support coal-dependent communities to diversify for the future, ensuring they remain vibrant places to live with good employment opportunities.

In April 2021 the Government announced a Royalties for Rejuvenation fund, which will use a portion of coalmining royalties to ensure that coalmining communities have a strong future for decades to come. There will be \$25 million set aside each year to ensure that coalmining communities have the support they need to develop other industries in the long term. The New South Wales Government is also taking decisive action to reduce emissions from the generation of electricity in New South Wales. The Electricity Infrastructure Roadmap is the Government's plan to transform our electricity system into one that is cheap, clean and reliable. The Government is committed to providing New South Wales families and communities with confidence that the challenges posed by climate change can be solved by improving, not eroding, their prosperity. For these reasons, the Government opposes the motion.

Ms ABIGAIL BOYD (22:05): I support the motion of my colleague Ms Cate Faehrmann. She is spot on to draw the obvious connection between our changing climate and the catastrophic weather events we have recently experienced. From withering drought through to rampant fire and most recently cataclysmic rainfall and flooding, the cadence of climate impacts has reached fever pitch. The scientific literature, as advanced and comprehensive as it is, is now almost struggling to keep pace. In the 24 hours to 9.00 a.m. on Monday 28 February, Lismore endured 775 millimetres of unrelenting, torrential rain. With a level of dramatic irony befitting this unfolding tragedy, the latest instalment of the Intergovernmental Panel on Climate Change assessment report *Climate Change 2022: Impacts, Adaptation and Vulnerability* was released on the very same day. The report found that anthropogenic global heating, caused by carbon and other greenhouse emissions from rampant industrialisation, was causing increasingly frequent and intense extreme events such as heatwaves, droughts, floods, storms and fires.

The risks and impacts of climate change are increasingly complex, compound and cascading, intersecting and interacting with non-climatic risks that compound overall risk and cause cascading effects across sectors and regions. "Prescient" was a word that came to mind for many, yet tragically prescience was in short supply in New South Wales. Prescience or foresight would have seen this State equipped with a statewide climate change adaptation plan, as was promised by this Government in 2016 and meant to be completed in 2017. Last year I questioned the Treasurer on the Government's failure to deliver on that commitment. It is now 2022 and the commitment is five years overdue. Just weeks ago, I once again asked the Treasurer where this long-overdue plan was and when the people of New South Wales could expect to see it. Once again, the people of this State were brushed off with the response that an announcement was coming shortly. "Would we have been better prepared for the current floods if we had a statewide adaptation plan?" I asked the Treasurer. "I don't think so," was his reply. I think the people of Lismore would disagree.

The hopelessly, recklessly delayed adaptation strategy is counteracted, according to the Treasurer, by the Government's strong mitigation strategy. But nothing could be further from the truth. A State with a strong climate change mitigation strategy would not be rushing new fossil fuel projects out the door, scrapping planning regulations that require emissions restrictions and efficiency mechanisms, trashing public transport options and destroying our natural environment. Climate change necessitates a transition away from an economy reliant on unsustainable consumption and production of greenhouse gases. A government that is serious about climate change would be deeply involved in planning the transition to a more sustainable and equitable society. We implore the Government to commit to doing better, not just in mitigating the worst impacts of climate change but also in developing a transformative adaptation plan that recognises the value of diverse forms of knowledge—such as scientific, Indigenous and local knowledge—in understanding and evaluating climate adaptation processes and actions to reduce the risks caused by human-induced climate change.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (22:08): Clearly the Government opposes this motion, because I really do think it reads more like Mr David Shoebridge's manifesto for the Senate than a genuine motion for this House to consider. Like so many Greens policies, these proposals, such as phasing out coal and gas by 2030, would send a wrecking ball through economies such as the Hunter Valley. I do not think they really care, because the reality is that coalminers are absolutely expendable in the world

of The Greens. As a member of The Nationals, I acknowledge the realities of changing climates. Our members, the people we represent in rural and regional New South Wales, live and breathe this every day. That is why the Government is taking action on climate change. We have the most ambitious climate reduction targets in the nation. We aim to reduce carbon emissions by 50 per cent of the 2005 levels by 2030 and we aim for net zero emissions by 2050. That is all on the public record. We are out there championing that, but clearly they will never accept it.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The Greens members will listen in silence. They were heard in silence.

The Hon. SAM FARRAWAY: We also understand that with net zero targets there is scope for the continued export of coal to other parts of the world whilst the demand exists. Why wouldn't we do that, when countries like Poland and other European nations are seeking New South Wales thermal coal with prices anywhere between US\$300 and US\$400 per tonne? The Greens absolutely refuse to acknowledge that. The State remains on track for record royalties from mining. That is a strong signal and sign of the demand for coal globally, even as our reliance on domestic coal falls.

Mr David Shoebridge: Have you been to Lismore lately?

The Hon. SAM FARRAWAY: I have been plenty of times—more times than you.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I warn Mr David Shoebridge to be quiet.

The Hon. SAM FARRAWAY: That is why the Government is legislating for the Royalties for Rejuvenation fund at a time when the sector remains strong. If The Greens and those opposite are serious about supporting mining-related towns, they should support the mining amendment bill when it comes before this place. What would The Greens do if we shut down the coalmining industries tomorrow, like the towns of Singleton and Muswellbrook? They would not survive by the tilting of windmills and with all their pottery classes. The reality is that there is a need for jobs for the future. At the moment, those jobs are in mining and mining-related industries. It is clear that the Government will be opposing the motion.

The Hon. MARK LATHAM (22:11): One Nation opposes the motion. One problem with the motion and indeed the mover of the motion is that Ms Cate Faehrmann has never seen an exaggeration she did not like. The Greens' whole existence is to leach off catastrophe. To tell us two years ago—

Ms Abigail Boyd: Point of order: It is a pretty obvious one. Play the ball, not the man. The negative statements about my colleague Ms Cate Faehrmann are completely out of order. I ask that you bring the Hon. Mark Latham back to the substantive motion.

The Hon. MARK LATHAM: The Greens members are sensitive little petals, aren't they? All I said was that she never saw an exaggeration she did not like.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The Hon. Mark Latham will address his remarks to the motion.

The Hon. MARK LATHAM: Two years ago The Greens told us with absolute certainty that summer after summer there would be bushfire after bushfire in New South Wales. Matt Kean said it as well. He said, "We are going to have a permanent state of bushfires." That was their prediction. Why would anyone listen to them when they were 180 degrees wrong? It was not fires; it was floods. They cannot make up their minds. Ms Abigail Boyd said, "The word that came to mind was 'prescient'." The word that comes to mind is "confused" and the expression that comes to mind is "muddle-headed".

Tim Flannery said that the climate change exaggeration for him was that the rivers and dams in Sydney would never fill again, and now they are filling every other day. That is the problem with people who, maybe out of an emotional attachment or some other flaw in their thinking, cannot help themselves in exaggerating everything. Yes, climate science is real, but climate is not weather. That is a basic distinction. Climate is not weather. As Ross Garnaut said in his report to the Rudd Government relying on the best available climate science, you cannot attribute a single weather event to climate change, be it a bushfire or a flood or a drought. Weather events are not reflective of climate. Climate is a 100- or 200-year trend over time. Weather events come and go.

One of The Greens members mentioned the rising Nepean River at Camden. The floodwaters were more severe than we had seen for 30 years, but they were three metres below the floodwaters in the 1800s. They live a life psychologically relying on catastrophe, wanting catastrophe and waiting all summer for catastrophe. They were waiting for bushfires and then they found out, "Hang on, they were really floods," and they launch into the same speech and change "bushfire" to "flood". They think that is policy and analysis, but it is actually debasing the climate change cause because people think that these are wild inaccurate exaggerations that are not credible.

Then there is the Government and Matt Kean's \$10 billion expenditure on green energy and turning the electricity grid upside down. The net impact of his policies is to lower global surface temperatures by 0.0055 degrees Celsius over a century. It is a God complex.

The Hon. PETER POULOS (22:14): The Government opposes this motion. The Intergovernmental Panel on Climate Change has for years been warning that climate change will increase the frequency and intensity of extreme weather events. That is why the New South Wales Government is endeavouring to take decisive action to address the causes and impacts of climate change in this State. We are already acting to prepare our electricity sector for a low-emissions world. We are accelerating the transition from combustion engine vehicles to electric vehicles. We are investing in the transformation of the New South Wales industrial sector, as well as the development and commercialisation of clean technologies the world needs to achieve net zero emissions. We have announced a \$125 million investment in the Primary Industries Productivity and Abatement Program to drive sustainable land management, boost productivity and help reduce emissions. Our Net Zero Plan is a whole-of-economy plan to fast-track the decarbonisation of our economy.

The Government is also taking decisive action to reduce emissions from the generation of electricity in New South Wales. The reality is that four of our five coal-fired power stations will come to their scheduled end of life in the next 15 years, and we need to get moving now to ensure we have the next generation of energy infrastructure in place to keep our grid cheap, reliable and clean. Our priority is doing so to ensure that we create jobs, stimulate the economy, support our regions and protect New South Wales consumers. The Electricity Infrastructure Roadmap is the Government's plan to transform our electricity system into one that is cheap, clean and reliable. The road map is expected to reduce annual New South Wales electricity emissions by over 80 per cent by 2030, helping New South Wales to reach net zero emissions by 2050.

In September last year the Government announced it would develop a climate change adaptation strategy. This will set out the New South Wales Government's strategic approach to preparing New South Wales to manage the impacts of climate variability on the State. This strategy is under development and will be released soon. We also committed to releasing climate change impact, risk and adaptation statements, consistent with the Task Force on Climate-Related Financial Disclosures framework, every two years. The strategy and statements will help put our communities, businesses and environment in the best position to maximise opportunities and minimise harm from climate change. The Government is taking real steps to address the impact of climate change. For these reasons, among so many, the Government opposes this motion.

Mr DAVID SHOEBRIDGE (22:17): I support this motion and commend my colleague Ms Cate Faehrmann for moving it. I commend as well the contribution of my colleague Ms Abigail Boyd to debate on this motion. Clearly, we are in a climate emergency. If we want to see the proof of that, just review the history of the past 2½ years. Some members continue to say that the escalating series of extreme weather events we have is unrelated to climate. They can say that all they like. The science proves them wrong. And our lived experience over the past 2½ years is proving them deeply and tragically wrong. At all points the science has said we will get more and more extreme weather events—extreme flooding one year, extreme fire the next year; extreme flooding and fire the next year; and maybe extreme drought and continued extreme drought. The ignorance of those opposing this motion is genuinely astounding.

But the community has moved well beyond that kind of marginal, anti-science, tin hat debate that is happening in the far reaches of the right of New South Wales politics. The community has moved well beyond that because the community has seen what has happened to Lismore—the annihilation of Lismore from just one extreme weather event. A rain bomb sat on the town in a way that none of us could have imagined before we saw the extreme events of climate. The community has seen the fire bombs that happened in the Black Summer fires. We have had rain bombs and fire bombs—the most extreme weather events we could imagine in our country. We and a growing majority of Australians are asking for direct action on climate change. It is true that we have a road map to get renewable energy in New South Wales. We were glad to support that.

But you cannot have a road map to support renewable energy and then do what this Coalition Government is doing with the support of the Labor Party. This week the Government is pushing to open an extended open-cut coalmine, the Glencore Glendell extension in the Hunter Valley, which will put more than 330 million tonnes of carbon dioxide into the atmosphere. That is just from that one extension, and there are dozens of them across the Hunter Valley. The Government cannot say we are moving towards a zero-carbon economy on one hand and keep feeding the export coal industry beast on the other. The Greens have the only fully costed Federal plan for that: a job-for-job guarantee for the coalminers and coalmining industry. It is the only national plan to make sure that those coal-dependent communities have a future after coal. If the Government is going to be honest with coal communities, it should stand by them and give them hope, not bullshit politics like we have got tonight.

Mr JUSTIN FIELD (22:20): I can only imagine what people in Lismore, Mullumbimby, Ballina or Woodburn would be thinking if they were listening to this debate in the Chamber tonight—a 30-minute debate

with MPs yelling at each other across the aisle. I am in total agreement with the motion Ms Cate Faehrmann has put before the House tonight. The reality is that the passage of this motion will not change those circumstances. It will not hurry the transition and it will not change the reality that we are facing. The science is clear on that. But I say to the Government that opposing it does not address what needs to be done for the communities that are living with that reality right now and for all of us who will face the consequences of inaction over the past few decades from governments here and around the world.

If Government members think that they are taking urgent action against climate change, I ask that they please have a look at what the Government is actually doing. The reality is that the scope 1 and 2 emissions resulting just from the approvals of new coalmines in New South Wales in this particular term of this Government will exceed the reductions under the Government's planned Electricity Infrastructure Roadmap. The rejuvenation fund is \$25 million a year. How many billions of dollars are going to be spent to recover the communities on the North Coast? What did it cost to recover from the fires on the South Coast? Government members are kidding themselves if they think that is going to make a difference to addressing this challenge either in those communities in the Hunter or anywhere in New South Wales.

Right now in New South Wales there are coalmine expansions and new explorations on the table. The Government is not supporting a strategic wind-down of these industries or supporting workers. It is actually proposing new exploration and new mining development. A billion tonnes of native forest is proposed to be burnt in a revamped old coal-fired power station, burning our native forests for electricity in the Hunter. That proposal is on the table right now. In the past two years 100,000 hectares of new land clearing has been approved in New South Wales. All of those things make this much harder to deal with. Government members are kidding themselves if they think the Government is taking urgent action to deal with this challenge for our State or that it is pulling its weight in terms of our country.

Other people around the world are laughing when they look at what is happening here. They are laughing and crying because they know that as a wealthy country with phenomenal resources, we have a unique place to do more and lead the way. We are missing that opportunity for our own country, and we are all going to suffer economically and environmentally as a consequence of it.

The Hon. JOHN GRAHAM (22:23): I thank all the members who have contributed to this debate—some in some very different directions—and Ms Cate Faehrmann for moving this motion. Over the course of the week there has been quite a lot of discussion about the floods, but I have not contributed much to those discussions. I add my thoughts for all those communities that have gone through those incredibly testing times. It was genuinely scary to be texting friends, family and people I knew up in those northern areas as they were literally saving themselves. Even more terrifying was having the communications system fall down in some of those communities, with the communication being cut off altogether.

That is one of the most pressing issues that governments—this is more a Federal Government responsibility—have to tackle. I note the Government's contributions to debate on the motion. I would feel more comfortable about them if we had not had a number of key Ministers leaning so heavily on the fact that these events were unprecedented. That is what they wanted to emphasise but with little discussion of the fact that we may well experience more events, whether it be fire, flood or whatever else is coming down the line for New South Wales communities.

The Opposition's view is that it is better to be up-front and to discuss these issues with communities. I would feel better about the Government's contribution if Ministers were not heading in different directions on these issues—if Minister Stokes were not putting in place key protections through planning measures to cope with fire or flood, only for Minister Roberts to remove them two weeks later. That would make the Government's case more credible. Finally, I was pleased to hear that the climate adaptation plan is "coming soon". In 2017, more than six years ago, Mark Speakman—the then assistant planning Minister and environment Minister—promised that. It is still "coming soon" despite the fires and the floods. It is time to act on these complex issues. It will not be easy, but we do need to act. I move:

That the question be amended by omitting paragraphs (5) (b) and (5) (c).

Ms CATE FAEHRMANN (22:26): In reply: It is disappointing, but not surprising, that the Government and the Opposition do not support the motion as moved. It is not the first time that The Greens have moved a motion in this place calling for a declaration of a climate emergency. Essentially, the Opposition is attempting to gut the entire intent of the motion by removing paragraph 5 (b), which requires the House to declare a climate emergency, and paragraph 5 (c), which requires the House to call on the Government to take urgent action to address the climate emergency by fast-tracking the decarbonisation of our economy, including the phasing out of coal and gas by 2030, and releasing a climate adaptation plan for New South Wales.

At what stage will any of the major parties—the Liberal Party, The Nationals or the Labor Party—acknowledge where this State is at with climate change? We hear lots of fluffy statements. The Government says it accepts that climate change is happening and announces that it is investing \$25 million and trying to bring down emissions by 2050. But it is completely ignoring the substance of the motion and the matters I spoke to earlier, namely the report of the Intergovernmental Panel on Climate Change and the fact that the United Nations has said that we are in a critical decade and that we must phase out coal and gas this century. This is the critical decade in which we need to do it. What occurred in Lismore over the past few weeks is absolutely catastrophic. That town was completely wiped out.

Every person in Lismore says they are in shock. People have lost their houses and their businesses. Their kids have lost their schools. It is like nothing they have ever experienced; ditto for the bushfires two years ago, when people said they had never seen anything like it. The problem with the approach of this Government is that it is simply business as usual—just another natural disaster. We will continue to push for a climate declaration in New South Wales, both in this place and outside of it, until we have recognition from the Government that we are in an emergency in which our weather systems no longer provide us with a safe climate. When will the Government recognise that and act so that it can keep the people of New South Wales a little bit safer than it has to date?

The DEPUTY PRESIDENT (The Hon. Wes Fang): Ms Cate Faehrmann has moved a motion, to which the Hon. John Graham has moved an amendment. The question is that the amendment be agreed to.

Amendment negatived.

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

The House divided.

Ayes4
Noes28
Majority.....24

AYES

Boyd (teller)
Faehrmann

Hurst

Shoebridge (teller)

NOES

Amato
Banasiak
Barrett (teller)
Borsak
Buttigieg
Cusack
D'Adam
Donnelly
Fang
Farlow (teller)

Farraway
Graham
Jackson
Latham
Mallard
Martin
Mitchell
Mookhey
Moriarty

Moselmane
Nile
Poulos
Primrose
Roberts
Secord
Taylor
Tudehope
Veitch

Motion negatived.

Documents

MR LUKE MOORE

Production of Documents: Further Order

The Hon. ROD ROBERTS: I move:

That private members' business item No. 1711 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. ROD ROBERTS (22:40): I move:

(1) That this House notes that:

- (a) on 24 November 2021 this House ordered the production of documents relating to the arrest, charging and detention of Mr Luke Moore on 25 February 2021 under Standing Order 52;

- (b) on 11 February 2022 the Clerk received a return consisting of:
 - (i) correspondence from the General Council, NSW Police Force, which advised that no documents would be returned to the order of the House according to Crown Solicitor's advice entitled "ADVICE RE SO 52 – MOORE L";
 - (ii) the Crown Solicitor's advice entitled "ADVICE RE SO 52 – MOORE L", returned according to paragraph (c) of the order for papers, which requires the return of "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"; and
 - (c) the Crown Solicitor's advice contains redactions, which, according to the NSW Police Force, "relate to prospective civil proceedings by Mr Moore that may not have been made public".
- (2) That this House:
- (a) notes the established practice under Standing Order 52 for a document considered to be privileged to be returned to the House along with reasons for the claim of privilege and for such documents to be made available only to members of the Legislative Council and not published or copied without an order of the House; and
 - (b) reasserts its power to order unredacted State papers, including Crown Solicitor's advice.
- (3) That, under Standing Order 52, there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents in the possession, custody or control of the Minister for Police or the NSW Police Force:
- (a) an unredacted copy of the Crown Solicitor's Office advice entitled "ADVICE RE SO 52 – MOORE L", received by this House in redacted form on 11 February 2022; and
 - (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

On 24 November 2021 this House ordered under Standing Order 52 the production of documents relating to the arrest, charging and detention of Luke Moore by the New South Wales police on 25 February 2021. Mr Deputy President, to refresh your memory, I mention that Luke Moore was arrested, charged and subsequently spent three weeks in prison without bail. However, after three weeks all charges were withdrawn and Mr Moore was released from prison. At this juncture I remind members that the order that this House passed on that date also required the return of "any legal or other advice regarding the scope or validity of the order of the House as a result of the order of the House".

On 11 February this year the Clerk received a return consisting of correspondence from the General Counsel, NSW Police Force, advising that no documents would be returned following advice from the Crown Solicitor. The Crown Solicitor's advice was returned to the Clerk, according to paragraph (c) of the original order, as it was legal or other advice. The advice was an assertion that this matter should have been dealt with, according to the Crown Solicitor, under Standing Order 53 and not Standing Order 52. Their position is that it is a matter that concerns the administration of justice. I contest this point of view, but that is a matter for debate on a future occasion. What alarms me—and I also suggest alarms, or should alarm, other members of this Chamber—was this legal advice was returned as part of the scope of the original order but it contained redactions. I repeat: The document returned contained redactions.

These redactions, according to the New South Wales police, relate to prospective civil proceedings by Mr Moore that may not have been made public. I say "according to the police" because we do not know for sure what the information was since it has been redacted. They are suggesting that we should rely on their assertion. It is a long-established practice that for a document to be considered privileged it is returned to the House along with the reasons for the claim of privilege. Standing Order 52 (5) states:

Where a document is considered to be privileged:

- (a) a return is to be prepared showing the date of creation of the document, a description of the document, the author of the document and reasons for the claim of privilege,
- (b) the documents are to be delivered to the Clerk by the date and time required in the resolution of the House and:
 - (i) made available only to members of the Legislative Council,
 - (ii) not published or copied without an order of the House.

In other words, members cannot make public the information contained therein. Mr Deputy President, as you know, if a member chooses to contest or dispute the claim of privilege, they communicate that to the Clerk in writing. The Clerk is then authorised to release the disputed document or documents to an Independent Legal Arbiter for evaluation and report. Mr Deputy President, as you would know, the President himself appoints that arbiter and the arbiter must be a Queen's Counsel, a Senior Counsel or a retired Supreme Court judge.

The power to order documents is derived from the common law and not Standing Order 52. What Standing Order 52 does, though, is outline the administrative process for such an order; but not only does it outline it, it does so in detail and is very clear and specific as to what procedures are to be followed. So what we have here is

a flagrant disregard—a clear breach, if you will—of the specific process to be followed as detailed in Standing Order 52.

We have legal advice prepared by the Crown Solicitor and, as I said, I will contest that at another time. That advice is then sent to Ms Natalie Marsic, who signs off as general counsel for the NSW Police Force. Ms Marsic turns herself into the chief censor. In her own mind, she has become the legal arbiter and has decided that certain information will be redacted and not made available to the members of this place. Where she gets that power or authority is a mystery to me. I suggest that is a great overreach of Ms Marsic's power and the role that she should play in this matter. Furthermore, Ms Marsic then forwards her document to the Department of Premier and Cabinet, where Michael Coutts-Trotter also signs off on it as secretary but notes in his correspondence that redactions have been made. His action in doing so clearly rubberstamps Ms Marsic's approach.

I ask the House to please grant me leave for an extension of one minute further.

Leave granted.

The Hon. ROD ROBERTS: I thank the House. Therefore, two senior public servants are now choosing to ignore the detailed processes of Standing Order 52 and are taking the matter of privilege into their own hands, against the well-established and practised process of the claiming of privilege as outlined in Standing Order 52. That is an affront to this House and its members, and it should not be accepted or tolerated. The House needs to reassert its power to order unredacted State papers, including Crown Solicitor advice. In that regard, I call on members to support the motion that an unredacted copy of the Crown Solicitor's advice be provided under Standing Order 52. If the agencies still wish to claim privilege, the proper process should be followed.

Mr DAVID SHOEBRIDGE (22:46): I indicate that The Greens will support the motion and acknowledge the work and the history that the Hon. Rod Roberts put on record. The idea that the New South Wales police can simply redact, to quote from the materials produced, anything that relates "to prospective civil proceedings by Mr Moore that may not have been made public" is deeply wrong. It is not the job of some solicitor in the police service to work out what should be redacted in the public interest. The obligation is to produce documents that fall within the scope of the terms of the order. A privilege claim can be made but subject to the documents being made available for inspection by members. If there is a dispute about privilege, that is considered by an arbiter. The opinion of the arbiter is ultimately considered by this House, which determines whether the documents should be made public.

That is the process, and it cannot be cut short by a solicitor inside the police service taking it upon themselves to be the arbiter and the House altogether. That is what has happened here. The Greens support the motion, but we also cannot see why it would take seven days to produce an unredacted copy of a document that we know already exists. If the documents are not produced, we want to be able to take action next week so we can enforce the order of the House. For that reason, I move:

That the question be amended by omitting "7 days" in paragraph (3) and inserting "3 days".

The Hon. WALT SECORD (22:48): Labor will support the motion.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (22:48): Government members do not oppose the honourable member's motion for an unredacted copy of the document or the amendment to the motion, but we disagree with the premise upon which the document is ordered. The Crown Solicitor's advice dated 19 January 2021 concluded that the documents would "concern the administration of justice" for the purposes of Standing Order 53. I am advised that the advice was tabled voluntarily by the NSW Police Force as an explanation for its response to the House. I am also advised that minor redactions relating to civil proceedings were made to information in the legal advice that was not in the public domain. This was communicated in the letter from the NSW Police Force to the Department of Premier and Cabinet, which was provided to the Clerk.

Paragraph (1) (b) (ii) of the motion asserts that the advice was returned according to paragraph (c) of the order for papers, which required the return of "any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House". I am sure that is not right. In his advice of 9 April 2014, which has been tabled in the House, the Solicitor General, along with Anna Mitchelmore, noted:

It is difficult to see how an order can identify a document and so demand its production if the document has not yet been brought into existence.

The advice concluded that it was:

... doubtful, in our opinion, that an order can validly refer to documents that have not yet come into existence at the date of the order.

The Government does not oppose the motion to order the unredacted copy of the advice under paragraph (3). However, we strongly disagree with and oppose the assertion made by the honourable member that the advice

should have been produced under paragraph (c) of the original order for papers on the basis of the Solicitor General's advice, which I referred to earlier.

The Hon. MARK LATHAM (22:50): As one of the curators of the Mookhey library, there is an abiding principle involved here, and that is there is no excuse for redacting these documents. The appropriate process is to seek the claim of privilege and allow the processes to follow thereafter. I am also curious about the statement of the Leader of the Government that there is a legal opinion that states that documents cannot be produced that have yet to come into existence. The Government has done that previously in the matter of the Hon. Brad Hazzard dodging his obligation to isolate because of COVID. It produced a document, constructed subsequently to the Standing Order 52, by Dr Michael Douglas that provided an explanation of what happened. That document did not exist at the time of the Standing Order 52. The Government has previously produced documents that were yet to come into existence as an explanation for how the Hon. Brad Hazzard dodged his legitimate COVID isolation obligations.

The Hon. Damien Tudehope: We will always do that voluntarily.

The Hon. MARK LATHAM: He is saying that the Government always does that voluntarily.

The Hon. Damien Tudehope: We can do it voluntarily.

The Hon. MARK LATHAM: You can, and you can do it again in this case. The situation is exactly the same.

The Hon. Damien Tudehope: No, we cannot, not as a matter of law.

The Hon. MARK LATHAM: The people who have redacted the documents as a matter of law—

The DEPUTY PRESIDENT (The Hon. Wes Fang): Order! Members will direct their comments through the Chair. Members in the Chamber will allow speakers to be heard in silence.

The Hon. MARK LATHAM: Those who have redacted the document need to understand the status and the legal powers of this Chamber and should abide by them under all circumstances. All members should be united in saying that we will not tolerate redacting. To set an example in this one instance would allow it in others. If the police could redact documents, we never would have known what happened with Mal Lanyon, the assistant commissioner at the Big Merino—full as a boot, lying in the gutter, standing up with the assistance of police officers and taking a swing at the ambos. There are matters that the police would undoubtedly like to keep secret, but that does not make it right. In this instance the redacting is a disgrace and it should not be allowed to stand. All members must be united in protecting the rights and powers of this Chamber.

The Hon. ROD ROBERTS (22:53): In reply: I will be very brief. I thank all members who have contributed to the debate. Pauline Hanson's One Nation will support the amendment moved by Mr David Shoebridge. I note that in his reply the Leader of the Government skipped and skirted around the issue of privilege and how privilege is claimed. I put on the record that that was not mentioned at all in his contribution.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The Hon. Rod Roberts has moved a motion, to which Mr David Shoebridge has moved an amendment. The question is that the amendment be agreed to.

Amendment agreed to.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The question is that the motion as amended be agreed to.

Motion as amended agreed to.

COVID-19 EXPENDITURE

Production of Documents: Order

The Hon. DANIEL MOOKHEY: I move:

That private members' business item No. 1707 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. DANIEL MOOKHEY (22:55): I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents in the possession, custody or control of the Treasurer, Treasury, Department of Communities and Justice or Department of Education relating to COVID-19 cost-centres and expenditure:

- (a) any document which lists all cost-centres for the general-government sector sitting within NSW Treasury Accounts and which identifies by cost-centre:

- (i) the business unit;
 - (ii) the cost-centre code; and
 - (iii) the cost-centre description;
- (b) the internal list of cost-centres used by the Department of Communities and Justice, Department of Education, and Corrective Services NSW which identifies by cost-centre:
 - (i) the business unit;
 - (ii) the cost-centre code; and
 - (iii) the cost-centre description;
- (c) all invoices and purchase orders that document the expenses incurred by the Department of Communities and Justice, Department of Education or Corrective Services NSW which were paid using monies appropriated to respond to the COVID-19 pandemic; 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 do not intend to detain the House for long because, as a wise person once said, one should quit while they are ahead, and I divine that this particular call for papers could be the one in which I have the enthusiastic support of the Leader of the Government. I look forward to him grabbing the rostrum to express his enthusiasm behind the Government's potential support for this motion. It arises as a result of three whistleblowers coming forward to say that they have been told to charge COVID emergency funding for non-COVID-related items. One of those whistleblowers has gone public and said that they are treating those funds like a black Amex card and using them to pay for everything from lunches for public servants to carpets, office furniture fit-outs, meeting rooms and many other matters that none of us would consider to be related to COVID emergency expenditure.

To put this into perspective, at the same time many of our COVID-19 first responders are crying out for more resources. At the same time that many of those people were forced to endure a pay cut to save the budget money to permit the pandemic response we are hearing about these accusations. To be clear, three accusations from three separate departments have arrived in the public domain. They are affecting the Department of Communities and Justice, Corrective Services NSW and the Department of Education. This is awfully troubling. The Opposition has pursued this matter in budget estimates hearings and has taken the word of the Government in good faith that it has not been happening with its connivance or support. But it is troubling that three separate people from three separate departments made the allegations at the exact same time and when neither the Treasury nor the departments are in a position to provide us with the requisite levels of reassurance that this was not happening.

It calls upon us to ensure that we properly scrutinise and inspect the allegations. The House has given the Executive Government tremendous lenience when it comes to appropriating funds to respond to the pandemic, as we should have. No-one wants any first responder to go without resources as a result of undue scrutiny on behalf of the Parliament or undue opposition in a political way. I recall that when the Hon. Walt Secord was shadow Treasurer, and when I was, we held this position that we will support all expenditure related to COVID-19. That bipartisanship has been very important. The fact is that the Government was able to use emergency appropriation funding to the tune of billions of dollars. We are not talking about small potatoes. We are talking about billions of dollars of borrowed money, appropriated without the scrutiny that we ordinarily subject spending to, on the basis that the State needed it for the emergency response and that it was above politics.

We hold to that position. But it was always on the basis of trust, and when allegations like this are emerging from senior levels across three departments, it is seriously worrying. So this motion under Standing Order 52 is the start of our scrutiny of this matter. It is not the end. We hope to be able to work through it, ideally in a cooperative way. I called for the Treasurer to establish an investigation at the time. He did not. My preference would have been for Treasury to establish its own investigation into this matter. It did not. As a result, it falls to us to do our job, and that is why I have moved this motion.

I appreciate the dialogue that we have had with the Treasurer's office today and the professionalism that has been adopted in how we have interacted. I anticipate that some amendments might be moved to this motion under Standing Order 52. If those amendments are as I anticipate, they will have the support of the Opposition as well. I therefore commend the motion to the House, and I look forward to the support of the Government.

The Hon. SCOTT FARLOW (23:00): This was one of the small areas of cooperation this evening with the Hon. Daniel Mookhey. I am advised that there has been some collaboration and some discussions. Under advice, I move:

That the question be amended as follows:

- (a) omit "14 days" and insert instead "21 days";

- (b) omit paragraph (a); and
- (c) in paragraph (c) omit "all invoices and purchase orders that document the expenses incurred by the Department of Communities and Justice, Department of Education or Corrective Services NSW" and insert instead "a list that documents the expenses incurred by the Department of Education or Corrective Services NSW".

Mr DAVID SHOEBRIDGE (23:00): The Greens support the motion. In principle, we support the amendments being moved by the Government to narrow the amount of paper that is being produced. If the discussions that are continuing can produce an even more refined motion, The Greens would probably agree with where that would go as well. I think we are all deeply disturbed by some of the commentary that was made about treating the COVID funds potentially as a black American Express credit card and that should trouble everybody.

In that regard, getting some light on what the actual expenses have been will be important. I know we discussed some of this in budget estimates hearings. I recall Mr Coutts-Trotter having matters put to him and he denied that there was any broad cultural issue. He indicated that the costs were properly allocated to cost centres. Whilst I accept at face value that statement, The Greens believe it is prudent to test it with some documentary evidence. For those reasons, The Greens support the motion and look forward to some more refined amendments coming forward.

The Hon. JOHN GRAHAM (23:02): It will come as no surprise that the Opposition seeks to turn the spotlight on to this particular source of expenditure. As members have indicated, it has come to light out of the budget estimates process. We do not want to jump to judgement too quickly, but this is one of the potential areas where the documents reveal that some of this expenditure has been the source of funds that have been moved around and were not really allocated for what the public would expect. The concern that underlies this call for papers is that when they open the can what is in it is not what is on the label.

I thank my colleague for bringing it forward. This forensic examination of individual pots of money is in the tradition for which the Hon. Daniel Mookhey is rapidly becoming known in this House. I was unable to hear the entire contribution as I was dealing with one other issue, but specific issues about these areas were raised during the budget estimates process. Agencies, or particular parts of agencies, have been using these accounting systems and pots of money and shifting across ordinary, routine expenditure from other areas of their activity. That is precisely the sort of thing that this House should be examining, that the budget estimates process should be examining and that the call for papers process is ideally suited to. I commend the motion to the House.

The Hon. MARK BUTTIGIEG (23:04): I move:

That the question be amended by inserting into paragraph (b) and (c) "and NSW Treasury" after "Corrective Services NSW".

The Hon. DANIEL MOOKHEY (23:05): In reply: I thank the Hon. Scott Farlow, Mr David Shoebridge, the Hon. John Graham and the Hon. Mark Buttigieg for their contributions to the debate, which was slightly longer than expected. I am disappointed that the Leader of the Government did not join the fray. I was looking forward to his contribution. Nevertheless, both amendments are acceptable to me as the mover of the motion. I again commend the motion to the House.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The Hon. Daniel Mookhey has moved a motion, to which the Hon. Scott Farlow and the Hon. Mark Buttigieg have moved amendments. The question is that the amendment of the Hon. Scott Farlow be agreed to.

Amendment of the Hon. Scott Farlow agreed to.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The question is that the amendment of the Hon. Mark Buttigieg be agreed to.

Amendment of the Hon. Mark Buttigieg agreed to.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The question is that the motion as amended be agreed to.

Motion as amended agreed to.

MINISTRY OF HEALTH ASSET MANAGEMENT POLICIES

Production of Documents: Order

The Hon. DANIEL MOOKHEY: I move:

That private members' business item No. 1709 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. DANIEL MOOKHEY (23:08): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2020 in the possession, custody or control of the Treasurer and Minister for Energy, the Minister for Health, or the Minister for Women, Minister for Regional Health, and Minister for Mental Health, Treasury, or Ministry of Health, relating to the NSW Treasury document entitled *Asset Management Policy for the NSW Public Sector*, dated October 2019:

- (a) all current asset management policies, asset management plans, strategic asset management plans, asset utilisation and recycling plans, asset registers, and the 10-year capital investment plan for:
 - (i) Ministry of Health;
 - (ii) all local health districts;
 - (iii) NSW Ambulance;
 - (iv) Health Infrastructure NSW; and
 - (v) HealthShare NSW.
- (b) all briefs, including attachments to briefs, regarding any of the documents listed above, sent to, signed by, drafted by, received by or approved by:
 - (i) the Treasurer and Minister for Energy;
 - (ii) the current or former Treasury Secretary;
 - (iii) the Minister for Health;
 - (iv) the Minister for Women, Minister for Regional Health, and Minister for Mental Health; and
 - (v) the Secretary of NSW Health.
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This call for papers relates to certain asset management policies that are required to be maintained by all government departments and units, particularly those in the general government sector. Observant members would know that there are a few of these sitting on the *Notice Paper* that affect some of the major spending portfolios on the capital side. I will place this into some context so that members can properly appreciate what these documents are and why the House should seek them. According to a Treasury policy, all government departments are now required to maintain six discrete sets of documents. They are asset management policies, asset management plans, strategic asset management plans, asset utilisation and recycling plans, asset registers and a 10-year capital investment plan. These documents have to be maintained every year, and they are the documents that cover off the asset base for New South Wales.

In respect of this particular motion, firstly, the health department controls billions of dollars' worth of assets. Secondly, it is no secret that the resources in our health system are always under strain, especially on the capital side. The work that this House has done in the inquiry into rural and regional health has demonstrated just how severe the stresses are on the capital side of the budget. Equally, we are hearing more and more about particular issues that are affecting construction projects and what that means as well. It raises quite an interesting question for the House, which is whether or not any government—this Government now, but any government in the future—actually has the resources and has put aside enough of the money required to maintain a world-class health system. I anticipate that a similar issue will arise when we get to the education debate as well. That is the context that informs the development of this particular call for papers under Standing Order 52.

The actual policy that this SO 52 will trigger is a policy that was reviewed by Treasury and established in 2019. It has now been operating for two to three years. Various other forms of inspection by this House, particularly of the transport department, have brought certain parts of the issue to light. We are asking for only four of the documents; the order is not actually not that onerous. I am the first to acknowledge that the way in which the Health cluster is organised is such that there are multiple entities that carry the obligation to maintain the policies, but in fact much of this information is centralised with the Ministry of Health and should, therefore, be relatively easy for them to produce.

The reason the House should be inspecting this right now is that every year each one of these agencies is meant to be looking at things like an asset utilisation recycling plan, which is code for "disposal". There are legitimate circumstances, particularly in health, where asset disposals are necessary. We are not quibbling with that. That is reported in the annual accounts. That is fine. But it is a really important question about whether or not we are building assets in the right places and whether we are disposing of them in the right places, particularly when we are dealing with so many new growth regions in outer metropolitan Sydney and also in regional New South Wales, and whether or not the assets are being moved to the appropriate population centres is an important point.

I will conclude with this. This motion is not meant to be hostile towards the Government. It is not meant to be offensive to the Government. It is not in the vein of other calls for papers that I moved under Standing

Order 52, which I freely confess are scrutinising and interrogating government failure. This might be in the category of alerting us to a looming failure that could take place under either side of government. Therefore, it is important the House has knowledge of this. Our powers to compel the production of documents are not simply limited to circumstances of government failure. They are also necessary for this House to properly consider its responsibilities when it comes to the budget, future planning and future policy development.

As the Government has said on multiple instances, the more information is in the public domain, the better the quality of the public debate. Equally, if the Government has deliberately designed the asset management framework to reflect these outputs and if it is true to its word, it should not really have anything to worry about. Given I am being told that I am persuading members of the House, I will return to my only point and quit while I am ahead. I commend the motion to the House.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (23:12): By the member's own admission, this call for papers is a fishing expedition. He admitted that some of his other similar motions had serious content, but this one falls into a different category. It fits into the category of a fishing expedition. But it is worse than that. In many respects, this is a duplication of a previous call for papers that was moved by the Hon. Walt Secord in respect of the same sort of documentation. We are asking people to go again and do exactly the same tasks as we had asked them to do before. We are engaged in an abuse of process, and this member is probably the leading expert in the country at exploiting that process. I have to say that there are some things that set the Hon. Daniel Mookhey apart from all his colleagues and that is his ability to just persistently use the standing orders of this place to try to achieve these sorts of outcomes.

Mr David Shoebridge: A shocking commitment to transparency.

The Hon. DAMIEN TUDEHOPE: It is a shocking abuse of this place and of the standing orders. Notwithstanding that, the President rightly identified that the Hon. Daniel Mookhey is establishing his own wing in this place. That effectively goes to the problem with these sorts of applications. First, it is a duplication. Secondly, we are asking public servants to produce the same documents again and to do exactly the same work again when, as we are emerging from a pandemic, we should be asking them to do lots of other things. The Hon. Daniel Mookhey says, "Oh, there are only three or four documents", but this application is, in fact, asking for "all briefs, including attachments to briefs, regarding any of the documents listed above, sent to, signed by, drafted by, received by or approved by the Treasurer and Minister for Energy, the current or former Treasury Secretary, the Minister for Health, the Minister for Women" and so on.

A significant amount of work would have to be done by all those agencies to comply with the fantasies of the honourable member. In any event, he keeps on doing it, and the Government, being like we are, will oppose it, although we acknowledge that probably we will fail. But the cost that he has single-handedly exploited for those meandering thoughts is significant. I move:

That the question be amended by omitting "21 days" and inserting instead "35 days".

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (23:16): I speak for the Government to oppose this motion. I am a strong believer in the processes of this House and in transparency and accountability, having worked for members of the Opposition and seen how effectively the Opposition can hold government to account. But the motion is yet another example of a gross abuse of a process in this House that is intended to produce particular documents for a particular purpose. The motion is for neither a particular purpose nor particular documents. It is as broad as a rainbow can possibly be. I draw the attention of members to the fact that not only is this an abuse of process but it also results in a very real use of taxpayer dollars.

There are real people who will have to sift through those documents yet again. Those bureaucrats have jobs to do, particularly in a pandemic and in floods. They want to get on and do their jobs in the Ministry of Health, local health districts, the ambulance service, infrastructure and HealthShare, and all of them are instead involved in this exercise. It would be justifiable at first blush if it was the first occasion. But it is not the first, the second or the third occasion. These documents have been requested previously and the honourable member is at times somewhat—and I mean no disrespect, because he is doing his job—flippant about the number of Standing Order 52 motions in this House.

This is a government that does not shy away from transparency. It is quite prepared, willing and able to be clear about its infrastructure projects and work, most of which is available publicly. Most of the questions that I get for written answers pertain to information that is publicly available. This is a government that has implemented processes to ensure that information is freely available on websites, and it is published except for circumstances where it is Cabinet-in-confidence or commercial-in-confidence. But this is yet another example of the Opposition producing hours and hours of work for the bureaucracy for information that is publicly available. It is clearly an abuse of process.

The Opposition should seriously consider the amount of taxpayer dollars that are being diverted into these fishing expeditions. Can I suggest and commend to members of the Opposition that they narrow their focus? If they are looking for something in particular, they should go ahead and ask for it, but the *Notice Paper* is full of continual fishing expeditions, full to the brim with every thought that has ever occurred to the honourable member. At times he does a very good job in holding the Government to account, but there are occasions on which his pen should err on the side of less is more and he should narrow his focus. For those reasons I oppose the motion.

The Hon. TAYLOR MARTIN (23:19): Under Standing Order 93, I request that the Clerk read the motion in full.

The Clerk read the motion.

The Hon. DANIEL MOOKHEY (23:21): In reply: I thank all the members who contributed to the debate on the motion. I am glad the Hon. Taylor Martin is always so careful to check exactly what he is voting for or against. It is a level of diligence that he is famous for. I do not plan to take up members' time for much longer but two aspects were raised by the two Ministers that I will respond to. They made the case that I am, and therefore the House is, acting flippantly and asking for duplication. I am disappointed that argument was made by two Ministers because one would expect them to be across policy. If they were across policy, they would know that every year these policies have to be updated and refiled. That is the requirement of their Treasury.

To the extent to which they say that it is a duplication of last year's, they are admitting that they have not done it, which is a real issue when it comes to the Health department and quite a separate issue. On the issue of the amendment moved by the Minister, I have no opposition to it given the hard work that the Health department is undertaking. If the Health department requires an additional 14 days to find these six discrete policies that affect the particular units of the Health cluster, that is fine and legitimate. If the additional 14 days assuages some of the concerns of the Government, that is no issue with us whatsoever. I commend the motion to the House.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The Hon. Daniel Mookhey 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.

The House divided.

Ayes18
Noes13
Majority.....5

AYES

Banasiak	Faehrmann	Moselmane
Borsak	Graham	Primrose
Boyd	Hurst	Roberts
Buttigieg (teller)	Jackson	Secord
D'Adam (teller)	Mookhey	Shoebridge
Donnelly	Moriarty	Veitch

NOES

Amato	Farraway	Mitchell
Barrett (teller)	Maclaren-Jones	Nile
Cusack	Mallard	Poulos
Fang	Martin	Tudehope
Farlow (teller)		

PAIRS

Houssos	Ward
Searle	Taylor
Sharpe	Franklin

Motion as amended agreed to.

SUSPECT TARGET MANAGEMENT PROGRAM POLICY**Production of Documents: Order**

Mr DAVID SHOEBRIDGE: I move:

That private members' business item No. 1666 outside the order of precedence be considered in a short form format.

Motion agreed to.

Mr DAVID SHOEBRIDGE (23:34): I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents created, finalised or amended since 20 October 2020 in the possession, custody or control of the NSW Police Force or Department of Communities and Justice, relating to the Suspect Target Management Program Policy:

- (a) all policy and operational documents relating to the Suspect Target Management Program Policy;
- (b) any document setting out the manner in which targets are identified for inclusion in the Suspect Target Management Program [STMP] Policy, including but not limited to any risk analysis matrix or information regarding the assessment process;
- (c) all documents relating to interagency referrals for young people pursuant to the STMP III; 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.

The Suspect Target Management Program [STMP] and Suspect Target Management Program Policy have been highly contentious. The program is entirely a creature of policy of the NSW Police Force. It has no statutory underpinning, yet it has been used for a number of years now to particularly target First Nations youth, who are put on the list. They are not told they are put on the list and are then the subject of repeated stops and searches, many of which are likely to be unlawful. There have been a series of iterations since this has been exposed. I give credit particularly to academics from the University of New South Wales [UNSW], who have worked in this space and have gone a substantial way to exposing the abuse of this program. I could read at length from the report of the Law Enforcement Conduct Commission, which made a series of quite caustic and critical findings about STMP, as a result of which we are now up to STMP III.

This motion calls for the production of all of the core documents relating to STMP and some of the key data, updated since it was last produced to the House on 20 October 2020. It is about ensuring that First Nations kids in particular are not subject to repeated, arbitrary abuse at police discretion. It is about seeing whether this policy, which has no statutory underpinning, is well founded. Fundamentally, it is about seeking to hold the police to account. I commend the motion to the House.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (23:36): The Government will not necessarily be objecting to the substance of the motion, but we will be seeking to amend the time limit from 14 days to 35 days. Our respectful submission is that that is the appropriate time for the production of these documents in the current circumstances. Notwithstanding that we do not object to the substance of the bill, we think that is an appropriate time limit to be imposed in respect of the production of these documents. Therefore, I move:

That the question be amended by omitting "14 days" and inserting instead "35 days".

The Hon. WALT SECORD (23:37): Labor will be supporting the motion but not the amendment.

Mr DAVID SHOEBRIDGE (23:37): In reply: Again, I say to Government members that if they want to have a discussion about an amendment to the motion, they should speak to us.

The Hon. Damien Tudehope: Did you speak to me about the workers compensation bill, mate?

Mr DAVID SHOEBRIDGE: The first time we hear that the Government will be moving an amendment to this motion, which was put on the *Notice Paper* on 23 February 2022, is during debate on the motion, and they pretend it is in good faith. Well, maybe they do not. From what I can tell, they do not pretend it is in good faith. This is some sort of churlish response from the Government because we did not agree to the reinstatement of the Government's legislation trying to slash the workers compensation right of emergency workers and frontline workers in relation to the COVID pandemic during formal business. And we get told by the Government that this is the first time in the history of ever-ness that this has ever happened!

The Hon. Shayne Mallard: Point of order: My point of order is on relevance under Standing Order 92. As entertaining as it is, the motion is not about the workers compensation bill—

The Hon. Daniel Mookhey: The interjections are.

The Hon. Walt Secord: He introduced it.

The Hon. Shayne Mallard: I am talking to the President, not to the Opposition.

The PRESIDENT: Order! There is far too much commentary across the Chamber from both sides. I believe Mr David Shoebridge was in the process of bringing his contribution to a conclusion.

Mr DAVID SHOEBRIDGE: It is the first time in history that we have ever had this objection in formal business. I remind the member with that grievance that the whole process of formal business has only actually been adopted by this House for about the past six years. In the history of ever-ness—over the past six years—this has never happened before and never been put before.

The Hon. Shayne Mallard: Point of order: I make the same point of order. It is not about formal business. It is not about the activities and acts heard this morning; it is about this motion.

The PRESIDENT: I uphold the point of order. I ask Mr David Shoebridge to address his motion.

Mr DAVID SHOEBRIDGE: If the only argument put by Government members for this extension from 14 to 35 days is that they are cranky over a totally unrelated matter that was put before, that is not the way of doing legislation. It is not the way of doing Standing Order 52 orders for papers. It is not the way of doing government. It is petty and churlish and wrong. As I said, there may have been scope to discuss something, but to have a discussion you have got to start it. The Government does not seem to understand that. I commend the motion as put.

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

The House divided.

Ayes 13
Noes 17
Majority.....4

AYES

Amato
Barrett (teller)
Cusack
Fang
Farlow (teller)

Maclaren-Jones
Mallard
Martin
Mitchell

Nile
Poulos
Tudehope
Ward

NOES

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

Faehrmann
Graham
Hurst
Jackson
Mookhey
Moriarty

Moselmane
Primrose
Secord
Shoebridge
Veitch

PAIRS

Farraway
Franklin
Taylor

Houssos
Searle
Sharpe

Amendment negatived.

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

Motion agreed to.

ASSET PRIVATISATION

Production of Documents: Order

The Hon. DANIEL MOOKHEY: I move:

That private members' business item No. 1708 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. DANIEL MOOKHEY (23:52): I move:

That, under Standing Order 52, there be laid upon the table of the House within 10 days of the date of passing of this resolution the following documents in the possession, custody or control of the Treasurer or Treasury relating to the potential sale of government assets:

- (a) all drafts and the final version of the "scoping studies" referred to on page 3-7 of *Budget Paper No. 1, Budget Statement 2021-2022*;
- (b) all drafts and the final version of any other scoping study completed since 1 January 2020 relating to the potential sale of government assets;
- (c) all documents created since 1 January 2021 relating to the potential sale of the State's remaining interest in either Ausgrid or Endeavour Energy; 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.

Here is the story in brief: The Government went to the last election promising not to privatise any assets.

The Hon. Sarah Mitchell: Point of order: I am finding it hard to hear the honourable member, who is softly spoken, as there is too much audible conversation in the Chamber.

The PRESIDENT: Members will keep the background chatter to a minimum.

The Hon. DANIEL MOOKHEY: I reject the slur that I am softly spoken. I have never been accused of that in my life. That is by far the most wounding thing that has been said about me in a while. The story in brief is that the Government went to the last election promising not to privatise any assets. It broke that promise when it sold WestConnex. The new Premier confirmed his intention to be loose with the truth when he came to budget estimates and blamed the public for misunderstanding the nature of the promise. Page 3 - 7 of this year's *Budget Paper No. 1* makes reference to numerous scoping studies that are underway that could inform future government policy. Given the Government broke its promise and cannot be trusted with the truth, we should get to the bottom of precisely what it is planning to sell. I commend the motion to the House.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (23:54): This is another of the Hon. Daniel Mookhey's Standing Order 52 fishing expeditions, where he starts from the premise that the public were misled and therefore he needs a whole raft of papers. It is not really directed at making sure that there is any forensic purpose. In his infinite wisdom he says, "I want to put Treasury to the expense of producing all these documents." He knows, and I repeat this ad nauseam, that the production of these documents has a cost. The Hon. Daniel Mookhey goes on ad nauseam in respect of the manner in which the Government should be spending taxpayers' money—it is in fact to refurbish and enhance "the Mookhey wing".

The Hon. Daniel Mookhey: Where is the scoping study?

The Hon. DAMIEN TUDEHOPE: He wants a scoping study for the enhancement of the Mookhey wing. There is a really serious component to this. The fact of the matter is that Treasury takes its obligations under Standing Order 52 very seriously and seeks to make sure that it complies with all the requirements of this Chamber for the purposes of satisfying the desires of the member opposite. He is good at it. In my experience of this place, there is no-one better at doing this sort of stuff than the Hon. Daniel Mookhey.

The Hon. Robert Borsak: Point of order: I object to the Leader of the Government in this place contradicting himself. He just said, when he opened up his presentation, that the Hon. Daniel Mookhey made him nauseous.

The PRESIDENT: There is no point of order.

The Hon. Robert Borsak: Now he says he does not make him nauseous, he admires him. Which is it to be?

The PRESIDENT: The Minister still has the call.

The Hon. DAMIEN TUDEHOPE: No, I did not say "nauseous". I said, "ad nauseam". He brings these applications ad nauseam—it means that he does it all the time, he keeps on going and he is occupying the business of the House. But, in any event, I will be seeking to amend this motion to extend the period for the return of the documents. I move:

That the question be amended by omitting "10 days" and inserting instead "35 days".

With those submissions, I submit that we should oppose this motion.

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (23:57): I also speak against this motion.

The Hon. Daniel Mookhey: You strongly object to a scoping study.

The Hon. SARAH MITCHELL: I do strongly object. I concur and wholeheartedly agree with the comments that have already been made by the Leader of the Government. We lightheartedly joke about the Mookhey wing, but the reality is that there are multiple SO 52s on the *Notice Paper* every week on private members' day that are fishing expeditions by the Opposition, and this is a classic example of yet another one. I refer particularly to the fact that in both paragraph (a) and paragraph (b) the member is asking for all drafts and the final version of the scoping studies. He says he wants to see the scoping studies because he has made accusations about the Government being dishonest, which I completely reject, but he wants all drafts and the final version as well. If the member really wanted to see what the documents may be that are referred to in the budget paper—

The Hon. Damien Tudehope: They are probably all privileged.

The Hon. SARAH MITCHELL: I acknowledge that interjection. The member should ask only for the final version. There is no need to be asking for all drafts and the final version, as he does in multiple elements of this motion. I support the amendment that has been moved by the Leader of the Government for the extension of time from 10 days to 35 days. Those opposite seem to think that there are magical SO 52 fairies that come out at night in the department to put these documents together.

As a Minister who has had many SO 52 orders in my portfolio, I know these are worked on by our public servants, such as those in Treasury at the moment who are working on things like our economic response to the pandemic, and getting support to those in need in the Northern Rivers. They have better things to do with their time than responding to SO 52 orders. But in the instance of this motion being agreed to, giving hardworking public servants not 10 days but 35 days is very reasonable. A large number of SO 52 motions have been agreed to today. Giving hardworking public servants an extension of time is incredibly reasonable. I very much support the amendment moved by the Leader of the Government relating to that extension of time. Speaking of time, I am about to be interrupted.

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.

NORTHERN RIVERS FLOODS

The Hon. CATHERINE CUSACK (00:00): Earlier today the House passed a motion calling for papers relating to the floods. I meant to be respectful to all members in my remarks. I feel my job is to help people grasp the mood in the community. I did not mean to sound emotional and I know that comment was made kindly. I understand the Opposition has a job to do and so does the Government. This is Parliament and my own community on the North Coast is famously political. But I do feel I have an important job to try to explain in a clear-headed way some of the things that have happened up there that are in addition to what members have read in the newspapers. All my thoughts and actions need to be clear-headed.

I live in Lennox, which was not flooded. Geoff Provost and Tamara Smith are safe but our friend, Janelle Saffin, lives in Lismore and has borne the full brunt of the event. Personally and as the community representative, she is carrying an almighty load. I assure the House that we members work together. We are concerned for each other and we support each other. I want to explain something about the terrain. It was the port and the river towns that were really hit as well as the hinterland communities in the magnificent hilly landscape, which is all shaped in my region by the ancient Tweed volcano. It is teeming with creeks and tributaries that feed those beautiful northern rivers.

On 27 February an event called an atmospheric river moved into northern New South Wales where our catchments were already saturated. I have never heard of that phenomenon before so I will just quote Wiki to explain because we all need to be aware of it. These events are associated with the tropics and, to me, the warming of our oceans suggest that we face more of these events. According to Wiki, the term was originally coined in the early 1990s to reflect the narrowness of moisture plumes involved. Atmospheric rivers are typically several thousand kilometres long and only a few hundred metres wide. A single one can carry a greater flux of water than the earth's largest river, which is the Amazon.

The atmosphere rapidly sucks up vast quantities of warm ocean water and it can be transported thousands of kilometres and then dumped. So this is very different to the violent storms that routinely race across the Northern Rivers. The air pressure system surrounding an atmospheric river is very stable so it has no reason to move. For us, it sat there for 36 hours, pouring astounding volumes of water into the catchment, triggering biblical-size flooding. The hinterland creeks filled and water exploded out, creating new gorges, carving up the landscape, triggering landslips, and washing away entire roads and bridges. It was a very violent event.

Then of course all the rivers filled. There was so much water in the Wilson River that raising the levee in Lismore to the height of the hill that it connects to would not have helped because the water did not just roll over the levee, it came over the hill as well. That was the first time in European history that both the Richmond and Wilson rivers were in full flood, so the same water that went through Lismore entered the already flooded Richmond River. They merged together and the downstream river towns were devastated.

The water left Lismore and continued on; it was not only in Lismore. Thinking about it rationally, of course all of that water moved down the river and those communities were just as devastated. It was the same thing: rooftop rescues and everything lost. When the waters reached Woodburn, the telecommunications went out. That took out all our mobile and internet services, which is why people could not communicate in the course of the rescues. It was terrible for the Ballina SES; the losses were immense. I spoke to two police officers from Wardell who were rescued from the roof of their home. They lost everything; they have lost all their vehicles. Thirty minutes after their rescue, they got into boats and rescued others. Nearby Cabbage Tree Island, home to 120 Aboriginal people, had been evacuated the previous day and so they were safe, but the island was completely submerged for 10 days. A 20 metre-wide strip of land was ripped from the entire length of the island. Almost every building has been destroyed. Cabbage Tree Island and Wardell are both in Ballina shire— *[Time expired.]*

FLOOD EVACUATION ROUTES

The Hon. PETER PRIMROSE (00:05): I speak about the issue of this year's floods and the importance of flood evacuation routes. The maintenance of those routes is, frankly, an issue of life and death. It is perverse that even after the 2021 floods the maintenance of those roads has not been prioritised, despite warnings from various scientific agencies indicating that longer and even more dangerous flooding was imminent. The response by the New South Wales Liberal-Nationals Government to the disasters in the Hawkesbury-Nepean area has been, frankly, appalling. Across that catchment area, some joint Federal and State funding has only just become available for planning the more than 100 road infrastructure evacuation routes across the four large local government areas. But it is not funding to actually do anything, to fix anything or to construct any essential improvements to create safe flood evacuation routes.

Despite all the pain, the destruction and the critical urgency for the action required by those communities, the planning funding only provides for the preparation of final business cases for individual improvements before funding to fix any of the roads for flood evacuation routes at all. Effectively, that means kicking the can down the road yet again, likely until well after the 2023 election, with no guarantees of any actual funding to fix Pitt Town or numerous other flood evacuation routes. This New South Wales Government, despite bragging about its so-called infrastructure pipeline worth billions of dollars, will not even allocate funding to maintain—let alone improve—the vital infrastructure that is necessary for Pitt Town and other communities to keep safe during flood events.

I am genuinely worried that the flood evacuation routes will in all likelihood not be repaired before the next flood event, just as they were not repaired or upgraded prior to the most recent floods despite repeated pleas and warnings. That will have dire consequences for people who live in Pitt Town and other communities across the Hawkesbury, Penrith, Blacktown and The Hills local council areas. The Federal member for Macquarie, Susan Templeman, has been working tirelessly on the issue of flood evacuation routes for her community, especially after the 2021 floods. The flood evacuation route for Pitt Town still has not been repaired, let alone improved, after the 2021 floods and is best described as a potholed goat track. The issue has been raised numerous times by the Pitt Town Progress Association, to no avail. In recent correspondence from the association, I was told:

The recent flood events in February 2020, March 2021 and March 2022 have highlighted the need for the Pitt Town flood evacuation route to be upgraded and maintained at a much higher standard than at present. All local access roads in and out of Pitt Town can be cut either by local run-off, rising river flood water, or a combination of both, leaving the flood evacuation route as the only access in and out of Pitt Town. In these circumstances, the volume of traffic along that route increases several-fold, including large vehicles for services such as food and fuel delivery, wastewater cartage, garbage and other services, and emergency vehicles.

The current road system rapidly deteriorates with potholes and damage from a combination of increased vehicles, large vehicles, and rainwater as it is too narrow and poorly maintained.

The Pitt Town residential development was undertaken as a Part 3A State Government Approval. As such, the State Government has both a duty of care and a moral obligation to provide the community with safe and functional road access during flood events.

The flood evacuation route from Bathurst Street via Bootles Lane, Redfern Place, Mitchell Road, Pitt Town Dural Road, Airstrip Road (the gated section of Old Stock Route Road) and Old Pitt Town Road to Nelson Road and on to Windsor Road, a distance of approximately 15.3km, must be upgraded to a minimum width of 8.0m plus centre line marking and shoulder lines.

The New South Wales Government's response to this issue continues to put people's lives at risk in those absolutely important communities.

NATURAL DISASTERS

Reverend the Hon. FRED NILE (00:10): In my contribution to the adjournment debate I will speak about fires, floods and droughts. What can we do? Australia is a blessed country. However, floods and fires are recurring, with predictable natural disasters that blight the Australian landmass and community. We must improve upon our preparedness and response to natural disasters. It is a collective disgrace that both sides of politics have failed to build any major dam infrastructure since 1983. We need to retain more water in dams for the inevitable Australian long dry droughts and to mitigate floods. I was shocked by the partisan distribution of additional emergency payments. The Hon. Catherine Cusack should not have to resign in protest for the LGAs of Ballina Shire Council, Byron Shire Council and Tweed Shire Council to receive equal treatment to that of Coalition LGAs. I applaud her principled outrage on this matter.

Lismore's last four major floods cost \$10 billion, and that figure does not include the costs that are still being calculated for the recent 2022 flood. The costs of maintaining the community are unaffordable for residents, businesses and taxpayers. A plebiscite should be held for residents in the flood-impacted LGAs to determine whether they believe their towns should be moved to higher land. When Grantham flooded in 2011 the Lockyer Valley Regional Council moved the town to higher ground. Land on a nearby cattle property was earmarked, and before the end of the year the residents were handed the keys to their new homes. The Grantham land swap scheme cost \$30 million. Lismore Councillor Elly Bird recently said:

Lismore is one of the least insured cities in Australia. Obviously, the risk is really high. So many people who live in the flood zone don't have flood insurance because the premiums are out of reach.

The Quilty family own a pub in Lismore. Their flood insurance premium is \$150,000 a year. Flood cover for personal homes can be over \$40,000 a year. Do members of this Chamber think that these flood insurance premiums are realistic for residents and businesses? Small businesses have it tough enough without such high premiums. We have just left lockdowns behind, and now they are being pummelled again with high insurance charges.

Leaving aside preventing or mitigating the impact of floods, what about the next great drought? Or can that be kicked down the road to the next government? Veteran water consultant Ron Pike recently said, "Without further water conservation structures, two to three years into the next inevitable drought much of New South Wales will be short of water and Sydney will have the most severe water restrictions." Raising the Warragamba Dam may mitigate some of the flooding in north-west Sydney but it is an expensive, destructive and ineffective proposition without also addressing the tributaries that exist beside the Warragamba Dam. In addition, we must not further build on historical flood plains or we are inviting disaster for the unlucky inhabitants. Homes are lost, businesses are destroyed, farms are washed away, animals are drowned and people die. We must do better before the next major weather event. The clock is ticking. Major dam infrastructure must be built, towns should be moved and water should be saved, not lost.

TRADE DIVERSIFICATION

The Hon. SCOTT FARLOW (00:15): The brutal Russian invasion of Ukraine has been a stark reminder to the world of the fragility of our global order. In particular, it has shown the ramifications that can occur with the global economy in times of crisis, and that has reflected the value of effective sanctions and diplomatic efforts to blunt the ability of a hostile power to finance war. I had some misgivings and concerns that that would not be enough and, of course, it has not been shown to be enough yet in halting the Russian invasion of Ukraine. Yet it has been effective.

Whilst the direct economic consequences for Australia have been limited—mostly people would see it reflected in the rise in petrol prices—the actions taken by European nations in sanctioning Russia provide an important preview to the future if diplomatic relations in the Indo-Pacific deteriorate. Flying Ukrainian flags and lighting up the Opera House blue and yellow are good gestures and show solidarity with the people of the Ukraine, but it is crucial that our gestures are backed up with concrete action and a plan to manage the consequences for workers, businesses, consumers and the wider economy. In Australia, in lighting up the Opera House, flying Ukrainian flags and hashtags of "I stand with Ukraine" are good gestures, but they also seem to be remote and something that does not necessarily come with any fiscal consequence.

The conflict has raised serious and immediate questions for the European economy, however, which has forced an immediate response to Russian aggression. It must make us consider what the potential impact would be in the New South Wales economy if a similar event requiring comparable sanctions were to occur with a player in our region with one of our trading partners. It is pertinent for New South Wales to be ready and to prepare. Hopefully we never have to enact such plans but we must make sure that we have diversified our supply chains and our markets.

Insight into the sanctions placed on Russia by Europe provide an important window into the possible impacts upon the Australian economy if we are forced to adopt similar measures towards a country that we have closer economic ties with. European sanctions against Russia came in two major tranches—on 24 February and on 26 February. The initial sanctions banned interaction with Russian banks, exports of critical technology and secondary trade in Russian government bonds. The second group of sanctions included the sanctioning of the Central Bank of Russia and elimination from the SWIFT financial messaging system, a move that many thought would never come, particularly when we consider the reliance of some players—for instance, Germany—on Russian gas.

This provides a playbook for Australia in what may happen in any future conflicts in our region. When we look at Australia, and New South Wales in particular, we have limited exposure to the Russian economy, with Australian exports to Russia making up a negligible 0.2 per cent of our total export volume and imports from Russia making up 0.1 per cent of our total imports. Of the most significance, the New South Wales Government intends to sell its holdings of Russian assets in its investment funds, estimated to be 0.5 per cent of a \$15 billion fund.

The Hon. Daniel Mookhey: Hear, hear!

The Hon. SCOTT FARLOW: I know the Hon. Daniel Mookhey had some interest in that in budget estimates hearings. What if we were to look at some of the other investments—for example, what if we were to talk about an international player that perhaps had a 50 per cent investment in Australia, equating to billions of dollars? What if we were to have a conflict or a need to take sanctions with a holder of investment in this State where it equates to 68 per cent of our real estate value? What if we were seeing a player that had one-quarter of our mining interests? We need to be mindful of the future. We must make sure that we diversify our trade markets and we must make sure that, in the event of such actions, there are options for the Australian economy, particularly in New South Wales. That is why we need diversification of trading relationships. It is dangerous for us to be reliant on one country or one partner when the overwhelming amount of our export income is precarious. It is best practice for New South Wales to seek to broaden our trade relationships.

WAGE GROWTH

The Hon. DANIEL MOOKHEY (00:20): The cost of petrol is dominating headlines, but the cost of living in every area is skyrocketing across Australia. It is costing working families record amounts to fill up their tanks but groceries are also through the roof. Child care, housing, health care, bread—the list goes on. The rise in those everyday expenses means family budgets around the country are taking a huge hit. Workers with full-time jobs who have never struggled financially before are now living pay cheque to pay cheque. Others are finding themselves pushed into poverty. Those soaring costs have been driven up further by Russia's invasion of Ukraine and the consequences are only set to increase. But the Russian invasion of Ukraine is only one part of the story, even if certain actors would like you to think that that is the complete picture as to why Australia is experiencing an outbreak in inflation.

What is hitting families hardest, and has been for over a decade, is stagnant wage growth. Millions of Australians are struggling to make ends meet because inflation is rising higher than their pay. There is no greater enemy to a working family than inflation. It destroys their purchasing power and sets them back generations in the struggle to establish a meaningful right to the nation's share of income. It is the reason why the trade union movement slayed the inflation beast in the 1980s and 1990s. Let us be clear: Without action from the Government, workers, as part of their unions, are forced to take matters into their own hands. I take this opportunity to particularly congratulate the Australian Workers Union, the Transport Workers Union, the Australian Manufacturing Workers Union and the Australian Meat Industry Employees Union on their work in this space. Those unions, which cover workers from industries like transport, logistics, manufacturing, construction, energy and food, have managed to succeed where the Government has failed by ensuring real wage increases.

In enterprise bargaining over the last year, those unions had the foresight to win agreements which are linked to CPI that will see thousands of workers have their pay increases match at least inflation, which is on track to rise even further this year. Agreements like those are crucial in making sure that wages do not go backwards. They ensure that those workers, many of whom have been essential workers, risking themselves and their families during the pandemic, can still afford a reasonable standard of living. But, unfortunately, pay rises linked to CPI

are not in the majority. The Australian Council of Trade Unions found that in 2021, workers earning an average income of \$68,000—average, not median—had a pay cut of \$832. That is the difference between the rise in inflation and the rise in their wages. Their wages are not keeping up with inflation. That is the average worker. For many frontline workers, like our nurses and teachers, that pay cut is even higher and, again, this is not a new trend. In fact, we are in the midst of a decade-long wage growth crisis.

Since this Government was elected in 2011, the real wage growth rate has fallen every year. That is not a coincidence, and it is worsened by casualisation and precarious work that the Government has embedded into workplaces. There are more people working multiple jobs in Australia than ever before, and more people are forced to turn to exploitative work models like those that prevail in some parts of the gig economy. Each of those problems was made worse by the short-term decision two years ago to freeze the pay of the New South Wales public service. That had a demonstrable effect on private sector wage growth too. We warned at the time that if the biggest employer in Australia strangles wage growth, other employers will follow suit. That data has been borne out.

The Wage Price Index data that was released two weeks ago shows that, for the first time in a long time, private sector wage growth is now well and truly ahead of public sector wage growth, which finds us in a remarkable position where private sector employers are doing more to boost Australia's wage growth than this Government. As we recover from the pandemic, we need real wage growth to ensure that Australians can enjoy a decent standard of living that will help support our strong economic recovery. I associate Labor's position in New South Wales with that of the Reserve Bank governor, who has made this the key criteria and the key task that is confronting the bank right now. The cost to fill up your car is eye-watering, but it is far from the whole picture. Good, stable jobs with pay increases are crucial to ensuring that families do not have to worry about whether they will be able to afford to put food on the table.

KISAN NAMA (FARMER'S ODYSSEY)

NEWROZ KURDISH NEW YEAR

Mr DAVID SHOEBRIDGE (00:25): Last night I had the privilege of joining Harkirat Singh Sandhar in this Parliament for the launch of his incredible book that pays tribute to the extraordinary protests by farmers in India and their historic win over the farm laws. *Kisan Nama*, or *Farmer's Odyssey*, is in multilingual pictorial format and provides an astonishing insight into the passion of the protest, the human cost of it and its ultimate extraordinary success. Many will remember the images of farmers protesting three new laws that had been passed by the Indian Parliament in September 2020. The response was rolling protests throughout 2020 and 2021. On 26 November 2020 more than 250 million workers joined protesting farmers. It was the biggest strike and the biggest protest the world had ever seen. They were protesting against laws allowing corporations almost total control over purchasing and storing crops and seed, as well as deciding what crops would be produced.

Farmers had real and justified fears that the laws would trap them in low-value contract farming arrangements with corporate buyers and that it would steal their future and the future of their children. Millions of farmers, many driving tractors, came from across the country to converge on New Delhi in November 2020 to protest those laws. When police stopped them from entering the city, they sat down and occupied the highways in and out of the capital. The images were extraordinary, showing thousands of farmers occupying each site at any one time, through extreme weather, COVID-19 and repeated police violence. Some of the photos that came out from this time are genuinely brutal.

There were 733 farmers who died during the agitation, and their photos and names are detailed with great care and respect in Harkirat's book. Throughout 2021 the protests persisted and, despite the Bharatiya Janata Party Government that was pushing those laws having a clear majority in the national Parliament, they were ultimately forced to recant. A bill to cancel the reforms passed the Parliament on 30 November 2021. That was a win for democracy, for workers and for the farmers. It is vital that the struggle be recorded in works like *Farmer's Odyssey* for future generations to learn from.

Last weekend I had the great pleasure of attending the Newroz Kurdish New Year celebrations at the Kurdish community centre in Kings Park, hosted by the Federation of Democratic Kurdish Society Australia. After two years of cancelled celebrations, it was heartening to join this important recognition of the arrival of spring. Newroz celebrates new beginnings and coincides with the northern spring equinox. The story that underpins it is a surprising and timeless one that was told again on the night. Zuhak was an evil king with a 1,000-year rule that stopped spring from coming to Kurdistan. As part of his tyranny, two young men were sacrificed each day, and their brains were offered to him to feed serpents that grew from his shoulders. In an act of mercy, those responsible for the killings instead provided Zuhak with the brains of sheep to save the men. A revolt was planned and ultimately carried out by Kaveh, a blacksmith who trained an army from the saved youths

who killed Zuhak. With the death of the tyrant, they then lit fires on the hillsides to celebrate and spring came back the following day.

Newroz is a time of renewal and resurrection, a time to celebrate the strength and resilience of the Kurdish people. It is celebrated by picnics, jumping over fires, dancing, time spent with family, special foods and reading poetry. It is also a time for the Kurdish people to come together and speak their language and celebrate their culture in ways that often see them facing persecution and violence in their homeland. It is time to reflect on the legitimate demands of the Kurdish people in 2022 to be free from tyranny, to have the right to self-determination and freedom from oppression—freedoms we all should have. Happy Newroz to all.

The PRESIDENT: The time for the adjournment debate has expired. The House now stands adjourned.

The House adjourned at 00:30 until Thursday 24 March 2022 at 10:00.