



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Wednesday 30 March 2022

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday 30 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.

Announcements

HEARING AWARENESS WEEK

The PRESIDENT (10:02): I bring to the attention of members a special event being held in the Macquarie Room by the Shepherd Centre in relation to Hearing Awareness Week. Until 11.00 a.m. members may participate—which the Minister can endorse as an excellent experience—in a first-of-its-kind virtual reality experience. It simulates life as a teenager with hearing loss. I encourage members, if they have not already done so, to take the opportunity following formal business to drop in to the Macquarie Room.

Business of the House

ORDER OF BUSINESS

The Hon. DAMIEN TUDEHOPE: I move:

That on Tuesday 10 May 2022, proceedings be interrupted at approximately 6.00 p.m., but not so as to interrupt a member speaking, to enable the Hon. Christopher Rath to make his first speech without any question before the chair.

Motion agreed to.

Documents

PREMIERSTATE

Production of Documents: Order

The Hon. MICK VEITCH (10:03): On behalf of the Hon. Courtney Houssos: I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents, created since 27 March 2011, in the possession, custody or control of the Department of Premier and Cabinet, Treasury, Department of Enterprise, Investment and Trade, Department of Customer Service, Department of Planning and Environment, Department of Transport, Ministry of Health, Department of Education, Department of Communities and Justice, Department of Regional NSW, Art Gallery of New South Wales Trust Staff Agency, Australian Museum Trust Staff Agency, Crown Solicitor's Office, Fire and Rescue NSW, Greater Sydney Commission Staff Agency, Health Professional Councils Authority Office, Infrastructure NSW Staff Agency, Institute of Sport Staff Agency, Investment NSW, Library Council of New South Wales Staff Agency, Local Land Services Staff Agency, Mental Health Commission Staff Agency, Multicultural NSW Staff Agency, Natural Resources Commission Staff Agency, Office of the NSW Rural Fire Service, Office of the NSW State Emergency Service, Parliamentary Counsel's Office, Resilience NSW, SAS Trustee Corporation Staff Agency, Service NSW, Office of Sport, Sydney Opera House Trust Staff Agency, Trustees of the Museum of Applied Arts and Sciences Staff Agency, Venues NSW Staff Agency, Western Parkland City Authority Staff Agency, Transport Asset Holding Entity of NSW (TAHE), Essential Energy, Forestry Corporation of NSW, Hunter Water, Port Authority of NSW, Sydney Water, Landcom and Water NSW relating to PremierState:

- (a) all contracts, reports, briefings, memorandum, emails, email attachments and correspondence specifically relating to engaging, or seeking to engage PremierState to lobby or advocate on behalf of the relevant department, agency or State-owned corporation; 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.

Committees

PORTFOLIO COMMITTEE NO. 3 - EDUCATION

Reference

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

That Portfolio Committee No. 3 – Education inquire into and report on:

- (a) the termination of the former Managing Director of NSW TAFE, Mr Stefan Faurby;

- (b) evidence given during the Budget Estimates hearings between 28 February and 16 March 2022 on the termination of Mr Faurby and in relation to school education; and
- (c) any other related matter.

Motion agreed to.

Motions

REGIONAL TELECOMMUNICATIONS EMERGENCIES

The Hon. CATHERINE CUSACK (10:05): I seek leave to amend private members' business item No. 1750 outside the order of precedence for today of which I have given notice by inserting in paragraph (b) the word "and" after "mobile".

Leave granted.

The Hon. CATHERINE CUSACK: Accordingly, I move:

- (1) That this House notes that:
 - (a) telecommunications issues have significantly hampered flood rescues and recovery efforts in the Northern Rivers region;
 - (b) for at least a week during the February 2022 flood event mobile and internet coverage was almost non-existent across large areas of the Northern Rivers and phone reception is still intermittent;
 - (c) there were multiple incidents whereby Telstra communications were completely down but intermittent services were sometimes still available through Optus and Vodafone in some areas; and
 - (d) the 2021 Report of the Regional Telecommunications Independent Review Committee, was released on 14 February 2022 which:
 - (i) notes that in the 2019-2020 bushfires, the 2021 eastern Australia floods and Cyclone Seroja, and during the COVID-19 pandemic, "regional Australians relied on mobile, landline and broadband networks for real-time information, access to emergency services, contact with loved ones, and resources to support post-disaster recovery";
 - (ii) notes that access to reliable telecommunications services has never before been more important to regional, rural and remote Australians; and
 - (iii) recommends the Federal Government undertake a feasibility study to consider the capability for mobile roaming to be deployed in emergency circumstances.
- (2) That this House calls on the Federal Government to adopt the recommendation in the 2021 Regional Telecommunications review to explore domestic roaming in emergency situations.

Motion agreed to.

AUSTRALIAN SMALL BUSINESS CHAMPION AWARDS GALA DINNER

The Hon. LOU AMATO (10:06): I move:

- (1) That this House notes:
 - (a) on Saturday 19 March 2022, the 2021 Australian Small Business Champion Awards Gala Dinner was held at the Star Sydney;
 - (b) the Gala Night recognised the very best small business in a wide range of categories;
 - (c) the evening commenced with an acknowledgement to country by David Barnett, and a welcome by master of ceremonies, Allison Langdon and Precedent Productions managing director, Steve Loe;
 - (d) live music was provided by Soul Mystique, Ben Mingay, Julie Lea Goodwin and P.J. Lane;
 - (e) the awards were presented to the winners of each category by the following distinguished guests:
 - (i) Belinda Rawsthorne, General Manager Small Business, Commonwealth Bank;
 - (ii) Bruce Billson, Australian Small Business and Family Enterprise Ombudsman;
 - (iii) Tim Rose, Nine Plus Director of Sales;
 - (iv) the Hon. Lou Amato, MLC, Parliamentary Secretary for Small Business (on behalf of the Premier of New South Wales, the Hon. Dominic Perrottet);
 - (v) Zore Blazeski, Nova Employment Manager;
 - (vi) Stephen Kamper, MP, shadow Minister for Small Business, Property and Multiculturalism;
 - (vii) Michael Ford, Castaway Forecasting;
 - (viii) Dr Jana Matthews, University of South Australia Australian Centre for Business Growth;

- (ix) Alexi Boyd, Council of Small Business Organisations of Australia CEO;
 - (x) Julie Wang, Big Clean CEO; and
 - (xi) Steve Loe, Precedent Productions, MD.
- (f) the award recipients were:
- (i) Accounting Services Award, Peer Wealth, Manly, NSW;
 - (ii) Automotive Services Award, Ashbury Service Centre, Canterbury, NSW;
 - (iii) Bakery/Cake Store Award, Glenorie Bakery, Glenorie, NSW;
 - (iv) Beauty Services Award, in therapy Ethical Beauty, Red Hill, QLD;
 - (v) Business Services Award, Combined Management Consultants, Manly, NSW;
 - (vi) Butcher Award, Christians Premium Meats, Helensburgh, NSW;
 - (vii) Cafe Award, The Local Pantry, Engadine, NSW;
 - (viii) Children's Services Award, 2 Bent Rods, Victoria Point, QLD;
 - (ix) Dental Services Award, Avenue Dental, Caloundra, QLD;
 - (x) Early Childhood Services Award, Mini Masterminds Sydney Olympic Park, Sydney Olympic Park, NSW;
 - (xi) Educational Services Award, Street Science, Banyo, QLD;
 - (xii) Electrical Business Award, Sydney Electrical Contractors, Box Hill, NSW;
 - (xiii) Environmental Business Award, Transmutation, Robe, SA;
 - (xiv) Fashion Award, Vine Apparel, Cromer, NSW;
 - (xv) Fast Food/Takeaway Store Award, Nicos Express, Ramsgate, NSW;
 - (xvi) Financial Services Award, Jacaranda Finance, Milton, QLD;
 - (xvii) Fitness Services Award, The Concept SDC, Highfields, NSW;
 - (xviii) Florist Award, B & M Florist, Monterey, NSW;
 - (xix) Fresh Food Award, George's Fruit Barn Terrigal, Terrigal, NSW;
 - (xx) Hairdressing Award, Milk & Honey Hair, Gosford, NSW;
 - (xxi) Health Improvement Services Award, Hunter Care Group, Broadmeadow, NSW;
 - (xxii) Home & Garden Improvement Award, Early Up, Chinderah, NSW;
 - (xxiii) Home Builder / Renovations Award, The Perfect Space, Manly, NSW;
 - (xxiv) Information Technology Award, AKIPS, Tanah Merah, QLD;
 - (xxv) Jewellery Store Award, Noonans Showcase Jewellers, Cobram, VIC;
 - (xxvi) Legal Services Award, Enterprise Legal QLD, Toowoomba, QLD;
 - (xxvii) Manufacturing Award, BMPRO, Knoxfield, VIC;
 - (xxviii) Marketing Services Award, Amire, Manly, NSW;
 - (xxix) Most Inclusive Employer Award, Modern Movers, Riverstone, NSW;
 - (xxx) New Business Award, Olivia Jenkins, Woodville, SA;
 - (xxxi) Performing Arts Award, Ettingshausens, Kirrawee, NSW;
 - (xxxii) Pet Services Award, Pups4Fun, Fisher, ACT;
 - (xxxiii) Pharmacy Award, Capital Chemist Chisholm, Chisholm, ACT;
 - (xxxiv) Physiotherapy Award, JQ Physiotherapy and Sports Rehabilitation, Wetherill Park, NSW;
 - (xxxv) Plumbing Services Award, McCarthy Plumbing Group, Laverton North, VIC;
 - (xxxvi) Professional Medical Services Award, ATUNE Health Centres, Cardiff, NSW;
 - (xxxvii) Professional Services Award, Axon Property Group, Southport, QLD;
 - (xxxviii) Real Estate Agency Award, Marando Real Estate South West, Fairfield, NSW;
 - (xxxix) Recruitment Services Award, The Network, Sydney, NSW;
 - (xl) Restaurant Award, Birch, Moss Vale, NSW;
 - (xli) Services Award, The Shower Repair Centre, Brookvale, NSW;
 - (xlii) Social Enterprise Business Award, Surf Online Safe, Success, WA;

- (xliii) Sole Operator Award, Freelance Copywriter, Scotland Island, NSW;
 - (xliv) Specialised Retail Small Business Award, Souvlaki Boys, Marrickville, NSW;
 - (xlv) Specialised Small Business Award, CEIL Power, Wetherill Park, NSW;
 - (xlvi) Tourism Award, Aussie House Swap, Lismore, NSW;
 - (xlvii) Trade Services Award, Aesthetic Tile and Stone, Molendinar, QLD;
 - (xlviii) Transport and Logistics Award, Dyson Logistics, Gosford, NSW;
 - (xlix) Wedding Services Award, CIZZY Bridal Australia, Welshpool, WA;
 - (l) Junior Small Business Champion Entrepreneur Award, Angus Copelin-Walters - Croc Candy, Fannie Bay, NT;
 - (li) Business Growth Award, Frontier Pets, Evans Head, NSW;
 - (lii) Business of the Decade Award, Kings Charcoal Chicken, Campbelltown, NSW;
 - (liii) Small Business Champion Entrepreneur Award, Glenorie Bakery, Glenorie, NSW; and
 - (liv) Young Small Business Champion Entrepreneur Award, Hello Plumbing, Belrose, NSW.
- (2) That this House acknowledges:
- (a) the great work of the organisers of the 2021 Australian Small Business Champion Awards Gala Dinner in recognising small business achievers; and
 - (b) The contribution small business makes to the New South Wales Economy.

Motion agreed to.

Committees

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Membership

The Hon. DAMIEN TUDEHOPE: I move:

- (1) That the Hon. Catherine Cusack and Mr David Shoebridge be discharged from the Committee on Children and Young People and the Hon. Chris Rath and Ms Abigail Boyd be appointed as members of the committee.
- (2) That a message be forwarded to the Legislative Assembly conveying the terms of the resolution agreed to by the House.

Motion agreed to.

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Membership

The Hon. DAMIEN TUDEHOPE: I move:

- (1) That the Hon. Catherine Cusack and the Hon. Scott Farlow be discharged from the Joint Standing Committee on Electoral Matters and the Hon. Scott Barrett and the Hon. Chris Rath be appointed as members of the committee.
- (2) That a message be forwarded to the Legislative Assembly conveying the terms of the resolution agreed to by the House.

Motion agreed to.

LEGISLATION REVIEW COMMITTEE

Membership

The Hon. DAMIEN TUDEHOPE: I move:

- (1) That the Hon. Wes Fang be discharged from the Legislation Review Committee and the Hon. Scott Barrett be appointed as a member of the committee.
- (2) That a message be forwarded to the Legislative Assembly conveying the terms of the resolution agreed to by the House.

Motion agreed to.

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Membership

The Hon. DAMIEN TUDEHOPE: I move:

- (1) That the Hon. Chris Rath be appointed as a member of the Committee on the Independent Commission Against Corruption to fill the vacancy created by the resignation of the Hon. Don Harwin.
- (2) That a message be forwarded to the Legislative Assembly conveying the terms of the resolution agreed to by the House.

Motion agreed to.

STANDING COMMITTEE ON STATE DEVELOPMENT

Government Response

The CLERK: According to standing order, I announce receipt of the Government response to report No. 47 of the Standing Committee on State Development entitled *Development of a hydrogen industry in New South Wales*, tabled on 30 September 2021, received out of session and authorised to be printed this day.

Business of the House

POSTPONEMENT OF BUSINESS

Ms ABIGAIL BOYD: I move:

That business of the House notice of motion No. 2 be postponed until the next sitting day.

Motion agreed to.

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. SCOTT FARLOW: I move:

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

Motion agreed to.

ORDER OF BUSINESS

The Hon. SCOTT FARLOW (10:11): I move:

- (1) That the order of private members' business for today be as follows:
 - (1) Private members' business item No. 1606 standing in the name of the Hon. Adam Searle relating to the Voluntary Assisted Dying Bill 2021.
 - (2) Private members' business item No. 1616 standing in the name of the Hon. Mark Latham relating to a further order for papers regarding Renewable Energy Zones [REZ] in New South Wales.
 - (3) Private members' business item No. 1764 standing in the name of the Hon. Robert Borsak relating to an order for papers regarding firearms policy.
 - (4) Private members' business item No. 1749 standing in the name of Reverend the Hon. Fred Nile relating to an order for papers regarding brumbies in Kosciuszko National Park.
 - (5) Private members' business item No. 1738 standing in the name of the Hon. John Graham relating to an acting in concert provisions.
 - (6) Private members' business item No. 1755 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding figures on certain school Infrastructure NSW projects from 2014.
 - (7) Private members' business item No. 1758 standing in the name of Ms Cate Faehrmann relating to the Water Management Amendment (No Compensation for Floodplain Harvesting Licences) Bill.
 - (8) Private members' business item No. 1725 standing in the name of the Hon. Emma Hurst relating to impact of flooding on vet services.
 - (9) Private members' business item No. 1708 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding potential sale of government assets.
 - (10) 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.
 - (11) 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.
 - (12) Private members' business item No. 671 standing in the name of the Hon. Mark Banasiak relating to the Public Health Amendment (Registered Nurses in Nursing Homes) Bill.
 - (13) Private members' business item No. 1376 standing in the name of Mr David Shoebridge relating to the Children (Criminal Proceedings) Amendment (Age of Criminal Responsibility) Bill.
 - (14) Private members' business item No. 1686 standing in the name of the Hon. John Graham relating to an order for papers regarding the asset and services plan for Transport for NSW.
 - (15) 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 Department of Communities and Justice and NSW Police.
 - (16) Private members' business item No. 1762 standing in the name of the Hon. Rod Roberts relating to the operation of Standing Order 53.

- (17) 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, Hawkesbury City Council.
 - (18) 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.
 - (19) Private members' business item No. 1690 standing in the name of Ms Abigail Boyd relating to a further order for papers regarding contamination at power station associated sites.
 - (20) Private members' business item No. 1756 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding Department of Education policy presentations and briefings.
 - (21) Private members' business item No. 1719 standing in the name of Ms Cate Fachrmann relating to a further order for papers regarding Dungowan Dam, Wyangala Dam and Mole River Dam.
 - (22) Private members' business item No. 1761 standing in the name of the Hon. Anthony D'Adam relating to an order for papers regarding SafeWork NSW enforceable undertakings program.
 - (23) Private members' business item No. 1736 standing in the name of the Hon. Penny Sharpe relating to an order for papers regarding implementation of the Plastic Reduction and Circular Economy Act 2021.
- (2) That debate on the Voluntary Assisted Dying Bill 2021 take precedence until 5.30 p.m. and the interrupted debate be set down as an order of the day for the next sitting day.

I indicate to the House that, with respect to the items listed at paragraphs (2) to (6), (8) to (11) and (14) to (23), the members with carriage of those motions have given an undertaking that they will move that their motion be considered in the short form format.

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

Motion agreed to.

Bills

MOTOR SPORTS BILL 2022

MAJOR EVENTS AMENDMENT BILL 2022

Messages

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

VOLUNTARY ASSISTED DYING BILL 2021

Second Reading Debate

Debate resumed from 23 March 2022.

The Hon. SHAOQUETT MOSELMANE (10:17): I make a short contribution to debate on the Voluntary Assisted Dying Bill 2021 proposed by the member for Sydney, Alex Greenwich. The bill is a private member's bill that was referred to the Standing Committee on Law and Justice for inquiry and report on 19 October 2021. The bill was debated in the Legislative Assembly in November 2021 and was passed with amendments by the Legislative Assembly on 26 November 2021.

The bill seeks to enable eligible persons with a terminal illness to access voluntary assisted dying [VAD]; establish a procedure for and regulate access to voluntary assisted dying; establish the Voluntary Assisted Dying Board; and provide for the appointment of members and functions of the board. This bill is probably one of the most significant in the community and in this House. I note that I last spoke on this issue of voluntary assisted dying in 2017. Since then the debate has intensified as other States have adopted voluntary assisted dying. As the Chair of the Standing Committee on Law and Justice, the Hon. Wes Fang, noted in his foreword:

This inquiry generated significant public interest and engagement, with the committee receiving around 39,000 responses to an online questionnaire, in addition to 3,070 submissions and three supplementary submissions, of which 107 were published. The committee also held three days of public hearings, hearing from over 75 witnesses.

While it is still being debated in New South Wales, in Western Australia, for instance, the legislation is in full operation. Almost 16 people per month have died assisted under that State's Voluntary Assisted Dying Act 2019. According to a statement on 23 March 2022, the Western Australian health Minister, Ms A. Sanderson, noted that as of 28 February 2022, eight months into the scheme, 378 people have requested access to voluntary assisted dying. While some are under assessment to determine eligibility, 125 people have completed the voluntary assisted dying process. It is a very expeditious process indeed. In light of that, we should tread carefully when making our decisions on this question of life and death—voluntary assisted dying versus palliative care.

Sensitive to the divisiveness of the issue, the Standing Committee on Law and Justice elected not to take a position on the bill. It left the decision for us to make in this Chamber. I sincerely believe that all honourable members of this House and in the other place come to this issue with great empathy and sadness for those experiencing life-threatening diagnosis, pain and suffering. Most of us will go through pain as we edge closer to the end of life. Life and death are, to state the obvious, beyond our control. In this debate, however, I do not see anyone wrong or completely right. It is a matter of faith to some and a matter of conscience to others. Those who oppose the bill argue that it would:

... introduce a fundamental change to the criminal law and to the way society values every human life; that it would undermine efforts to prevent suicide; there is potential for abuse and coercion that poses an unacceptable risk to vulnerable people, including the elderly, those with mental illness and people with disability; that it would have an adverse impact on First Nations people; concerns amongst the medical profession and the risk of medical errors; lack of access to palliative care; euthanasia and assistance to suicide requested for feeling a burden and for loneliness; no poison can be guaranteed to cause a rapid, peaceful and humane death; concerns about the likely increase in the number of deaths under the bill; conscientious objection, both individual and institutional, and residential aged care and health care facilities; general religious opposition to VAD; and the risk of eligibility criteria being expanded.

They further argue that the risk of abuse occurring within the scheme proposed in the bill is too high and, consequently, the legislation should not be passed. They argue that there is a high likelihood of elder abuse and coercion occurring in voluntary assisted dying schemes generally, as those risks are inherent to the operation of the schemes, and that the specific scheme proposed in the bill does not contain sufficient safeguards. A number of religious leaders and organisations put on record their opposition to the bill and to voluntary assisted dying more generally in their contribution to the Standing Committee on Law and Justice inquiry. For instance, Archbishop Fisher told the committee:

Legalising euthanasia and assisted suicide will be a radical departure from one of the foundational principles of our society. It confirms in law that some people are regarded as better off dead and that our legal system, health professionals and care institutions will help to make them dead. These laws separate us into two classes of people: those whose lives are considered sacred and whose deaths we invest heavily in preventing, and those who are considered dispensable and whose deaths we invest in assisting.

In summary, the committee heard from church leaders of their opposition to any attempt to legalise euthanasia or assisted suicide in this State. They argued:

Our position is based not only on religious beliefs but also upon the desire to protect the most vulnerable in our society.

Similarly, His Eminence the Grand Mufti of Australia put the following evidence to the committee:

Life and death is not left to an individual to choose when they were born nor when they die. No human being in history has ever chosen the day or circumstances surrounding their birth, when they were born, or the circumstances in and around that. No person chose how compassionate or dignified their birth could have ever been. Therefore, it is understood that life is a gift given by God to human beings and none can withdraw it from the human, save God alone. Similarly, death is a defined decree, with no human being able to intervene to determine its when.

These are just some examples of the religious perspective on voluntary assisted dying that the committee's inquiry heard. Those arguing in support of the Voluntary Assisted Dying Bill 2021 maintain that the support for the bill includes evidence of schemes operating effectively in the jurisdictions where it is law, ensuring personal dignity and avoiding suffering for people with terminal illness. The committee heard evidence about the immense suffering and pain experienced by some people with a terminal illness before they die. Some stakeholders gave firsthand accounts of the experiences of their loved ones and made the argument that being forced to suffer in an extremely painful way is cruel and unnecessary. They stated that introducing voluntary assisted dying is an effective way of addressing that issue, as it provides an alternative option in end-of-life care for those experiencing unbearable suffering as a result of a terminal illness. That argument was summarised by Dr Robert Marr, OAM, vice-president of the Doctors Reform Society, who explained the circumstances in which VAD would be accessed:

We are really talking about when people have terminal illnesses that are definitely going to kill them and we pretty much know how it is going to kill them in not a pleasant way. We are empowering these terminally ill people to choose for themselves how much suffering they want to endure. We will offer them the best palliative care. We can pretty much ease most pain—not all pain, I know; we cannot ease all suffering.

In that context, the committee heard from a number of supporters of the bill who explained the severe physical, emotional, spiritual and existential pain they had seen their loved ones endure in the last stages of their life. Ms Shayne Higson recounted the experience of her mother, Jan, who died from brain cancer in 2012. Ms Higson said:

When mum died in late 2012 there was no law to provide her with a more compassionate end-of-life option, so she was forced to endure the terrible end stages of that dreadful disease and we, her loved ones, were forced to watch on, powerless and traumatised.

I feel for them and express my sympathies to their families. I have seen a cousin of mine die of stomach cancer, with excruciating pain. To this important debate, we bring our own personal experiences, knowledge and what we and our loved ones have endured throughout our lives with regard to illness, pain and suffering. With my own family, I nursed and supported my late mother. I also experienced the trauma of seeing my late father-in-law battle a slow death.

As I stated in this place back in 2017, the fundamentals of our democratic system of government are to protect, sustain and ultimately improve life. I maintain that we, as elected representatives, have a duty to ensure the utmost respect for the individual and human life. Decisions made about human life cannot and never should be outsourced to people who operate under systems that are designed to produce an administrative outcome. I can foresee that, in cutting costs, lives may also be cut in the process. From my own personal experience, I believe those who are the weakest in our society—those who are old and frail—are the most vulnerable.

I put on record that I have nothing but respect and admiration for doctors, nurses and specialists. They perform their roles with eminence and due care. While I acknowledge the efforts of the member for Sydney to include checks and balances in his proposed bill, I must continue to argue that we can never hand life over to the system. My family never handed my mum's welfare to the system, and we will never hand my dad's welfare to the system. I will repeat what I have stated in this place before: Life is not a commodity that we can simply discard; it must not be dispensed with. Once that happens, we are all then on a roll downhill to misery. I understand that there are those who suffer who ought not to. As a matter of conscience, protecting life must be at all costs. We spend most of our time in this place attempting to improve life. This bill terminates it.

No new evidence has come before me that so persuades me to change my view and opposition to the proposal. That is especially so, given my experiences at St George Hospital when my mother's health began to slip away. The doctors and nurses were angels around Mum. However, things went sour when the management stepped in and called for a meeting. The management was no longer the doctor and the nurse looking at my mum as a patient. The management began to look at Mum as a burden that needed to be removed from hospital and placed elsewhere. The intention is to minimise costs and make space.

Our instinct as legislators, whether or not we know it and whether or not we achieve it, is to create laws that we think will, in some shape or form, make life better for people. In some cases, such as when debating the chronic underfunding of our State's public hospitals or the ongoing need for more frontline police, we even seek to protect, preserve or prolong life. We must always govern with regulations to protect the lives of the most vulnerable from the unintended consequences of pure market-based economic policy decisions. As I think all honourable members know, there is no regulation, no law, no government intervention and no safeguard that can be put in place that cannot be transgressed.

I do not trust decisions of the State. Life should not be easily disposed of. Living life with dignity means allowing life to end with dignity. In my view, that is why there needs to be far more focus and spending on palliative care. More money and resources should be put into palliative care as a real alternative, to ease the pain and the suffering that pushes the patient to seek an end to their life. I conclude by noting that we have a duty to ensure the utmost respect for life; that respect must never be dispensed with. Society is measured by the way it treats its elderly, poor and sick. We should never lose sight of that. I cannot support the Voluntary Assisted Dying Bill 2021.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): I advise honourable members to add their names to the speakers list if they wish to contribute to debate on the Voluntary Assisted Dying Bill 2021.

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (10:31): Never before have we lived for so long. In the past 60 years the average Australian life expectancy has increased by over a decade. Australians enjoy one of the highest life expectancies of any country in the world and, with this extra time, we can fit more into our lives and spend more time with the people we love. One of the key reasons for the increase in life expectancy is the improvements made to our healthcare system. Over the past few decades there has been a major shift in the causes of death from infectious diseases to chronic diseases within older age groups. Relatively few people in this State are currently dying from preventable diseases but many more are being diagnosed with terminal illnesses in their older years. Through treatment and palliative care, the symptoms of those terminal illnesses can often be relieved, allowing us to keep living our lives to the fullest. But there comes a time when the pain cannot be relieved, a time when some terminally ill patients start to gradually lose their autonomy and their dignity. It is in the context of us living longer than ever but also dying slower than ever that we must reconsider voluntary assisted dying legislation.

Fundamentally, I support the bill because I believe that those experiencing intolerable pain and suffering at the end of their life must be given the choice to die with dignity and on their own terms. The reality is that assisted dying is already occurring in New South Wales. Behind closed doors, terminally ill patients are taking matters into their own hands, with data from the National Coronial Information System finding that 10 per cent of all suicides in New South Wales are associated with terminal illness. Earlier this month I was contacted by an impressive young man named Bertie Daniel from the Kanimbla Valley. I spoke to him again last night to ask for his permission to use his story, which he generously gave. In 2009 Bertie's father, Lawrence, was diagnosed with multiple sclerosis, a terminal illness with no cure. Lawrence's condition deteriorated rapidly. Almost every night Bertie could hear his dad sobbing and screaming in pain. As Bertie said in his letter:

The pain and loss of function of his limbs was finally too much for him and on the 25th of September 2016, he ended his life all alone in the middle of the night. He had sent us off on a holiday and didn't tell us his plans so we wouldn't have been implicated. I was 15 at the time and my sister was only 13. My dad's death was unexpected and abrupt, he had to die on his own, in a dark room, overdosing on painkillers - earlier than he wanted because his hands were slowly being paralysed and he would not have been able to do it otherwise.

We do not only have to rely on Bertie's words. In the lead-up to his death, Lawrence wrote a devastating letter to the NSW Coroner, which read:

If you are reading this, it is no doubt because I have made an attempt at voluntary euthanasia and I sincerely hope I have been successful.

...

If we had a compassionate voluntary euthanasia process in this country I would not have had to approach my doctor with a hidden agenda, make preparations secretly, or to do this alone and without medical supervision. I have had to do this dreadful thing ... without the ability to prepare my family ... a carer is likely to be the one to find me, and no doubt involve emergency services, and I would have spared everyone from experiencing things this way if I could have. I am truly sorry.

How can we allow that? That is not humane; it is not just. But it is the reality for many terminally ill patients in this State. Under section 31C of the Crimes Act, it is illegal to assist someone to take their own life, with a maximum penalty of 10 years' imprisonment. That means family and friends are unable to give support to a terminally ill patient who has chosen to take their own life. Instead, patients take their lives in secret, often in horrific ways. Those silent suicides have a further impact on carers and other members of the public who find the body of a recently deceased patient. That is a shocking and traumatic experience that can be avoided if terminally ill patients are able to openly prepare for their death. It is not right that terminally ill patients who wish to die on their own terms have to choose between a slow, painful death from terminal illness or an unregulated, lonely suicide.

The bill is measured, robust and based on evidence from other Australian jurisdictions that have already legalised voluntary assisted dying. I believe the bill contains sufficient safeguards that will allow terminally ill patients to make a voluntary decision to end their lives on their own terms. For example, only the patient can decide whether to access voluntary assisted dying. If a patient loses decision-making capacity, no-one else can make the decision for them, not their family, carer or doctor. Under clause 10 of the bill, a healthcare worker is not allowed to initiate discussion on voluntary assisted dying unless that healthcare worker has already provided extensive information about treatment and palliative care options.

Further, under clause 16, a patient is only eligible to access voluntary assisted dying if they are suffering from a medical condition that is advanced, progressive, causing suffering that cannot be relieved in a tolerable way and, on the balance of probabilities, will cause the death of the patient within six months, or 12 months for neurodegenerative conditions. I am satisfied that these safeguards, among many others, have been carefully considered in the Legislative Assembly and will ensure that those who access voluntary assisted dying are doing so voluntarily.

I also comment on the impact of this legislation on regional communities. There were suggestions in the second reading debate of the Legislative Assembly that the bill would create a double standard for health care in regional New South Wales, that patients in regional areas who do not have access to palliative health care will turn to voluntary assisted dying as a cheaper alternative to proper treatment, and that regional residents of New South Wales will make the choice to die rather than experience pain that could be treated by palliative care specialists. Those are serious concerns. Palliative care is critical, and funding must be directed towards improving regional access to affordable, specialist treatment. However, any shortcomings in palliative care should not be conflated with the issue of whether voluntary assisted dying should be legalised in this State.

I made the point when I last contributed to this debate that it is not an either-or choice. We can and should do both. I want excellent palliative care to be the appropriate course for every person at the end of their life, including those in regional communities, but palliative care is not and never will be a miracle remedy for all patients. There will always be patients who suffer from pain that no amount of palliative care can relieve. Currently, those patients are left to suffer in extreme pain, begging to be given the choice to end their lives peacefully and in relative comfort. It is for those people that the Voluntary Assisted Dying Bill must be passed.

I do not believe that the 2021 Voluntary Assisted Dying Bill is the product of people in this State giving up on hope. Rather, the bill is before the House because people are living longer than ever and because, if they are suffering from a painful terminal illness, they should be given the choice to die on their own terms. I thank all those I have met and who have contacted me to discuss this issue. I have considered their thoughts and words very deeply. I support the bill.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): I draw to the attention of the House that, clearly, we are having some audio issues. The Usher of the Black Rod has assured me that the engineering department has been informed and will attend to it as soon as possible.

The Hon. EMMA HURST (10:39): As a co-sponsor of the Voluntary Assisted Dying Bill 2021, it will come as no surprise that I support this legislation, which is long overdue. Currently, New South Wales is the only State in Australia without a voluntary assisted dying framework. It is disappointing, but not surprising, that a member of the crossbench, the Independent member for Sydney, rather than the Government, has brought this critical bill before the Parliament. I take this opportunity to acknowledge Mr Greenwich and his team for their tireless work in bringing this bill forward.

I support the bill because I believe that terminally ill people have the right to choose to die with dignity, on their own terms. For me, this is also very personal. As many members know, my father passed away late last year. What many members do not know is that he suffered for days on end in a hospital bed while his liver function deteriorated, to the point where he was in constant pain and he was too tired and weak to move, and to the point where he became so confused that he no longer knew the difference between his nightmares and reality. One of the last lucid conversations I had with him was about this legislation. He asked me point-blank if the voluntary assisted dying laws would pass in time so he would not have to go through what he knew was about to happen. In a discussion with me and his doctor, he said, "I don't see the point of this."

It is already distressing to lose a parent, and it is so hard to see someone who was your rock slowly slip away from you, but to have to explain that the bill that could have made it easier for him is delayed and that there will be no respite is a conversation no-one should ever have to have. I take this moment to acknowledge and apologise to anyone else who has been fighting and campaigning for this legislation while a loved one suffered, to anyone who watched someone die a slow and painful death while this Parliament drags out this legislation. I am disgusted with the slow pace and the multiple delays of this legislation. Some people do not have time. They do not have time to deal with party politics; they do not have time for people to consider how the bill will affect election results. While the bill remains delayed by the major parties in this place, people like my father will needlessly suffer a long and painful death, and it is simply unforgivable.

I know others will talk about the fantastic palliative care options in New South Wales and the need to improve them. My father had great care, and I do not fault the nurses in any way, but that does not change the reality of a slow, drawn-out death where your body slowly shuts down and the anguish that that can cause, including mental anguish. The reality is that palliative care can do nothing to alleviate that. To be honest, I find the idea of voluntary assisted dying somewhat confronting. The idea of having to make that decision is terrifying. But late last year, as I sat in the hospital by my father's side, I realised that it is not my choice to make. It may never be a choice I have to make, but I cannot, justifiably, ever take that choice away from others. My dad did not get that choice and so he suffered. He would have chosen a safe, dignified death, and he should have been entitled to do so. Everyone should have that right.

Vulnerable people in our community deserve better. They deserve to be able to choose a safe, dignified death. And it is not just my family. My team spoke yesterday with the family of Kate, a woman in Victoria—her mother calls her Katie. The birth of a child should be a joyful moment in a person's life. For Kate, however, the birth of her longed-for child marked the beginning of the end. She was plagued with back pain throughout her pregnancy and, when it persisted after she gave birth, doctors discovered that cancer had spread throughout her body without her knowing, affecting every major organ except her heart. She was told she had months to live. Kate was 36—younger than most of the people in this Chamber. She lived in Victoria, but the rest of her family live in New South Wales, meaning that she could not travel to New South Wales to be with them during her final months because she was afraid she would not be able to legally die on her own terms when the time was right.

Last week Kate's condition took a sharp turn for the worse, and she had to quickly make the difficult decision to take the medicine she had been prescribed to end her life, without most of her family by her side, as they were travelling down from New South Wales and had not made it to be by her bedside in time. Kate's mum told me that, although Kate made her choice with clear judgement, she was always grief stricken not to be at home with her family in New South Wales during her final months, and she was often heard asking why New South Wales was the only State that did not have laws to allow people to die with dignity. The bill creates a framework to support voluntary assisted dying, following the same eligibility process and safeguards as bills passed in all other States.

I will not go into the provisions of the bill in detail, noting that they have been and will be covered by other members and also because we need to move on from debate on the bill. I briefly note that the bill creates a right for terminally ill people to request and receive assistance to end their lives by the administration of a lethal substance through either self-administration or via a practitioner. To be eligible for voluntary assisted dying, a

person must be an adult with decision-making capacity, have a condition that will cause death within six months, be acting voluntarily and not because of pressure or duress, and be experiencing intolerable suffering.

As with other States, the person must be assessed by two senior doctors who have completed mandatory training on assisted dying, and approved by the Voluntary Assisted Dying Board, before they can take steps to end their life. I support this legislation because no-one should ever have to explain to a loved one that voluntary assisted dying laws do not exist in this State and that dying with dignity is unlawful. It is time to support people in the most vulnerable stage of their life—the time when that life ends. The best way to do that is by giving them that choice, and this legislation will do that.

The Hon. SCOTT FARLOW (10:46): I commence my contribution to debate on the Voluntary Assisted Dying Bill 2021 by stating that this is a difficult debate and, as in the last debate, I acknowledge the goodwill that the advocates of this bill bring to it. Several amendments have been made to the last iteration of the bill that we debated in 2017 to take into consideration the concerns that members raised in that debate. I commend the movers of the bill for doing so, but there is no doubt that, in doing that, the bill has become even more complex, which was a criticism that was levelled by even some of the bill's supporters during the Standing Committee on Law and Justice inquiry into the bill. I still believe, however, that the Voluntary Assisted Dying Bill 2021 fails to protect the most vulnerable people in our society from having their lives improperly ended.

I poured much of my heart and soul into my contribution the last time we debated this legislation, as it was then a difficult time for me. I had to discuss my choice and decision with my dying grandmother, my greatest ally in the world. My reasoning for opposing euthanasia still stands, and I refer honourable members to my contribution in that 2017 debate in *Hansard*. In my contribution today I will speak to some of my particular concerns with the bill and will draw from much of the evidence that was presented before the recent inquiry by the Standing Committee on Law and Justice. The inquiry into the provisions of the bill has confirmed my concerns about the ineffectiveness of this legislation in preventing elder abuse and wrongful deaths through coercion and undue influence. I also believe that, with this bill, religious institutions that provide care to the most vulnerable in our society will be compromised and will be required to choose between compliance with the law as it would be established under the bill and their own conscience.

During the inquiry I was struck by the real risk posed to the wellbeing of vulnerable people in our society by the removal of the longstanding blanket prohibitions on intentionally ending a person's life or aiding a person to commit suicide. The bill manifestly fails to adequately protect vulnerable people from having their lives wrongfully ended. Despite the best of intentions of the drafters, I do not believe that can ever be solved by legislation. Make no mistake, if this legislation becomes law, the vulnerable and terminally ill will often feel guilt and believe they are a burden upon their families. That should not be the case. Every day is a gift but, sadly, many people's desire to not inconvenience their families will be a major driver for the use of this legislation.

It has always been my concern that coercion in this situation will not be overt, but covert. I am concerned that people will not be told that they have to avail themselves of the provisions of the bill but guilted into doing so through conversations about what a burden the parent is on their child's life and the mounting financial challenge they present. In the committee's deliberation on the bill, I asked witnesses what could be done about coercion and the adequacy of section 41C as it stands. In response to one of my questions, Mr Santamaria said:

How will the person who has, by dishonesty, pressure or duress, induced another person to make that request ever be detected? ... There is no prospect of the subtle coercion being seen, and that was really the thrust of my submission.

I still hold grave concerns that people will avail themselves of this legislation out of guilt—the guilt of burden. It is impossible to draft protections into a piece of legislation to prevent the ill from feeling like their life is not worth living, not due to their own desire not to live but out of compassion for the pain of their family. Under this legislation, having someone care for another with a terminal illness will no longer be an expectation. Nothing ever needs to be said. That guilt will engulf vulnerable people because of this legislation. That is the seismic change that this legislation will introduce to our society. Without the bill there is a barrier. With the bill we will walk over a threshold and there will no longer be a barrier, and we can never return.

One of the most fundamental principles for many of us in this place is to ensure that the most vulnerable people in our society are protected. That is a fairly uniform belief throughout this Parliament. A core concern I have with the bill is the probability of increased rates of elder abuse arising from the very concept of voluntary assisted dying [VAD]. This legislation abdicates that responsibility and leaves the potential coercion and manipulation of a vulnerable person into VAD wide open. Evidence before the inquiry highlighted the connection between elder abuse and the risk of wrongful deaths under the bill through coercion and undue influence. HammondCare's submission to the inquiry stated:

VAD places vulnerable people at greater risk of having their lives ended without their consent. It is incredibly hard to detect coercion when people want to end their own life, as there is no real test to know if, in fact, they are seeking death of their own free will – especially when those at risk are already vulnerable.

As HammondCare states, the bill will lead to already vulnerable people being placed at greater risk of the horrible reality of elder abuse. Coercion can occur in subtle ways and is often impossible for a third party to detect, and the subject of the coercion—the patient—is too vulnerable to speak up about this horrible injustice. Statistics in the National Elder Abuse Prevalence Study, published in late 2021, paint a concerning picture of the prevalence of elder abuse already existing within our society. The prevalence of elder abuse has increased to 14.8 per cent over the past year, with the most common form of abuse being psychological abuse, at 11.7 per cent; with neglect next, at 2.9 per cent; followed by 2.1 per cent for financial abuse and 1.8 per cent for physical abuse. Each of those abuse types is relevant for assessing the safety of a bill that allows a lethal poison to be prescribed and supplied to an elderly person.

The evidence before the inquiry highlighted the connection between elder abuse and the risk of wrongful deaths under the bill through coercion and undue influence. The recent Royal Commission into Aged Care Quality and Safety extensively outlined existing abuse and neglect in residential aged care. The introduction of a legal form of death only exacerbates a major problem with no easy solutions. The protections in the bill simply cannot protect from such a state of affairs taking place. We cannot simply discount this as some erroneous or fanciful consideration, as Ms Abrahams from Catholic Healthcare outlined to the Standing Committee on Law and Justice:

I have seen cases where the assets of older people have been stripped, where people have been taken out of aged-care homes to solicitors to have their wills redrafted, earlier this year I came across a forged guardianship tribunal, which a person had photoshopped to give themselves more powers than the tribunal ever intended, and also cases of abuse. One case concerned an older client living in a fairly isolated area with his carer and the son. The attending community nursing team observed constant issues in relation to the delivery of morphine. It just ran out. It disappeared. Six months later, the client turned up in the emergency department [ED], covered in scabies, monstrously undernourished. Blood tests showed that he had not had any morphine. As the evidence unfolded, it became apparent that the carer, a morphine user, was stealing the morphine for their own purposes. In reading *Hansard* last night, I was struck about some comments made about, almost—it was fanciful to think that a bill like this could in some way interplay with abuse of older persons.

There is no doubt in my mind that this legislation will see an exacerbation of the problem of elder abuse. It is essential that there is unquestioned certainty that a request by an individual for voluntary assisted dying is truly voluntary and not caused by undue pressure or manipulation. Elderly and other vulnerable people are at risk of wrongful deaths under the bill, due to coercion and undue influence. The alleged safeguards in the bill are not capable of preventing those abuses.

The provisions included in the bill in its current form are incapable of limiting access to life-ending poisons to those with the appropriate decision-making capacity to consent to voluntary assisted dying. Those not capable of fully informed consent are at serious risk of wrongful deaths, which includes those lacking decision-making capacity and people with undiagnosed mental illnesses. The processes outlined in the bill for assessing decision-making are profoundly flawed, and that provides enough reason alone for the bill to be opposed. Clause 6 (2) (b) creates the presumption that a person has decision-making capacity unless "shown not to have the capacity".

That is the reverse of what is appropriate. Determinations about the competency of an individual to make an irreversible and consequential decision should ensure that the individual must show their ability to make a decision, not prove their inability to do so. As stated by Jackson and McGrath, "decision-making capacity should be established, rather than assumed." In evidence before the law and justice committee, Associate Professor Cole, the Chief Medical Officer of HammondCare, stated:

The standard for mental capacity, we believe, should match that applying in similar circumstances—for example, making or changing a will, donating a power of attorney. Unlike in younger people, it is our experience that assessing capacity in older people is not always straightforward, even with capacity toolkits. Capacity is often variable. It may be affected by illness and medications taken. Lengthy discussions with older people and family members are often needed to clarify both the wish to act and the capacity to decide, even in matters that many of us would think were less consequential—for example, transition to aged care. Frequently, our experience is that we spend a lot of time speaking with both family, the individual person and the members of their family about the decision-making in that situation.

By implementing positive assessment processes, the community could be further assured that the most vulnerable people in our society are protected within the bill. Sadly, those provisions are not found. There is no requirement for any investigation or due diligence on the part of a practitioner approving the request for assisted dying. There are no requirements for inquiry with those who know the patient and understand their personality and personal circumstances to uncover their motivations for wanting to die. The process has been dangerously simplified. Nobody wants to see the vulnerable exploited, but it will be a by-product of this legislation.

Evidence before the inquiry demonstrated that this presumption of decision-making capacity in the case of people diagnosed with a terminal illness is not well founded and is dangerous, that medical practitioners are

frequently overconfident in their ability to assess decision-making capacity accurately, and that undiagnosed depression or other mental illness can adversely impact on decision-making capacity. The provisions of the bill are not capable of ensuring that only those with decision-making capacity access life-ending, lethal poisons. That leaves those with impaired decision-making capacity, including some people with mental illness, at risk of wrongful death.

In the inquiry I was also concerned to hear about some of the obligations on aged-care facilities and conscientious objection. The bill seeks to impose euthanasia by the administration of a lethal poison throughout New South Wales, including, as in clause 97, in aged-care residences operated under a shared religious or other ethos that fundamentally rejects the intentional ending of the lives of their residents as contrary to the duty of care and to the wellbeing of the whole community of the facility—residents, families and staff. The notion that the access to assisted suicide of one resident in such a facility will not have an adverse effect on other residents or the staff is disingenuous. Mr Green on behalf of Calvary highlighted that situation before the law and justice committee when he stated:

I conclude on behalf of Calvary with a simple word about people in residential care, a particularly important group to consider and already vulnerable precisely because they are in this form of care. The operation of clause 97 (2) is particularly problematic for Calvary. In the same environment, and indeed in the same room, may reside a person or people who do not want to be associated with any form of euthanasia. As we stand aside to allow their fellow resident to take the VAD substance, how do we deal with that person's rights, their beliefs, fears, anxiety and even anger that we have allowed this to happen in their home without their consent? How do we explain to them that we are upholding principle 4 (k) of this legislation—"all persons ... have the right to be shown respect for their culture, religion, beliefs, values and personal characteristics"? This person might say, "This Act has violated my sanctuary and left me with grief and suffering I did not expect to have at this point in my life." And so we end where we began: Assisted dying legislation takes one kind of death and aims to make it easier. It is a deeply sympathetic goal. It also opens the door to new kinds of suffering and abuse—unintended but not unforeseeable.

Similarly, the bill seeks to impose obligations on healthcare facilities operated under a shared religious or other ethos that fundamentally rejects the intentional ending of the lives of their patients to actively facilitate the transfer of patients for the purpose of undergoing each stage of the processes required under the bill, including for the administration of a poison in order to cause the patient's death. Faith-based aged-care facilities are at the heart of our aged-care system in New South Wales. Without them, our aged-care system would be unable to operate. Mr Grant Millard, on behalf of Anglicare Sydney, said the following to the Law and Justice Committee:

This bill will compel residential aged-care operators to allow VAD in their homes, which will be against their objects, their mission and their calling. While supporting my colleagues here today, my primary focus will draw the attention of this Committee to the fundamental lack of balance in this legislation. It is flawed because, although the bill in clause 89 expresses a form of conscientious objection for residential aged-care homes, the operative provisions of part 5 override any home's objection to VAD by absolutely prioritising the decision of one resident against the interests of their community who fundamentally disagree with the unnatural termination of human life. This result is untenable. It goes further than many of the proponents of VAD suggest in their own submissions.

Under article 18 of the International Covenant on Civil and Political Rights, internationally recognised human rights include not only an individual's right to freedom of thought, conscience and religion, but also the right "in community with others and in public or private, to manifest" that religion or belief in "observance, practice and teaching". In health- and aged-care settings, that means all who work or receive care at institutions with a shared ethos that rejects euthanasia and assisted suicide have the right to have that shared ethos protected from violation by the State or third parties—such as medical practitioners facilitating or administering a lethal poison under the bill. Even the NSW Nurses and Midwives' Association's submission to the inquiry highlighted that. It stated:

Legislative reform must ensure that no individual, group or organisation shall be compelled against their will to either participate or not participate in an assisted or supported death of a person.

The bill would violate the human rights of those who have chosen to associate themselves—as operators, staff, residents or patients—with aged-care residential or healthcare facilities that have a shared ethos or belief that rejects any intentional ending of the lives of residents or patients as incompatible with their human dignity and the duty of care due to them. The requirements on practitioners in administering voluntary assisted dying are extremely limited, and the entire eligibility assessment for VAD is flawed.

The most concerning aspect of the assessment is that there is no requirement for the coordinating practitioner or consulting practitioner to have met the patient before assessment. A lack of a prognosis from doctors is often impossible, and a premature prognosis may lead to months of people's lives being wasted or cut short by allowing them to die when they should have had the opportunity to receive treatment and continue with their lives. Apart from a flawed assessment structure, the questionable prognosis of life expectancy raises other issues. Dr Eugene Moylan, the director of Liverpool Hospital, provided evidence to that effect to the inquiry.

In debate on similar legislation in 2017 I reflected on my grandmother, who was dying of stage four lung cancer at the time. Sadly, she died a little over four months after that debate. During those four months, my aunty flew to Australia from the United States on two occasions, thinking it may be the last time she would see her

mother. On each visit, doctors told us it may be a matter of weeks until she passed. While thinking it may be the end on both of those visits from my aunty, my grandmother bounced back. We shared one last Christmas together, though it was at Macquarie University Hospital, and my grandmother celebrated her eighty-second birthday and one last St Patrick's Day, despite the fact that, by that time, she was in so much pain she did not want to continue. She passed three days later.

During debate on the bill in 2017 I also reflected on my grandfather, who would have supported legislation like this. He had stage four cancer and would have been eligible for voluntary assisted dying under the bill. He was also a man who, as the weeks and months went on, faced death every day. Despite all of his protestations and best intentions, with his whole being he chose life and not death. He fought for every last breath. My grandmother was my greatest ally in life. She was a woman of faith and could best be described as stoic. She was my rock, as strong as an ox, and nothing could faze her. She cared for her husband, who was blind, constantly sick and suffered from type 1 diabetes before there was adequate treatment. All the while, she was always there for me.

My grandmother would pick me up from school when my mum could not, and she attended every rugby league game, despite having no interest in the sport. One year she even saved us from the wooden spoon when she overheard that the opposition, which was trouncing us, was using players from an older grade. She was a woman of her word, but she broke two promises to me: She never took me to Disneyland, and she died—which she vowed to me she would never do. Unlike my grandfather, in her last days of life she wanted death; she wanted it to be over. Her lifelong stoicism was broken, and she had given up. She could not endure it any longer. A week before she died, I visited her in hospital and I prayed with her for her death. I had hoped that there would be poetic symmetry, that she would pass on her eighty-second birthday, St Patrick's Day, and that her pain and suffering would be over, but she would have to wait three days longer.

While she never wanted to die and assured me that, no matter what, she would live forever, when death came knocking, she submitted and, in all good conscience, she wanted it to be over. At that time I had to look into her eyes, knowing that I had voted against such legislation, knowing that I had contributed to denying her relief. Thankfully, her struggle was not long. For many others their struggle and pain lasts much longer. Those prayers and pleas for relief carry on for many years. While we all want to end pain and suffering, we must also protect the most vulnerable. We must protect against exploitation, and we must preserve life. Many speak of ending insufferable pain, but it is my belief that this legislation, while it may indeed do that for some, may also cause it for others. There are not adequate protections, and I do not believe there can ever be. If this legislation passes, it will change the compact of our society. We will pass over a threshold from which we cannot return. As such, I cannot support the bill.

The Hon. ANTHONY D'ADAM (11:06): I cannot contribute to debate on the Voluntary Assisted Dying Bill with personal stories of having to care for a loved one with a terminal illness. In that sense I have been very fortunate. In assessing my approach to the issue, I have had to put myself in other people's shoes and imagine what it is like for them. I have listened to the older people in my life, who want to be able to access a voluntary assisted dying [VAD] scheme in the event that they find themselves confronted with a terminal illness. I support the Voluntary Assisted Dying Bill because I have a genuine commitment to personal freedom.

We hear a lot about freedom in this place; people are very committed to the notion of freedom. But true freedom can only have meaning if people have genuine control over their lives. That must extend to a situation where, if they are faced with a terminal illness, they have control over their end of life, and the choices that are presented to them must be genuine choices and not choices that are delegated, abrogated or handed over to others to make. In that sense it is critical to pass the legislation and ensure that people have genuine choice when they are faced with those circumstances.

We live in a secular system. There are people of faith, and many people of faith have contributed to debate on the bill. I respect the position that they have adopted, and I understand that the underpinnings of the bill may conflict with their deeply held values and faith-based position. But not everyone holds those views; not everyone is a person of faith. In a secular society, it is inappropriate for one group to impose a moral framework on others, particularly when the imposition of that framework will deny people the ability to make the choices that they want to make about their end of life. Others have put on record the details of the bill, including the various safeguards, as well as the experience in other jurisdictions. I do not propose to go there. I am satisfied that the safeguards in this bill are adequate to protect the vulnerable.

I was fortunate to participate in the committee inquiry of the Standing Committee on Law and Justice into this bill. I think that was a useful exercise in terms of allowing all the stakeholders in this debate—those for and those against—to clearly put their position on the record. I found it instructive. I was moved by much of the evidence—the personal stories of people who have had to support and care for a loved one who faced terminal illness. I refer to people like Gavin Pattullo and the story of his wife, Vanessa, and to people like Cathy Barry and the story about her brother, Tom. I also think of the very moving testimony from Abbey Egan about her partner,

Jayde—it was an horrific and disturbing account. I encourage members to read the transcript of Abbey Egan's story about her partner, Jayde.

We have heard in this debate this false dichotomy around VAD versus palliative care. We are all in favour of improvements to palliative care and having a better palliative care system, but I think Jayde's story really demonstrates that in some circumstances palliative care is not viable; it is not an answer. In those circumstances, if we genuinely believe in freedom and we genuinely believe in personal autonomy, then Jayde should have been afforded the opportunity to not have to die in the way that she did—with horrible suffering and the torment and trauma that was imposed on her partner, Abbey, who had to be there with her during that terrible suffering.

In the inquiry I asked a number of questions of palliative care specialists who had come before the committee. One of the key observations that I have made about the palliative care system is that it necessitates a surrendering of control by the person who is going to palliative care. If they know that they are on a pathway that will end in their death and they are looking to enter into this system of palliative care, ultimately that is a process of diminishing control. We heard testimony in the inquiry of how, towards the end of life, people are often put in a condition of deep sedation with a range of treatments that are deployed to try to minimise suffering but that actually erode a person's agency. They erode their consciousness, and they are not in a position to make choices about their treatment. That gets progressively worse in some cases, where they have actually no agency at all.

I think ultimately individuals should be given the choice about whether they want to go into that situation, whether they want to submit to palliative care. Sure, for some people that will be a valid choice. For others, they should be given the opportunity to say, "No, I don't want to." In the testimony that we heard before the committee, control was really one of the decisive factors that people articulated in their support of the bill. Ultimately it meant they retained control over their end of life and the journey that they are on. I believe that is something we must support. If this bill passes the second reading stage, we know that there is strong community support for it. I urge those opposed to the bill to not obstruct passage of the bill, to respect that that sentiment is there in the community and to enable it to pass without undue obstruction. As the only State without a voluntary assisted dying scheme, it is time for New South Wales to embrace such a scheme. It is time for us to move forward. We should move forward with haste. I commend the bill to the House.

The Hon. WALT SECORD (11:14): I contribute to debate on the Voluntary Assisted Dying Bill 2021. The stated objects of the bill are to enable eligible persons with a terminal illness to access voluntary assisted dying; to establish a procedure for, and regulate access to, voluntary assisted dying; and to establish the Voluntary Assisted Dying Board and provide for the appointment of members and functions of the board. According to clause 12, a person who dies as the result of the administration of a prescribed substance in accordance with the Act does not die by suicide. Clause 2 states the bill will commence 18 months after the date of assent. Put simply, this bill enables eligible persons to voluntarily end their lives with assistance, in accordance with a legislated procedure.

The Hon. Robert Borsak: Point of order: I ask the Hon. Walt Secord to speak a little louder. I cannot hear him.

The Hon. WALT SECORD: Sorry. Those aims seem straightforward, but I do have major concerns about them because I believe that the matters we debate in this bill are not and could never be as simple as this bill would make it seem. Here, in the rarefied context of this Parliament, it can be easy to believe that any matter, no matter how complex, can be codified—that any matter can be made into clear black and white—but there are mostly only various shades of grey. When we are dealing with a change as fundamental as legislated assisted dying, the smallest grey area is a great call for caution. That call for caution is one that I, as a legislator, must heed in relation to this bill.

The Voluntary Assisted Dying Bill 2021 was introduced by the Independent MP Alex Greenwich on 14 October 2021. Before I deal in detail with the bill, I acknowledge the earlier contribution to debate on this bill by the Government Whip, the Hon. Scott Farlow. It was thoughtful and captured many of my concerns. I recommend it to others who hold similar views. I note that, while a number of Australian jurisdictions have passed similar laws, earlier this month the United Kingdom rejected similar approaches. I have been advised that this is the twelfth time in 25 years that the United Kingdom has rejected a draft law to legalise euthanasia. Proponents of this legislation might argue that those who oppose the bill are overstating and there is no proof of malfeasance, abuse or misuse when it comes to any of Australia's voluntary assisted dying Acts. I would say to them that we do not yet have the data either way so those who argue that there is no issue are arguing from hope, not facts.

Over the years, honourable members who have observed proceedings in this Chamber would be well aware of my position on this important public policy matter. I doubt there would be surprise that I will be voting against the bill. It is not a decision I have taken lightly. I also acknowledge that I am in a minority. A recent survey in the

Fairfax Nine media found that I share my position with only 14 per cent of the community. In fact, there has been much debate among my friends, colleagues, acquaintances and loved ones about my position. Over the years my colleagues on all sides of the Chamber have conceded that they are surprised by my decision to vote against this bill and its predecessor, the Voluntary Assisted Dying Bill 2017. I want to be very clear on this point to my colleagues, my family, my friends and my communities that I am connected to: I have personally struggled with this issue over many years as a legislator. I wanted to find a way to approach this legislation. I know that it is popular and it is wanted by a majority in our community, so of course it is in my political interest to find a way to say yes. But, no matter how I turn this matter in my mind, I cannot.

As I have often said, it is wrong to see euthanasia purely in left or right terms. I have often heard colleagues remark that I am on the record as supporting marriage equality and opposing so-called gay conversion therapy. I also defend vehemently a woman's right to choice and support exclusion zones around termination clinics. They then assume inaccurately that this would naturally align me with a supportive stance on voluntary assisted dying. Perhaps once they might have been right, but my views on euthanasia have evolved and were reshaped dramatically by my work as chief of staff to the Federal Minister for aging between 2007 and 2009. I saw firsthand the experience of those in our nation's nursing homes and aged-care facilities. While I saw the best faith-based aged care—Jewish and Baptist services particularly were fantastic—I also saw some of the worst commercial providers that you could ever imagine.

One thing that struck me deeply was the reality that, despite the best intentions, it was almost impossible to protect the most vulnerable in our society from manipulation and exploitation. Unfortunately, the Voluntary Assisted Dying Bill would see the elderly the subject of coercion and undue influence and would see the pressing of guilt from family members. I still hold those views, which are informed by my time in aged care. In fact, due to personal experience with my friends and family, I hold those views even more strongly now. In addition, as a legislative principle, I do not agree that the State should endorse or legalise fatal practices such as assisted suicide and euthanasia. Once we accept the principle of the bill, we cross a longstanding line of the State defining and accepting at its highest the value of human life. Accordingly, I believe voluntary assisted death practices are intrinsically unethical and inherently open to exploitation over time, especially in relation to vulnerable individuals.

Admittedly, the Voluntary Assisted Dying Bill 2021 is much more sophisticated than its 2013 and 2017 predecessors. It has a range of oversight mechanisms, which is a positive development. It also builds on the limited experience of other Australian jurisdictions. I acknowledge this, but on balance I believe parliamentarians cannot successfully codify legislation on how to end a human life. As I said at the outset, I am not convinced that it is possible to put in place sufficient safeguards and protections to prevent abuses of these laws in all contexts. While that statement may be true of almost any legislation, the consequences of this bill would be profound and irreversible. This is before we even consider the prospect of how we will be tempted to expand the scope of this law over time, as we have seen in Europe, in the face of invidious pressures, such as high medical costs and financial burdens on families, or the prospect of manipulation in regard to inheritances, which is what I saw in aged care.

In Oregon, in the United States, assisted dying has been legal since 1997. Every year patients are asked the reasons behind their decisions. For more than two-thirds of those patients last year, uncontrollable pain was not mentioned, and more than nine in 10 said that they wanted to end their lives because they feared a loss of autonomy. While we will understandably hear in this debate a great deal about interminable pain and suffering being the ill that this law seeks to cure, data from other jurisdictions suggests that the use of the law would expand once the premise is accepted by society, as has been found in Europe. I am sure that all honourable members have had a personal experience or a number of personal experiences that have shaped and galvanised their views about assisted dying and euthanasia. We will, no doubt, hear about many such experiences in contributions to the debate. I do not reject in any way the authenticity or sincerity of those experiences and the views that they have fostered. Equally I trust that honourable members will accept that opposing the bill does not mean that one wants to see unnecessary suffering.

In my almost seven years as the shadow Minister for Health, I encountered many clinicians who advised that medicine is now in a state where a patient should not face unacceptable levels of pain. Hence, rather than a euthanasia law, the Perrottet Government should do more to fund the highest quality of palliative care to alleviate pain and suffering, particularly in Indigenous and rural communities. Unfortunately, some in our community confuse minimising pain with euthanasia. They are entirely different things. I implore Government and Opposition members to understand that, by minimising pain with the best available technology, we can properly and ethically help the elderly or those struck down with terminal illness to have dignity.

In conclusion, I know this is a matter of great interest and advocacy in communities across New South Wales and Australia. Over the past three decades in Australia, State and Territory parliaments have debated bills

on euthanasia on more than 60 occasions. This is the third time in my service as a member in this Parliament that this issue and similar bills have been debated in the Chamber. I know this issue is popular in many Australian communities, and support of it is strongly held by many, but my concerns come from a legislative perspective, not a religious, personal or moral one. My concerns on the ability to safely and successfully codify legalised dying, and my concerns in particular that the extraordinary change this law would enact could be misused, still remain. I acknowledge that the bill is popular, but this is a conscience vote and I cannot, in good conscience, support it. For the reasons that I have outlined I will oppose the Voluntary Assisted Dying Bill 2021.

The Hon. ROBERT BORSAK (11:26): I am one of the few members opposing the Voluntary Assisted Dying Bill 2021 in the New South Wales Parliament. It is a controversial position that my Shooters, Fishers and Farmers Party colleague, the Hon. Mark Banasiak, and I have taken. We have copped our fair share of bullying and peer pressure from lobby groups and other members, and from negative media campaigns, in a bid to shame us out of opposing this legislation, but those attempts have not worked. As a party we decided that this vote would be a conscience vote. My colleagues in the other place who voted for the bill were representing their electorates and their personal experiences and choice, so we will do the same in this place. I oppose the bill, and I have not landed on this decision lightly. I have received many emails and letters from people who believe I should support the bill, one of which said:

If I came across an animal that was suffering I would put it out of its misery, so why wouldn't I do the same for a human? Outrageous, how appalling.

Hunting an animal for food is fundamentally different to legislating for assisted dying, and I resent the contributions from members opposite about that. I have listened with interest to the contributions from those supporting the bill, who have dwelt on the suffering of their parents, relatives or friends in the terminal stages of life, as well as their suffering, pain and will to end it all. That has not been my experience, especially with my parents. My father passed away in March 1996 from terminal liver cancer. He was nursed at home by my mother, and he was loved and attended to by his family and his doctor. He had no pain. He was attended to, nursed and considered, despite his terminal illness. He told me two things before he passed: "I want to live," and, "I am not afraid to die." He was 78 years old.

My most recent bereavement was the passing of my mother last December. She had reached the great age of 92. After two years of COVID lockdowns at her aged-care facility, she had come to the end of her life's journey, which she began in Holland in 1928. Mum was riddled with infection. Her body could not fight it any more. She could not fight it any longer. She simply did not want to live any longer, but she did not want to die either. Mum did not suffer, she was simply too tired to continue. Her doctor comforted her and she was with us to the end. I was there when she took her final breath peacefully, calmly and with dignity. I reiterate, she did not want to go. We did not need voluntary assisted dying [VAD] laws to allow her to pass away on her own terms, with dignity and without pain. What we need is proper palliative care. I value precious human life and I believe that before we legislate for voluntary assisted dying, we need to ensure that the rest of our health system is in good order. In the inquiry into the provisions of the Voluntary Assisted Dying Bill 2021, Dr Frank Brennan, AM, a lawyer and palliative care physician, said something that resonated strongly with me:

Respectfully ... I feel we are having the wrong debate. Let us return ... to have the VAD debate when we have secured improved, funded and universal access to palliative care ... Before the legal debate, we should be having a medical debate.

Adequate palliative care facilities make up a lot of the medical debate. Many justifications have been made in this place and the other for why we should blaze ahead with the bill, despite palliative care services in Australia being less than adequate. The Australian Catholic Universities conducted a study that revealed that people requiring palliative care has been increasing annually by 5 per cent since 2003. We have an ageing population that will continue to increase, yet the rate of full-time palliative care physicians has remained unchanged.

Given the limited number of physicians trained in palliative care, there is an obvious lack in medical knowledge about how to treat someone at the end of their life. Ironically, the bill does not require a referral to a palliative care clinic before proceeding to VAD. It does not provide for coordinating or consulting doctors to be specialists in the illness or diagnosis with which the VAD patient has been diagnosed. That raises concerns that the patient will be deemed eligible for VAD without appropriate specialist input, and when they potentially have many more years to live. Our rural and regional areas are even more disadvantaged when it comes to health services like palliative care units. The Humane Organisation for People and Environment provided a parliamentary briefing package which outlined just how disadvantaged our regional and rural areas are.

It makes 10 points. First, there is already a lower life expectancy in regional and rural New South Wales, with later diagnosis of illnesses and limited treatment options. Secondly, disease and suicide increase with remoteness. Thirdly, there is limited access to specialists, with long wait lists or a long way to travel to receive specialist care. Fourthly, regional centres do not provide access to a "complete cancer service". What this means is that patients must choose between travelling to the city and away from family, or staying at home and accepting

what the briefing calls "inferior survival". Fifthly, there is a lack of staff, which means services are unavailable in many regions. Sixth, promised funding is rejected and not provided. Seventh, palliative care is completely inadequate and rarely provided. Eighth, there is a lack of GPs in our rural and regional areas, which prevents access to specialist and allied health care. Ninth, the COVID-19 pandemic exacerbated the lack of healthcare available. Tenth, the disparity in access to essential care in regional towns means there are unnecessary deaths.

Our rural and regional areas are already vulnerable and in need of proper funding for hospitals and specialist units: that should be the priority. The bill is out of touch not only with what our healthcare system needs but also with what really matters to people at that point in their life. We have been through two years of the COVID-19 pandemic and small business, education and social and cultural life have taken a hit. The cost of living is skyrocketing, fuel prices have exploded—economy is in trouble. Members may support the bill, but is it really our priority as parliamentarians? I think not, when a kinder, more considerate approach to dying is called for. The Government is bringing the bill on as part of a deal that was done with the former Premier. The Government is walking away from its support base. Shame on them. As a result, it will suffer the same consequences at the next State election as the South Australian Liberals experienced recently.

The Hon. TAYLOR MARTIN (11:34): I oppose the Voluntary Assisted Dying Bill 2021. My reasons for opposing the bill are unchanged from when I spoke and voted against the Voluntary Assisted Dying Bill 2017. Firstly, I acknowledge up-front that the concept of assisted dying resonates with many at face value when they are initially prompted for their response in the community. I believe that is because our heart aches when we hear about people who have had difficult end-of-life experiences. We have parents, spouses, siblings and friends who have suffered terribly in the final weeks and days of their lives, and we wish to take that pain away for them and for others. When people contemplate their own or their loved one's mortality, we hope their departure from this life will be swift and uncomplicated. When we witness the suffering of others or when we contemplate our own death, it is easy to reach the conclusion that we should allow any means to avoid such pain.

I do not want to diminish this view because assisting those around us who we love and others in our community is what it means to be human. To act on emotion and to remove their suffering is to act out of compassion. For me, euthanasia is a step too far. No amount of process, procedure, forms or safeguards can completely eliminate the risk of this law being used by somebody who should not be taking their own life. We must consider all the consequences of the State effectively sanctioning suicide. We cannot consider just the heartache that comes from witnessing a loved one's pain. It is our obligation as legislators to objectively consider all outcomes and to strive to investigate to the best of our ability all the unintended consequences that would arise from legalising suicide—even in those circumstances.

While participating in the Law and Justice Committee inquiry into the provisions of the bill, I was struck by a serious disconnect between the small and limited category of people that the proponents of the bill claim it is intended to benefit and the scope of the bill's provisions when examined in the light of the available data from other jurisdictions that have already legalised euthanasia. In his second reading speech the Hon. Adam Searle stated:

The bill is about granting terminally ill people the right to make a choice about how they live in the final stages of their lives, and how and when they wish to die when death is already certain. The people whose lives we are discussing are facing a certain death. Nothing is going to miraculously happen at the eleventh hour to lift their suffering. The end is certain and it is tragic, painful and undignified.

That is not exactly what the bill provides. The bill does not limit access to those in the final stages of a terminal illness. It applies to those with a 51 per cent or more chance—in other words, the balance of probabilities—of the likelihood of dying within either six or 12 months on the best guess of two non-specialist medical practitioners. The bill does not attempt to limit access to those whose imminent death is certain. The bill does not require that the person face a painful death, only that the person is suffering.

A careful examination of the provisions of the bill shows that there is a lack of definition of "suffering". That means that while the proponents focus on people whose suffering allegedly cannot be relieved, the scope of the bill includes access to a life-ending lethal poison for people with psychological or existential suffering, including suffering that could be satisfactorily relieved with the right specialist help. Evidence from other jurisdictions that have already legalised euthanasia demonstrates that only a minority of cases of euthanasia involve concerns about pain. I note that even in those cases the person may not be experiencing uncontrolled pain but is worried about the possibility of future pain.

For example, data collected over 23 years from Oregon, USA, shows that less than one-third—27.4 per cent—of people who ended their lives through euthanasia under its law had any concern about pain. In Quebec in 2020-21, 24 per cent of those whose lives ended through euthanasia requested it because of feelings of social isolation or loneliness. As reported in the *2018 Death With Dignity Act Report* by the Washington State Department of Health, some 9 per cent requested a lethal poison to end their lives due to concerns about financial

matters, including the cost of treatment or care. All these reasons would qualify as "suffering" under this bill and they do under similar legislation that currently operates in Victoria.

I stated in 2017 that I belonged to a demographic where the number one cause of death is suicide—and it is still the case. It is a tragic problem that affects young people and males disproportionately. For people aged 25 to 44, 23 per cent of all deaths are due to suicide. For those aged between 15 and 24 the proportion is even higher, with 37 per cent of all deaths attributed to suicide. I have had several friends who have attempted suicide. Fortunately, one way or another, those attempts were unsuccessful. Each of them was attempting to end their own suffering and helplessness from conditions such as depression. In one case, which I have spoken about in this place before, I walked in on an attempt. Fortunately I did so at the exact moment that I could intervene and stop it from taking place.

Of all the reasons why members should vote against legalising suicide, this is the one that troubles me the most. To legalise and to normalise suicide would in my opinion change the long-held view in society, and the compact that we all have, that life is sacred and that we do not take away life in a civilised society. Studies show that this has been the case in jurisdictions where they have allowed this normalisation of suicide. In the US, suicides—specifically excluding euthanasia deaths—have gone up in many States, including Vermont, by 24 per cent, Montana by more than 15 per cent and Washington by 5 per cent. Perversely, clause 12 (1) of the bill provides:

- (1) For the purposes of the law of the State, a person who dies as the result of the administration of a prescribed substance in accordance with this Act does not die by suicide.

It is such a dangerous proposition to not call something what it actually is. Normalising any form of suicide changes our view of death. It makes it an acceptable alternative to physical and possibly mental pain. The proposition put forward by some participants in the Standing Committee on Law and Justice inquiry that the availability of euthanasia somehow reduces suicide is frankly absurd. That conclusion is not supported by the evidence from Victoria. When arguing for the legalisation of State-approved and State-funded assistance to suicide, the then Minister for Health, the Hon. Jill Hennessy, claimed:

Evidence from the coroner indicated that one terminally ill Victorian was taking their life each week.

Like the bill before the House, the Voluntary Assisted Dying Act 2017, which she introduced on behalf of the Victorian Government, excluded deaths by self-administration of a "voluntary assisted dying substance" for the purpose of causing a person's death from being considered as suicide. By this legal fiction such deaths are then recorded as caused by the patient's underlying disease, illness or medical condition cited by a doctor in the application for a self-administration permit under the Victorian Act.

I also raise the specific concerns that exist amongst older people that they are uniquely vulnerable to the threat of euthanasia. Among older people, the threat comes in the form of coercion and possibly even from their own fear that they are a burden to their family and loved ones. The Standing Committee on Law and Justice inquiry heard from witnesses who said that voluntary assisted dying poses a significant risk to vulnerable people, in that they can be coerced or manipulated into accessing the scheme. The committee also heard that introducing euthanasia may send a dangerous signal to people who are sick, in that they may be compelled to access the scheme because they feel like a burden to loved ones taking care of them.

When most supporters of assisted suicide think about the pain and suffering that is being experienced, will be experienced or was experienced, they view it from the prism of how their own family would approach a loved one's pain. But we must make the law for everyone in New South Wales. My colleagues and I are lucky to belong to the families that we do, but others are not in the same situation. It is not far-fetched to imagine that this bill will result in people dying who should not otherwise. It is not hard to imagine a scenario where an elderly person who is incredibly sick and in terrible pain yet still yearns for life feels pressured by family to be assisted to suicide and cease to be a burden. It is not far-fetched to imagine a scenario where somebody is given a terminal diagnosis when it may not be the case in the end.

In 2019 Oregon's State health authority reported that among those who accessed the scheme, one key reason for doing so for 59.2 per cent, or nearly six out of 10 people, was a concern about being a burden on their family, friends and caregivers. During the inquiry we heard from Dr Gregory Pike, director of the Adelaide Centre for Bioethics and Culture, who outlined the thought process of sick or vulnerable people who may feel obligated to access voluntary assisted dying. He stated:

... it is not hard to see how mistakes might be made and someone might slip through the net ... 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.

As legislators we have to take responsibility for what is in front of us: the threat of an involuntary assisted death. In our country we stopped the barbaric practice of capital punishment because it is so final. We would not

reconsider reintroducing the death penalty, primarily because we fear the circumstance of having even one innocent person put to death. We must consider this bill through a similar lens because the stakes are just as high. I ask all proponents of this bill directly whether they are prepared to wear the responsibility of an involuntary assisted death. Are they okay to have just one person who was falsely diagnosed or who felt pressured to relieve some perceived burden they felt they placed on their family taking the option of assisted death?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (11:46): I speak in debate on the Voluntary Assisted Dying Bill 2021. I hold something in my hand that I found a while ago—actually the cleaning staff at Parliament House found it and brought it to me when I moved office. I know members are not allowed to use props but I have my old name badge which reads: "Bronwyn Taylor – Palliative Care Nurse". I have kept it with me the whole time. It has made me think a lot about this legislation, as well as what has been discussed both in this Chamber and in the community. One of the most common things we hear when people talk about politicians is that they want to see real people—they want to see politicians with real-life experience who have done things that reflect what they and their communities are. Those voices have become louder and louder.

I came to this place as a registered nurse of 20 years, as a past clinical nurse specialist in palliative care. The badge to which I referred earlier was before my promotion to clinical nurse specialist. I came to this place as a clinical nurse consultant and a cancer carer, and a former director of cancer services. I said in my inaugural speech that one of the greatest privileges of being a nurse was being with people at the most vulnerable time in their lives. I got to spend time with their families and to have difficult conversations with them. It is such a privilege to be a nurse; it is a profession I still love and feel deeply about.

I completely respect the different views of members in this Chamber. Sometimes it is difficult to listen to some of the arguments, but it is really important that we remain respectful. One of the greatest things about the Legislative Council is that we can have those debates in a respectful way. Today we are debating the Voluntary Assisted Dying Bill. Here we are, four years later, discussing the issue again. I was extremely disappointed when the bill did not pass the first time. That disappointment was not about me but about all the people I represent.

About six months ago I sat with a bunch of women in Monaro that I care about deeply. I do not know what their political beliefs are but I have worked with them on health projects for decades. They said to me, "Bronnie, you cannot leave Parliament. You have to give us your word you will not leave until you see this bill through." I gave them that commitment, so that might be something for people to think about in their vote, whether they want to see the back of me or not.

That is because this bill matters to people, and it matters to communities. The bill very clearly presents a framework that will work and that will protect people. When we talk about the bill, we must remember that our job is to legislate but our job is also to allow people to have the choice. Those people who do not support the bill, which is absolutely their choice, may never have to use it. As legislators, even if we fundamentally do not believe in something, we need to make sure that we establish a framework that is safe and allows people choice. It is a choice that they can make at a time when they are at their most vulnerable; it is a choice that they can make and their families can make, because choice gives them a sense of control.

As a clinician, and as a person, when I talk to someone who has been diagnosed with a terminal illness and who knows that they are going to die, I know it is that absolute lack of control that they fear above all else. They fear that lack of control and being unable to control their pain. They fear that lack of control for their loved ones whom they might leave behind. That is their greatest concern. Therefore, it is about having legislation in place that allows the framework to give those people the choice to have that control back. Whether they choose to use it or not is irrelevant. At the beginning of that cycle they may choose to go down that path with the legislation, but it will also allow the ability for them to re-check that and to change their mind at every step of the way to do what suits them. But it is their choice. It is our job in this place, as members of Parliament, to give them that choice by allowing them legislation that creates that framework.

Although I understand some of the arguments that have been put forward, as the Minister for Mental Health, I am very cautious of talking about assisted suicide and using the word "suicide" in this discussion. Any death by suicide is a loss, but that is a death because of a very acute mental illness at the time. This legislation provides for specialist doctors—so people who are trained in the area—to assess that choice multiple times throughout the entire process. To suggest that someone who is at their most vulnerable will be able to convince not one doctor but multiple doctors, their family and everybody else that they do not have a valid reason—a reason that matters to them, a reason that they can articulate, and a reason that is then backed up by scientific evidence and years of medical experience—is just simply not right. It is just simply not right to suggest that.

When we talk about things like suicide, I talk about a gentleman from Cooma called Jim Litchfield—an outstanding man, a man well before his time in terms of genetics and wool testing in the agricultural industry. He

is a giant of our industry, a magnificent human being, revered and respected by so many. When there was a meeting in a country hall about something, he would stand up and everybody would be quiet—that is the sort of man he was; that is the sort of gravitas and the respect that he had. His wife, who is a physiotherapist, is alive to this day and is a resident in the Sir William Hudson Memorial Centre in Cooma. She is not who she was. He cared for her lovingly. He cared for his community. He was slowly going blind, something that he could not stop. Whether or not this legislation would have helped or would not have helped, he could not bear to go down that path. So he did things that we do not want to talk about. His son wrote the most magnificent letter to the local paper, *The Monaro Post*, begging and pleading with legislators to have some type of framework so that a dignified person like his father could have some type of choice. I say that again: some type of choice.

Even if the legislation does not fit our personal circumstances, it is our responsibility to make sure that it is safe, robust and respectful. It is our responsibility to accept that many people may want to use that legislation but may not be able to. It is our responsibility to ensure that those systems are in place and that that mechanism is in place. That today, and going forward, is our job in this place. It is not to make our own personal judgements on how we may feel about things, but to be legislators who make that provision in that bill possible.

We often talk about pain and palliative care together. Of course we make every effort as palliative care clinicians to make sure that people are free from pain. But the reality in life and the reality in treating a disease is that sometimes we cannot provide that type of relief. Those deaths are miserable not only for the person but also for the family who has to watch that. To say that it is always about palliative care is simply not accurate. Palliative care clinicians are good people. I know I was one, and other people can judge. It is a wonderful profession, and it is a wonderful job. But to say it is the panacea for everything is just not truthful, and we know that. Good palliative care is about good nursing care. It is about good basic care, and it is something that we do so well.

As I said, this legislation is sound. It is robust, and it is something that the community is so desperately calling out for. If there is anything that we should know and recognise as politicians, it is that we are here to represent our communities. They are who vote for us; they are who elect us to this place. They are overwhelmingly saying that they want to see this legislation passed. They have been saying it for years. Questions and concerns were previously raised that no-one else had done this effectively. Since then, all other States have either implemented a scheme or are in the process of doing so. We now know that concerns that were previously raised have been shown to be misplaced.

Again, I thoroughly respect people's views on this matter. I thoroughly respect the debate. But as members in this Chamber and in this Parliament, sometimes we may not fundamentally believe in something that we are considering in the House. Sometimes it goes against what we feel and know our values to be. But our job with this legislation is to listen to our communities, listen to those people, listen to what they want and do what we do best to provide a framework where people have the choice to make decisions about their health. We need to get out of the way. I support this legislation. I commend the bill to the House.

The Hon. PENNY SHARPE (11:58): I support the Voluntary Assisted Dying Bill 2021. I have supported similar bills that were debated in 2013 and 2017. I commend the MPs who have continued the work to bring before the House this piece of complex but necessary legislation. In 2013 I said the following:

After thousands of emails both for and against; after reading many stories and many thousands of words in the material presented, both for and against; after working my way through the bill; after attending briefings; and after sitting with and hearing the stories of people with terminal illnesses and their families and friends, I have no difficulty whatsoever in supporting this bill. I fear that at this time in this place the bill will not find the level of support to make this legislation a reality. I acknowledge that some members have deeply held views in relation to assisted dying. I acknowledge that the model being put forward is not something that some members can support at this time. I also acknowledge that some members do not believe that circumstances exist where the State can put in place the safeguards that would make them able to reconsider their opposition in relation to assisted dying.

Nine years later and this bill is the third attempt at voluntary assisted dying laws. Since 2013, thousands, probably millions, more words have been written about voluntary assisted dying laws. There have been more briefings and there have been tens of thousands of emails. The arguments remain the same. The irreconcilable differences remain the same. But across Australia the laws have changed and there are now legal frameworks for assisted dying in every State as a result of community campaigns, with deep community support for voluntary assisted dying laws being available for people with terminal illnesses who seek to use them.

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

Questions Without Notice

NORTHERN RIVERS FLOOD ASSISTANCE

The Hon. PENNY SHARPE (12:00): My question without notice is directed to the Leader of the Government, Minister for Finance, and Minister for Employee Relations. Given the Northern Rivers is facing

another flood event, why has the Government only approved 337 of the 8,000 applications for grants for flood-hit businesses?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:00): I thank the member for her question. As every member in Parliament who has ever had to answer a question about floods, I acknowledge the exceptional work done by all those frontline workers who are assisting people to ensure that their lives and property are protected and thereafter assisting with the clean-up, which is so important in making sure that that community is properly supported. I note a number of the answers given by the Minister for Families and Communities about the work her department is doing to assist people in the Northern Rivers, including with alternative accommodation and the like and making sure the Government provides whatever assistance it can.

I was asked a similar question this last week about the manner in which grants are made available to people and businesses that have been the subject of flooding and the extent to which we are making money available to those businesses as quickly as possible. The member would be aware that during the bushfires and the pandemic, the necessary money went out the door to assist businesses in the recovery process or to support businesses to continue to exist during the pandemic. In fact, one of the reasons why the Federal Government was able to deliver such a strong budget last night was because of the work that was done to support businesses.

In many respects the essence of this question is not in terms of the package that was made available. There is general support for making money available to people who are the subject of a disaster of this nature. The question is about the speed with which money is made available. There are a few issues relating to that. Primarily, at the heart of it is the level of fraud that has existed in previous schemes where applications have been made with fraudulent documentation. A paper-based application regime was put in place. To the extent that has involved a delay, I acknowledge that delay and I know that the Department of Customer Service is working on it. There is a responsibility in the manner in which taxpayers' money is distributed to make sure that disaster relief goes where it is appropriately required.

The Hon. PENNY SHARPE (12:03): I ask a supplementary question. Will the Minister elucidate the part of his answer where he said there is a delay because there are issues with fraud? Will the Minister tell the House how long it will take before those 8,000 applications are approved?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:04): I thank the member for the supplementary question. I know that the Department of Customer Service is on the ground receiving the applications and processing them. The information available to me, and it may be different from that made available to the Leader of the Opposition, is that as at 29 March we have received 8,234 applications for a program that opened on 9 March, of which 426 have been approved.

The Hon. Penny Sharpe: You still think that is good—95 per cent not done.

The PRESIDENT: Order!

The Hon. DAMIEN TUDEHOPE: I am not saying that is good. I am saying that there is a process of assessment to be gone through. There are 2,725 in the process of assessment, 701 have been declined as ineligible and 213 of those applications are under fraud review. In this House and every time we go to budget estimates hearings, Opposition members are quick to criticise the Government where it does not have proper scrutiny of grant schemes and getting money out. On the other hand, they want the money to be given to people who are potentially not eligible for it and we all know about Craig Thomson. Craig Thomson is iconic.

The Hon. Penny Sharpe: Point of order: The member is not being directly relevant. This is a serious matter.

The PRESIDENT: I draw the Minister back to the question.

The Hon. DAMIEN TUDEHOPE: To the extent that there is fraud available, people have been using photos from Google and the like to make applications. I acknowledge the concern of the Leader of the Opposition. It is a measure that the Government needs to make sure it progresses as quickly as possible, but I also ask that there be acknowledgment that in spending taxpayers' money we get the eligibility criteria right.

The Hon. MARK BUTTIGIEG (12:06): I ask a second supplementary question. Will the Leader of the Government elucidate the part of his answer where he said assessors are on the ground as we speak? Will the Minister inform the House how many assessors there are?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:07): I go back to the part of my answer I gave earlier about the number of applications that are currently awaiting further information. I am instructed that as soon as the further information is supplied, they will be paid.

The Hon. Penny Sharpe: How many are in the Northern Rivers?

The Hon. DAMIEN TUDEHOPE: There are 4,169 applications awaiting—

The Hon. Penny Sharpe: How many people are on the ground in the Northern Rivers?

The Hon. DAMIEN TUDEHOPE: There are 70 staff on the ground in the Northern Rivers.

The Hon. Penny Sharpe: No, how many assessors?

The Hon. Scott Farlow: Point of order: The Hon. Mark Buttigieg asked the Minister a question. The Hon. Penny Sharpe seems to be firing about 50 other questions to him while he is answering. Will the President call her to order?

The PRESIDENT: On that point of order, it has been a cooperative process. I think the Minister was about to address that cooperative interjection from the Hon. Penny Sharpe.

The Hon. DAMIEN TUDEHOPE: There are 70 dedicated customer service people dealing with the assessment of flood grants applications.

The Hon. Penny Sharpe: That does not sound like an assessor.

The Hon. DAMIEN TUDEHOPE: There are 70 assessors. This grant money is important to get out. Some of it is a large amount of money. We are talking about potentially \$50,000 going out the door in terms of grants. Surely there would be an expectation in this place that there would be an eligibility criteria to get \$50,000. I know my bank would think so.

The Hon. Sarah Mitchell: Point of order: Opposition members have been told repeatedly that interjections are disorderly. I am sitting next to the Leader of the Government and I cannot hear him because of the injections coming from the Leader of the Opposition.

The PRESIDENT: It is getting a little bit disorderly. I know the Minister and the Leader of the Opposition are enjoying the to and fro, but I ask that they keep it to a limited amount and be as constructive as possible. The Minister will directly answer that part of the question.

The Hon. DAMIEN TUDEHOPE: I have explained that the assessment process takes some time. People who are applying for grants are asked to establish that they are eligible. In many respects, that should not take anyone by surprise. If additional information is required, as soon as that information is provided the applicants will be paid. Those opposite would expect us to process those loans responsibly and we are.

The PRESIDENT: I call the Hon. Rose Jackson to order for the first time. I call the Hon. Courtney Houssos to order for the first time. Those interjections were a little too relentless and too enthusiastic.

UGL REGIONAL LINX ORANGE HEADQUARTERS

The Hon. SCOTT BARRETT (12:10): My question is addressed to the Minister for Regional Transport and Roads. Will the Minister update the House on the opening of the UGL country headquarters in Orange?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (12:10): I thank the member for a fantastic first question. Last Friday I attended the official opening of the UGL Regional Linx headquarters in Orange with Acting Premier Paul Toole. Members will be very interested to know that UGL Regional Linx is delivering on its promise to deliver a new regional head office and purpose-built network control centre as part of its \$1.5 billion contract to operate and maintain the Country Regional Network [CRN] on behalf of Transport for NSW. I am sure the Hon. Robert Borsak would like this. The CRN is the backbone of the regional rail network in New South Wales for all customers, from rail passengers to farmers and, more broadly, the freight industry. The CRN comprises almost 2,400 kilometres of operational rail lines, 1,300 level crossings, more than 900 bridges and 1,200 property assets.

Opening the headquarters in Orange builds on the Government's vision to deliver more jobs and major infrastructure to the regions. Orange is strategically located along the CRN between numerous major depots and was the best place to establish the headquarters. Some members of the crossbench do not like it when I go to Orange, which was clearly evident last week, but everyone can see that we are delivering for that electorate. Certain members of this House do not like to see us delivering real outcomes, creating investment opportunities and boosting regional employment in the Central West. But that is exactly what this Coalition Government does because it is what the community deserves and what the community expects of a good government.

This Government has worked very closely with UGL Regional Linx to ensure that operational performance measures will be met and exceeded so that the positive impact of increased regional employment in our

communities is realised across the board. If members opposite knew anything about regional New South Wales they would appreciate the significance of the rail operations and maintenance hub being in Orange.

The PRESIDENT: Order! I do not know what has happened overnight, but the Hon. Rose Jackson and the Hon. Courtney Houssos have come to the Chamber today with a level of engagement that they now need to temper. I remind them that they are both on one call to order. The Minister has the call.

The Hon. SAM FARRAWAY: Orange now has a rail operations and maintenance hub, with 75 UGL Regional Linx staff working from the new headquarters. I am pleased to announce that most of the UGL Regional Linx controllers have taken a career in rail for the first time and that almost all are sourced from the Central West. That is delivery in action and clearly members opposite do not like it.

E-TOLL CHARGE ERRORS

The Hon. JOHN GRAHAM (12:14): My question without notice is directed to the Minister for Metropolitan Roads. Why is the Government claiming that the E-Toll systems error is charging drivers duplicate transactions when in one reported case a man was charged 37 times and another case cost \$57,000?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:14): I thank the honourable member for his question. I am aware that earlier this month motorists were overcharged, unfortunately, for road tolls in this State. First, I apologise for the inconvenience that was caused to those customers impacted by the error. It should not have happened. I have unequivocally apologised for that mistake and for the inconvenience it has caused. I am advised that the error has impacted customers who have automatic top-ups. Whilst it has not meant that they were overcharged, it means that the automatic top-up may have occurred twice.

I am advised that remedial action has been taken, with a long-term fix to be implemented in the near future. It is my understanding that the technical error has impacted a number of customers. All customers who were impacted were contacted. Refunds to impacted customers commenced on 24 March and I am advised that all debit card customers were refunded. I understand that all credit card customers will have been refunded as at today. It may be a day or two before those funds hit accounts, depending on the customer's financial institution, but from the perspective of Transport for NSW refunds have been issued.

The Hon. JOHN GRAHAM (12:15): I ask a supplementary question. Will the Minister elucidate that part of her answer about customers being refunded and the extensive information she gave about this case? Is this still going on, given the second case of \$57,000 involved the customer cancelling their account on Friday but another \$17,000 was withdrawn after that time?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:16): I note that those top-ups were impacted and those refunds have occurred. In relation to the specifics the member has raised, I am happy to take those specifics from the member directly and get more information about those. I have not been advised of someone having been charged 37 times, or being charged the amount specified. Those matters have not been brought to my attention. I am very happy to take that information from the honourable member and provide him with those specific details. We can look further into those particular occasions.

TEACHER VACCINATION RATES

The Hon. MARK LATHAM (12:17): My question is directed to the Minister for Education and Early Learning. Is the Minister aware of the latest staff vaccination status report in the Department of Education, a spreadsheet showing that 52,274 employees, or 30 per cent of staff, are listed as not having declared themselves to be vaccinated, meaning they are ineligible to work in New South Wales government schools? What contribution has this extraordinary number of 52,274 banned employees made to the critical staff shortages being experienced across the New South Wales education system? Given the latest data, will the Minister now order an independent investigation into the failure of the education department to give a frank and honest assessment of the impact of the vaccine mandates and of the way the department has misled the Parliament and the public about the true number of employees who have not declared themselves to be vaccinated?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:18): I thank the Hon. Mark Latham for his question about the vaccination of our staff in the Department of Education. What I can say to the member, and repeat what I have said in this Chamber many times before, and recently during a budget estimates hearing too, is that I absolutely support the vaccine mandate that we have put in place in education. I think it is important that we have that to protect our students and our staff. Overwhelmingly, our staff have been vaccinated. They have done that because they know that it is in the best interests to keep them safe, to keep their students safe and to keep our school community safe. I might have a different view on this to the honourable

member who has asked the question, but I firmly stand behind the decision that we have made on the vaccination mandates.

The member raised staffing shortages or absences as a result of COVID. Clearly we are seeing—and I have been very open and honest about this—an impact in our schools when COVID cases have increased in some of our communities. Large numbers of staff are absent at some schools because they have COVID or members of their family have COVID and they are in isolation, or they are unwell and have been asked to stay at home to avoid the risk. We have been upfront about it. No workplace is immune to that. We are in the middle of a wave at the moment and there are impacts. Some members in this Chamber were not here last week and some members in the other place are not here this week. This is not unique to one particular industry or area of the State. The reality is that COVID is in our community at the moment and there are impacts in every workforce because of that.

We are working closely with the school communities that have been impacted. When compared with the relative number of schools in New South Wales, a small number of schools have had cohorts learn from home for some time. Some schools have had to reintroduce temporary measures for five days, including no assemblies and mask wearing. That is in response to the pandemic. This is the first time all schools have been open during a wave. During the worst of COVID last year everybody was in lockdown and kids were learning from home, and then over the summer break schools were closed.

Towards the end of last term the numbers started to rise and schools were impacted. The school holidays provided a circuit breaker and we are hopeful that the upcoming April school holidays will also provide a circuit breaker. But we will continue to support school communities and backfill staff positions with existing casual staff as best as possible. Large numbers of departmental staff are trained teachers and have been teaching to help fill the gaps, and there are university students as well. We are working closely with our school communities on an individual basis when there are COVID cases in their community.

The Hon. MARK LATHAM (12:21): I ask a supplementary question. Will the Minister elucidate that part of her answer on vaccine mandates and its impact on critical staff shortages in New South Wales schools? Will she personally inspect the departmental spreadsheet to note that 52,274 staff have not declared their vaccination status? Given that she told this Parliament late last year that the number was 10,000 and falling, will she now inspect the spreadsheet and come back and correct the parliamentary record?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:21): I am happy to take on notice the member's question about those numbers. I received advice literally while the member was asking his question that I do need to verify the numbers. I believe it might include inactive staff who are, by definition, not actively employed. There are about 90,000 teachers in New South Wales. If we had 52,000 not working, there would be a much larger impact on our permanent roles. Like I said, I am happy to take that on notice and look at the document to which the member is referring.

There are 2,200 schools across New South Wales. Many have not been impacted by COVID staffing shortages, but some have been impacted over the course of the term. I am happy to provide the actual number on notice. From recollection, about 40 schools out of the 2,200 have had issues with cohorts learning from home. There are just over 20 schools this week that have extra measures in place. Some of those are due to staff impacts from COVID and some are due to large student case numbers in a particular school cohort, including some students who might have been on an excursion or camp. Unfortunately there is sometimes a flow-on effect when students share that accommodation.

The Hon. Penny Sharpe: That is what happened to me last week.

The Hon. SARAH MITCHELL: That is right. The Leader of the Opposition might want to comment on that in the take-note debate. We take this seriously. The member asked whether I would look at the spreadsheet to which he is referring. Yes, I will. I am happy to come back to him.

CLOSING THE GAP

The Hon. CATHERINE CUSACK (12:23): My question is addressed to the Minister for Aboriginal Affairs. Will the Minister update the House on the New South Wales Closing the Gap grant program for Aboriginal community-controlled organisations and businesses?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (12:23): I am delighted to. I acknowledge the honourable member's interest in this issue. As part of the New South Wales implementation plan on Closing the Gap, the New South Wales Government committed \$8.7 million for a grants program to support the participation of Aboriginal organisations and businesses in Closing the Gap. The grants program will address some of the challenges identified in consultations

led by the NSW Coalition of Peak Aboriginal Organisations [CAPO] and the inaugural Aboriginal Business Roundtable held on 8 October last year. We have listened to Aboriginal businesses and leaders and we are responding. That \$8.7 million will be disseminated in two streams—one stream targeting Aboriginal community-controlled organisations and the other targeting Aboriginal businesses.

The Closing the Gap Strengthening Community Capability program will contribute to Priority Reform 2 by continuing to build and support the Aboriginal community-controlled sector by increasing the number of services delivered by Aboriginal organisations. The grants will also address common challenges that Aboriginal community-controlled organisations face in securing New South Wales Government funding and growing or diversifying their service offerings. Aboriginal community-controlled organisations are the backbone of supporting Aboriginal communities across the State. We are well aware that by investing directly into the Aboriginal community-controlled sector, we will advance the delivery of culturally appropriate and pivotal programs and services. We also know and have learned about the importance of the Aboriginal business sector in Closing the Gap.

By building economic prosperity, supporting and strengthening business capability and supporting employment outcomes, we will contribute to New South Wales-specific Priority Reform 5, which targets employment, business growth and economic prosperity. The business stream will also address the common challenges and barriers that Aboriginal businesses face when trying to be awarded New South Wales Government contracts and supplying goods and/or services to the New South Wales Government. We as a government must make structural changes to ensure that all New South Wales civilians are capable of competing for government contracts. I was pleased to meet with CAPO members and my ministerial colleagues Minister Tudehope and the Treasurer to speak about that exact point at our ministerial quarterly meeting only a few weeks ago.

Through the program, the New South Wales Government will support the expertise of Aboriginal people to establish, grow and diversify their businesses and enable success in working with government in the future. A total of \$4.23 million in funding is available under each program, with grants from \$50,000 to \$200,000 available. Applications opened on 22 February and close next week on 4 April. To support the program, we will also be evaluating our efforts and the outcomes achieved through these grants to the Aboriginal community-controlled organisations and businesses in New South Wales. The funding will turbocharge Aboriginal businesses and Aboriginal community-controlled organisations to create jobs and provide better services for Aboriginal people across this State. We will directly support Aboriginal people and their families by growing and strengthening Aboriginal businesses and community organisations.

LISMORE HOUSING ASSISTANCE

Reverend the Hon. FRED NILE (12:27): My question is directed to the Minister for Regional Transport and Roads, representing the Minister for Flood Recovery. Given that the flooding at Lismore has exceeded the 10.3-metre level twice in 30 days, will the Government commission a plebiscite for the people of Lismore asking them if they would like to move their town to Goonellabah, like Lismore City Council has? If a land swap deal is good enough for Lismore City Council, why not make the same offer to residents and business owners in flood-prone Lismore?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (12:27): I thank Reverend the Hon. Fred Nile for his question. I acknowledge that the community of the North Coast has some challenging times ahead, not only after the flooding over the recent weeks but also after the flooding that is occurring again now. A weather cell has literally done a 180 on that catchment area and is heading north. I will take the specifics of the member's question on notice on behalf of Stephanie Cooke, the Minister for Flood Recovery, and come back to him in due course.

COST OF LIVING SUPPORT

The Hon. WALT SECORD (12:28): My question without notice is directed to the Minister for Finance. Given that the wages of working families in New South Wales have been cut by \$2,768 on average each year for the past two financial years, why is the Minister's Government still planning to collect record high levels of tolls, fines, fees and taxes?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:29): I thank the member for his question. Generally fines are given only if people break the law. That would be the starting point for answering the member's question on why we collect fines. Tolls are collected by tolling companies as part of a contract. Members opposite would know the terms of those contracts. I am sure the roads Minister would be happy to answer questions on tolls. A serious component to the question asked by the member relates to people's incomes and government support for people to ensure that they can provide for their families. One of the important mantras of the Government is that people should have jobs to support their families. That is

the priority of the Government, whether it is through delivery of infrastructure, which ensures that people have a job, or in some other form, such as through childcare support.

The essential, underlying philosophy of the Government is that there should be a job for every family and that people should be at work. Due to the jobs that have been created by the Government, the unemployment rate is at 3.7 per cent—members opposite could only dream of that nirvana. The Government and other Coalition governments have been bent on ensuring that they provide jobs in this economy and that they help people through a pandemic. We have made sure that businesses can stay open, we have introduced schemes to support businesses and we have made sure that the recovery, which the State and country is now engaged in, is delivered in a manner that supports the people of this State. I acknowledge that during a pandemic lots of people suffer wage stress, but as a whole the economic performance of the State and Federal governments can only be acknowledged and applauded. The measures we have taken and the fact that people have a job is fundamental to the way that we support the workers of this State.

The Hon. WALT SECORD (12:32): I ask a supplementary question. How much of the real wage reduction is the result of then Treasurer Dominic Perrottet cutting the pay of nurses, teachers, police and hospital cleaners?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:32): That question is fundamentally wrong. The Government did not cut their pay; the Industrial Relations Commission made a determination. Members opposite know that and they should apologise to every nurse and frontline healthcare worker who was offered \$1,000 each. Members opposite refused that offer due to their ideological determination to undermine the workers of this State—say sorry. Members on this side of the House were determined to support the nurses and frontline workers of this State, and we continue to do so. We continue to ensure that those public servants who work for the people of this State are supported by the Government. We can have the argument all over again.

The PRESIDENT: Order! The Minister must be allowed to finish his answer.

The Hon. DAMIEN TUDEHOPE: No doubt we will have the argument. I assure members opposite that the Government is committed to supporting the workers of this State, including the frontline workers, and it will continue to do so. The member should be on a call, Mr President.

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

The Hon. DAMIEN TUDEHOPE: I thank the honourable member for his question. I return to the point that the Government is committed to keeping people in work. We did that during the pandemic, the bushfires, the floods and the drought, and we will continue to do that for the people of this State.

AMBASSADOR SCHOOLS PROGRAM

The Hon. SCOTT FARLOW (12:34): My question is addressed to the Minister for Education and Early Learning. Will the Minister update the House on how the New South Wales Government is scaling best practice in New South Wales schools?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:34): I thank the member for his question. I am very excited to update the House on the Government's unique Ambassador Schools program, which was created to identify, celebrate and leverage the practices and insights from some of our most ambitious schools. The program is lifting school standards and student success by identifying schools achieving exceptional academic success, so that their models of best practice can be scaled at similar schools across the State. Our Ambassador Schools are not simply those that top the HSC rankings; they are those schools that perform above and beyond similar schools—those with similar socio-economic demographics—on multiple measures, including their NAPLAN and HSC results and also on attendance and expected growth.

Recently I was delighted to welcome four more schools to our Ambassador Schools program, including Cabramatta High School, which I had the privilege of visiting, and I give a huge shout-out to the students and staff at Cabramatta High School. Their student leaders are exceptional. Many of them shared with me their personal backgrounds, their stories, including how they ended up at that school, as well as the things that they want to achieve there. It is a real credit to that school community; it was one of the best school visits I have ever made. I also acknowledge Charlestown South Public School, Mathoura Public School and Winmalee Public School, which comprise the final four Ambassador Schools to round out our top 10 for now—watch this space.

Those schools join Millthorpe Public School, Fairvale High School, Auburn North Public School, Macarthur Girls High School, Bonnyrigg Heights Primary School and Huntingdon Public School, which were identified as Ambassador Schools late last year. The program includes primary, secondary and small schools; metropolitan and regional schools; and schools with a range of socio-economic contexts. The selection of

Huntingdon Public School, Charlestown South Public School, Mathoura Public School and Millthorpe Public School will offer practical insights to educators in our rural and regional communities, which is so important. Schools in south-west and western Sydney include representation from communities with high levels of students from English-as-an-additional-language backgrounds, ensuring that the program represents a diverse range of school communities right across the State.

Ambassador Schools are being supported to research and share effective, high-impact and contextually relevant practices that will help us generate a strong evidence base about the factors that drive high performance in public schools. Research through our new Ambassador Schools Research Centre, which we have launched in partnership with the University of New South Wales, the University of Canberra and Charles Sturt University, will work out the formula that underpins the success of those schools. Our Ambassador Schools are partnering with the Ambassador Schools Research Centre to co-design the research approach and generate a robust evidence base that will benefit our whole school system. It is early days, but there have already been great insights in areas like classroom practice, school leadership and community engagement. All 10 schools are successful against their benchmarks for different reasons, and have contributing factors that are unique to them. We want to recognise their achievements, understand what they are doing well and share that learning with the rest of New South Wales and beyond.

BLOCKADE AUSTRALIA PROTESTS

The Hon. ROD ROBERTS (12:38): My question is directed to the Minister for Metropolitan Roads. I refer the Minister to her announcement last Thursday when she said she would introduce legislation for stronger penalties for people who engage in unlawful protests. Considering we debated legislation on tattoo parlours and motorsports last night, when will the Minister bring to the House the legislation that is urgently needed to put to an end the ongoing Blockade Australia protests that are causing so much chaos and disruption to the people of New South Wales?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:38): I thank the honourable member for his question. His wish is my command. The legislation will be brought to the House tomorrow. To my understanding it is being introduced in the Legislative Assembly today. The legislation will ensure that we allow people on our roads to go where they need to go to, while also ensuring that the right to protest is still enshrined in this country. We are not shutting down that right, but we expect that protests do not occur on our roads while people are trying to get to work and school.

WAGE GROWTH AND INFLATION

The Hon. DANIEL MOOKHEY (12:39): My question without notice is directed to the Leader of the Government and Minister for Finance, and Minister for Employee Relations. As the typical working family in New South Wales has had their real wages cut by an average of \$2,768 per year for the past two years, will the Government make a submission this week to the Fair Work Commission that supports a real wage increase for hundreds and thousands of working families in New South Wales who earn the minimum wage?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:40): I thank the Hon. Daniel Mookhey for his question. It is an important debate that we are engaging in at the moment. The Chair of the Reserve Bank has made observations about inflation. There are certainly pressures in relation to real wages. In many respects the impact of inflation on wages was identified by the Treasurer in the Federal budget last night. We have to acknowledge that and deal with that as a Government, and we will. That is the assurance I give the Hon. Daniel Mookhey—we will. If the period that this Government has been in office is examined, real wages have increased about 5.6 per cent.

The Hon. Daniel Mookhey: It is declining. Real wage growth is declining each year.

The PRESIDENT: Order!

The Hon. DAMIEN TUDEHOPE: The Hon. Daniel Mookhey identifies a small period during which there was a pandemic. There were lots of people—

The Hon. Daniel Mookhey: Point of order: I have two points of order. One is that responding to interjections is most disorderly.

The PRESIDENT: I was about to say that after interjecting a number of times—

The Hon. Daniel Mookhey: Secondly, I ask the Minister to be directly relevant. I am asking specifically about whether or not the Government is making a submission to support real wage growth to the Fair Work

Commission for the tens of thousands of people who receive the minimum wage. As submissions are closing at the Fair Work Commission this Friday, it would be very helpful if the Minister could be directly relevant.

The Hon. Bronnie Taylor: To the point of order: If the Hon. Daniel Mookhey listened to the answer that the Minister is trying to give instead of making his constant interjections, he might realise that the Minister is being directly relevant. The constant interjections that are coming continuously make it very hard for everyone to listen. Mr President, I ask you to call the Hon. Daniel Mookhey to order and I ask the Hon. Daniel Mookhey to allow the Minister to answer the question.

The PRESIDENT: Dare I say it was a little ironic that the point of order was taken after the interjections the Hon. Daniel Mookhey made. The Minister's comments were certainly introductory. I am sure the Minister was moving towards answering the direct question that was asked.

The Hon. DAMIEN TUDEHOPE: Indeed. To the extent that the Government needs to be aware, it certainly is taking all things that impact on wages into account. What we cannot ignore in relation to this is the performance of the Government and the manner in which we have dealt with wages during the period that the Government has been dealing with wages policy. It was Labor who took a different view in respect of wages policy and denied workers the opportunities to obtain increases when those increases were available to be obtained by negotiation with the Government. To the extent that Labor engages in non-policy, the Labor Opposition is depriving the workers of this State of opportunities for wage increases that they deserve. But what I like about this is that the Opposition is giving me lectures on what the Government should or should not do when making submissions. In many respects that is so hypocritical of Opposition members because there were opportunities for Opposition members to make submissions in respect of potential taxation reform.

The Hon. Scott Farlow: Did they?

The Hon. Daniel Mookhey: Point of order—

The Hon. DAMIEN TUDEHOPE: Not a bleat. It is a policy-free zone because they have nothing to say.

The PRESIDENT: Order! The Minister will resume his seat.

The Hon. Daniel Mookhey: My point of order relates to Standing Order 65 (5). The Minister has strayed beyond direct relevance, general relevance and any relevance whatsoever. I ask him to come back directly to the question because tens of thousands of minimum wage dependent workers would like to know whether the Government will assist.

The PRESIDENT: I uphold the point of order. The Minister will be directly relevant.

The Hon. DAMIEN TUDEHOPE: To the extent that the Government makes submissions in respect of all those necessary matters, which I am sure Treasury will do, I am sure that is a matter that will be occupying the mind of the Treasurer. [*Time expired.*]

The PRESIDENT: Order! Members on both sides of the Chamber will come to order.

WESTERN CANCER CENTRE DUBBO

The Hon. SCOTT BARRETT (12:45): My question is addressed to the Minister for Women, Minister for Regional Health, and Minister for Mental Health. Will the Minister inform the House of how the Government is ensuring that people in western New South Wales can receive cancer care closer to home?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:45): I thank the Hon. Scott Barrett very much for his second question, which refers directly to the area he is from—western New South Wales. It was my absolute pleasure to join the Minister for Western New South Wales and member for Dubbo, the Hon. Dugald Saunders, to open the state-of-the-art Western Cancer Centre alongside the Deputy Prime Minister, Barnaby Joyce, and the Federal member for Parkes, Mark Coulton. The new facility will allow communities in regional and remote areas of western New South Wales to access world-class health care and lifesaving treatment much closer to home. The \$35 million Western Cancer Centre significantly expands chemotherapy services to 16 treatment spaces. It is the most amazing cancer centre. As an former cancer nurse, it was amazing to see such a world-class facility in this region that will not only service the people of Dubbo but all of the people around the area. It is absolutely incredible for them to be able to stay on country and have access to that sort of service in that brand new facility. It has beautiful chairs and big windows for people to look out when they are having their treatment.

I was able to meet the first patient who received care at this facility. Mr Brown is 80 years old and he is from Wellington. Unfortunately, last year he was diagnosed with prostate cancer. Living only 30 minutes away from the new cancer centre, Mr Brown was able to drive himself to and from treatment each day, five days a week

for four weeks. Without the centre, it would have meant long drives and days away from home and his support system, which is really important and fundamental in the treatment process. Recently members have been talking a lot about such matters in this Chamber. The one thing people will say when they are diagnosed with cancer is that suddenly everything changes because everybody else is doing what they do, but the patient's whole life and whole world has changed.

I often used to say to my patients, "Don't let this cancer define you. You need to define it." What we mean is that when a patient can drive to their treatment and have their treatment close to home, they are surrounded by friends and family and they can pick up their kids from school. It allows patients to control their diagnosis, not the diagnosis control them. These types of facilities are absolutely fundamental. To see the Rolls Royce of linear accelerators for radiotherapy in Dubbo is absolutely incredible. We know we cannot have them everywhere but if we can have them in those centres that can outreach to other centres, it is absolutely phenomenal. The staff and the consumers were excited. Nurses are talking about attaining further qualifications because they are so excited to be working there. That is the future. I am so happy to be part of both State and Federal governments that have delivered this incredible service for western New South Wales.

FIRST NATIONS KNOWLEDGE CIRCLE

Mr DAVID SHOEBRIDGE (12:49): My question is directed to the Hon. Natasha Maclaren-Jones, the Minister for Families and Communities. When the Minister met with the First Nations Knowledge Circle last week—its first meeting for months and months—why did she not ask it whether it supported or opposed the Family is Culture bill? Is it because she knows that it supports the bill?

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (12:49): I thank Mr David Shoebridge for his question. First of all, that was the second meeting with members of the Knowledge Circle. As I mentioned in budget estimates, when I took over this portfolio I met with the department to look at the *Family is Culture Review Report* and its specific recommendations. As I said, around 97 per cent of the 3,000 individual recommendations have been addressed. The remaining 25 recommendations are legislative amendments. I looked at all of those and took them to the Knowledge Circle to ask it for its input relating to what could be achieved. Some of those recommendations are more complicated and a number—between 10 and 11—are not as complicated. I have been speaking not only to the Knowledge Circle but also—as I have pointed out on a number of occasions—to a number of key stakeholders, particularly the Children's Court, relating to any legislation that we propose. That also means working with stakeholders in the—

Mr David Shoebridge: Point of order: The Minister has strayed from being directly relevant. The question, which was very specific, was: Why did the Minister not ask the Knowledge Circle whether it supports the Family is Culture bill, not whatever else the Minister plans to do at some later point with the Children's Court.

The PRESIDENT: The Minister was being directly relevant within the breadth of the question. The Minister will focus particularly on the end of the question in the time that is allowed, so far as the Minister is aware that the First Nations Knowledge Circle supported the Family is Culture bill that is being considered.

The Hon. NATASHA MACLAREN-JONES: I note that Mr David Shoebridge thinks that this Chamber—and, in fact, this State—is all about him, but the fact remains that we have a responsibility to propose legislation that is for all the people of New South Wales. I have a priority to support particularly Aboriginal children in out-of-home care. I want to make sure that I propose legislation that is bipartisan, which is why I am consulting more broadly with key stakeholders.

Mr David Shoebridge: Point of order: The Minister is flouting the ruling and the direction of the Chair. You asked her to be directly relevant to the question. Instead, the Minister has chosen to engage in her own personal political attack.

The Hon. Scott Farlow: To the point of order: The Minister was being directly relevant to your direction and to the question asked by Mr David Shoebridge. The Minister was outlining why she did not raise the issue of the Family is Culture bill, and that she was considering a broad range of issues and legislating for the entire State. It is my submission that it is completely relevant to the question.

The PRESIDENT: The Minister was being directly relevant.

The Hon. NATASHA MACLAREN-JONES: As I was saying, I intend to propose legislation this year. I am working in consultation with the Knowledge Circle and other key stakeholders across New South Wales. I am also engaging with crossbench and Opposition members to propose legislation that will hopefully be bipartisan and will serve the best interests of the children of this State.

Mr DAVID SHOEBRIDGE (12:52): I ask a supplementary question. If the Minister is interested in the best interests of children, particularly First Nations children, why did she not ask the Knowledge Circle whether or not it supports the bill?

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (12:53): I say again that this is about proposing legislation. All members have a responsibility to debate and pass legislation that is in the best interests of—

The PRESIDENT: Order!

The Hon. NATASHA MACLAREN-JONES: When we deal with child protection, it is important—

Mr David Shoebridge: You know that they support it.

The PRESIDENT: I call Mr David Shoebridge to order for the first time.

The Hon. NATASHA MACLAREN-JONES: As I said before, I am consulting broadly not only with the Knowledge Circle but also with key stakeholders in the Aboriginal community, as well as in this Parliament, to ensure that we propose legislation that is bipartisan.

JERRABOMBERRA SCHOOLS

The Hon. TARA MORIARTY (12:53): My question is directed to the Minister for Education and Early Learning. Why did the Minister and her department not consult with parents and the local community about the decision to cut the Jerrabomberra community in half and exclude half the community from attending local schools?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:54): I thank the honourable member for her question. This issue was canvassed extensively yesterday. As I said yesterday, as members in this place—

The Hon. Walt Secord: Big story in *The Canberra Times*.

The PRESIDENT: Order! The Minister has the call.

The Hon. SARAH MITCHELL: I know; I gave my response, Walt. As I said yesterday, the Government is investing in schools across the State, including in the Queanbeyan and Monaro regions. The new Googong public school, the new Bungendore high school and the new Jerrabomberra high school are all due to commence operations in 2023. How exciting is that for the people of the Monaro? And to be delivered by the fantastic member for Monaro, Mrs Nichole Overall—she is a cracker! Because context is important, these three brand-new schools have been built following recent investments in upgrades at Karabar High School, Queanbeyan High School, Monaro High School, Queanbeyan East Public School, and an upgrade at Queanbeyan West Public School is currently underway.

As members opposite would know if they ever had anything built, as occurs with the opening of new schools intake areas need to be set and existing intake areas are reviewed to ensure that we balance current and future enrolments and best utilise our school facilities. Given the significant investment in this region under our Government, it was appropriate to take a holistic look at intake areas across the region. The review of intake areas included Jerrabomberra Public School, and the advice from the department was that an adjustment should be made to alleviate that pressure of enrolment growth. The intention was to accommodate students in available permanent learning spaces at nearby schools. To do so, some areas of the existing intake area were rezoned into the intake area of Queanbeyan South Public School.

The Hon. Courtney Houssos: Point of order: My point of order relates to relevance. This was a direct question asking why the Minister did not consult with parents and the community before taking the decision. It is not about the process of rezoning and it is not about the other things that are being delivered in the area; it is about whether the Minister or the department consulted with parents or the community before making the decision.

The PRESIDENT: I do not have a copy of the question in front of me.

The Hon. Courtney Houssos: Because we drafted it here.

The PRESIDENT: Okay. On the basis of my recollection of the question, the Minister was being directly relevant in addressing the reasons that the consultation was or was not occurring regarding the limits of the areas from which schools draw their students.

The Hon. SARAH MITCHELL: As I was saying, it was deemed the sensible approach to align the primary school catchment with that of the new high school. As part of the process, local school leadership was consulted and the local representative, the P&C Federation, was also briefed on the proposed changes. As I said

yesterday, I am very aware of community and parent concerns about this issue, which has been raised directly with me multiple times by the member for Monaro, advocating on behalf of her community. I have also made it clear to the department that I think consultation and communication with the local community could have been better during this process.

I have made that clear, and that is what has been conveyed to me by the member for Monaro. As a result, the Department of Education has opened a community survey to further gather feedback from the community on the intake areas that have been proposed. That will be considered in further deliberations of the intake areas. I understand the concerns of parents, carers and their families, and I appreciate their strong affiliation with their local school. It is important that they have a voice in this process, and I have made my views on this very clear to the department. I urge parents to participate in the survey, and we will continue to work together to get the right outcomes for the families in Jerrabomberra.

The Hon. TARA MORIARTY (12:58): I ask a supplementary question. Will the Minister elucidate that part of her answer where she referred to a holistic view of the zone and consultation with the community? Will she also provide further details on who in the community she and her department consulted with before making this decision?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:58): As I outlined in my original answer, the reason we need to be having a look the school catchment areas in Queanbeyan is that we are building so many schools in that part of the State. It makes sense when three new schools are opening next year. Whenever the Government opens a new school, the catchment areas and the intake areas have to be looked at. I do not know how I can be any clearer.

The Hon. Courtney Houssos: Point of order: I take a similar point of order to the one I took previously, which is on relevance. The supplementary question asked clearly for an outline of the consultation that was undertaken, not a list of upgrades or a reason why but who was consulted.

The PRESIDENT: I uphold the point of order. The Minister has the call.

The Hon. SARAH MITCHELL: As I said in my original answer, as part of that process local school leadership was consulted and the local representative of the P&C Federation was briefed on those proposed changes.

The Hon. Courtney Houssos: Yes, a day before it was announced.

The Hon. Tara Moriarty: They were not consulted; don't mislead.

The PRESIDENT: Order! The Minister has the call.

The Hon. SARAH MITCHELL: I said that he was briefed on the proposed changes.

The PRESIDENT: Order! The Minister is answering the question. It does not require a direct response from members opposite, particularly the Hon. Tara Moriarty, who asked the question. The Minister has the call.

The Hon. SARAH MITCHELL: As I also said in my answer, I understand very clearly that there is strong community concern from parents and families in Jerrabomberra about those proposed enrolment catchment areas. I am aware of that because the member for Monaro has been in my office, literally, and on the phone and texting. She said yesterday that she is probably annoying me, but she is not because that is what a good strong advocate for does for their community.

The PRESIDENT: Order! I call the Hon. Courtney Houssos to order for the second time.

The Hon. Courtney Houssos: I am happy to get thrown out.

The Hon. SARAH MITCHELL: You want an early mark so that you are not here until midnight. That is exactly why there is now an opportunity for parents to provide their feedback. The survey is live; I was looking at it this morning. It is open until 8 April. I ask the parents in that community to let us know what they think. I have said to the member for Monaro that we will work with her, as a strong advocate for her local community, to find a good outcome for those parents and families. I do not shy away from the fact that the reason we are looking at the boundaries of the catchment areas for those schools is because the Government is investing so much money in schools in regional New South Wales—in Monaro. That is backed up by the strong advocacy of Nichole Overall.

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

*Supplementary Questions for Written Answers***NORTHERN RIVERS FLOODS**

The Hon. WALT SECORD (13:01): My supplementary question for written answer is directed to the Leader of the Government, Minister for Finance, and Minister for Employee Relations. Will the Minister provide the exact number of assessors who are physically on the ground in the flood-affected areas in the Northern Rivers as of 28 March?

TEACHER VACCINATION RATES

The Hon. MARK LATHAM (13:02): My supplementary question for written answer is directed to the Minister for Education and Early Learning. What did the Minister discover when she inspected the department's vaccination report spreadsheet, specifically the 52,274 staff members who have an employment ID number, a departmental email address and a blank space under "vaccination status"? Given the Minister's answers in this place on 10 November 2021 and 22 February 2022, will the Minister correct the parliamentary record?

E-TOLL CHARGE ERRORS

The Hon. MARK BANASIAK (13:02): My supplementary question for written answer is directed to the Minister for Metropolitan Roads. Given the two public cases of e-toll customers who have been charged not twice but multiple times, how many customers have been charged more than twice and what is the total amount that customers have been overcharged?

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

The Hon. DANIEL MOOKHEY: I move:

That the House take note of answers to questions.

WAGE GROWTH AND INFLATION

The Hon. DANIEL MOOKHEY (13:03): Last night was an extraordinary night. It is the first time in decades that a Commonwealth Government has acknowledged that Australians are experiencing a real wage cut. That is, in the next year their purchasing power will drop. This follows a real wage cut that took place last year. On average, the typical working family in New South Wales has lost \$2,768 each year for the past two years. As the Hon. John Graham pointed out in question time, one particular family lost \$55,000 through tolling in addition to that. That is deeply worrying for people who think that the wealth we create in this State should be shared by all who generate it—especially those who work.

Putting aside the politics, it is a big challenge for both sides of the House as to how we get real wages growing again. As the Minister alluded to in question time, it should be subject to a rigorous and strong debate between the two Houses. That debate should also include reference to the record of both parties, especially in light of what took place in 2020-21, when real wages went backwards in New South Wales to the tune of \$3,000 for the typical wage earner. That was the same year that this Government instituted a pay freeze and a real wage cut for the 440,000 people who work directly for the New South Wales Government. This Government is Australia's biggest employer. Where goes this Government on wages, so goes many in the private sector. That is what the Reserve Bank governor has said. When this Government cut real wages in New South Wales, other companies such as Qantas and others followed suit. As a result—as the Opposition warned at the time—two years later the bill is due. The chickens have indeed come home to roost this year.

The situation is only going to get worse. By the end of this year petrol prices are likely to remain at record highs but, worryingly, interest rates are set to rise massively. At the same time, productivity is not growing; it is stalled. That is the problem we have in New South Wales. This Government has not used its time in office to prepare the economy for the shocks that are coming. If you happen to be one of the people in western Sydney or regional New South Wales facing the prospect of interest rates and the cash rate rising from 0.1 per cent to 1.25 per cent or above, you are about to face the highest mortgage payments in your life. At the same time, your pay is going down. Members on this side of the House know that we can do better. We should have done better. The Minister should have acknowledged that he could use his power this week to support a pay rise for anyone who depends on the minimum wage.

PUBLIC SERVICE SENIOR EXECUTIVE OFFICERS REMUNERATION

The Hon. MARK BANASIAK (13:06): I take note of answers I received today that were taken on notice in the budget estimates hearing for Portfolio Committee No. 3 - Education.

The Hon. Mark Latham: Non-answers.

The Hon. MARK BANASIAK: Or non-answers would be a better way to describe it. I asked specifically:

What is the total cost of remuneration of the new organisational chart as it stands now?

The response I received was:

Details on the number and remuneration of Public Service Senior Executive officers are published in the Department of Education's Annual Report.

I do not want to trigger the Hon. Peter Primrose, but I have to announce to the House that I have checked the annual report. Guess what? There is no 2021 annual report on the website, but there is a 2020 annual report on the website.

The Hon. Mick Veitch: I may have had this issue too.

The Hon. MARK BANASIAK: You may have. It talks about employee costs of around \$10.7 million, but it does not indicate that the employee costs are taken from the senior organisational chart. Once again we have a situation where the Minister either does not know what is in the annual report or she has not cross-referenced the answers that she received from the department.

The Hon. Courtney Houssos: Come along on Monday and ask the Minister.

The Hon. MARK BANASIAK: I am going to be polite and give the Minister the opportunity to correct the record. I would not want her to think that she has misled the House or the budget estimates committee. The question was clear:

What is the total cost of remuneration of the new organisational chart as it stands now?

There has been significant rebranding and bloating of the bureaucracy and we need to know how much that is costing and if it is delivering educational outcomes. I question whether it is. I should not have to break out the crayons to explain the question to the Minister. I am giving the Minister a chance to come to my office or send an email to give me the answer that I was asking for. I want to know the exact figure. I would hate to formalise my displeasure in a motion.

AMBASSADOR SCHOOLS PROGRAM

The Hon. SCOTT FARLOW (13:08): I take note of the answer given today by the Hon. Sarah Mitchell, Minister for Education and Early Learning, with respect to the Ambassador Schools program. I note that it was one of the recommendations that came out of the report of Portfolio Committee No. 3. We toyed with a couple of different names, including Blue Ribbon Schools, but some thought better of that, which was a good point.

The Hon. Penny Sharpe: Wise.

The Hon. SCOTT FARLOW: Yes, it was wise. I place on record that it was not one of my suggestions. I am glad to see this program being implemented and these Ambassador Schools showing us best practice throughout New South Wales. It is a diverse group of 10 schools reaching across New South Wales, from the Newcastle region all the way down to the Victorian border. Effectively, Portfolio Committee No. 3 – Education recommended this in its report because there are a lot of great schools in New South Wales doing great things, whether it is the Mimosa Road Public School at Frenchs Forest on the Northern Beaches or Auburn North Public School, which we visited.

The Hon. Mark Latham: Marsden Road.

The Hon. SCOTT FARLOW: Marsden Road Public School was another. There is a cavalcade of schools across New South Wales that are doing wonderful things. The Ambassador Schools program will build a strong evidence base of effective practices from a diverse range of high-performing schools across the State. All members in the Chamber spend a lot of time picking up on some of the bad examples in schools for their political purposes, whether it be the Opposition criticising the Government or some members from the conservative wing wanting to see different changes made in schools. However, there are some really good examples. Today we heard what is happening at Cabramatta High School, where we are seeing best practice turn around communities, turn around educational opportunities and actually improve the lives of people and communities for the future.

The 10 schools that are leading the way are Millthorpe Public School; Fairvale High School; Auburn North Public School, which committee members had the good fortune to visit; Macarthur Girls High School; Bonnyrigg Heights Public School; Huntingdon Public School; Cabramatta High School; Charlestown South Public School; Winmalee Public School; and Mathoura Public School. Research through the Ambassador Schools Research Centre, which the Government launched in partnership with the University of NSW, University of Canberra and Charles Sturt University, will work out the formula for the success of these schools. Already we are seeing interesting insights emerge. Hopefully those insights will instruct other schools in how they can copy that success.

The advice will enable the New South Wales Government and the Department of Education to scale best practice across the entire school system. When visiting these schools we heard their stories about how they actually had to give up a lot to inform other schools of how to follow their lead. That is something we want to see supported and continued.

NORTHERN RIVERS FLOOD ASSISTANCE

The Hon. PENNY SHARPE (13:11): I also take note of answers given this day. In particular, I reflect on the answer given by the Leader of the Government in relation to the Northern Rivers floods and the complete failure—I think it is time to actually say that—to get grants to the people who desperately need them. Members on this side of the House have been and continue to be bipartisan for all of the people who are in such difficulties up there. The Government has one job in relation to this, which is to support those who have been affected. There has been a lot of talk. There have been a lot of words of concern. There have been a lot of promises, with big dollars called out all the time. But let us look at where we are at.

Today the Minister told us that of the 8,234 grant applications, only 426 people have actually seen any money. Every single one of those applications represents a business that literally cannot open its door, has lost all of its stock, lost all of its computer equipment and has lost all its business because people cannot buy anything or get any services from them for God knows how long. He also told us it is a paper-based system. I do not know how people can use a paper-based system when they cannot print anything out and cannot access their files because they are destroyed. These people have lost everything in their homes yet somehow have to provide identification material. That is why only 426 people have seen any money.

The Minister then told us that 2,274 people are at the next stage of assessment but gave us no time line about when those people are likely to get the tick. That means there are still 5,534 people whose applications are limbo for an indefinite time. It really is a problem. The Government keeps telling us it has a coordinator, it has Resilience NSW and it has Service NSW—the wunderkind of service delivery, apparently. It tells us all these things are in place. If you ask its public servants or the Ministers at budget estimates they say, "It's all good. We've got a program for that. We've got public servants to do that. We've got an app for that. It's all going to make it easy." That is just not the case. There are thousands and thousands of people with nothing who have been promised support, but it has not been delivered.

I make a final point—and the Minister really hedged when he came to this in his answer: How many people are actually going door-to-door talking to those people individually to help them get their applications sorted as soon as possible? I believe there are none. There are a few people up there, which is good—they should be there—but do not gild the lily. There are no assessors on the ground in the Northern Rivers who are actually helping to deal with the 95 per cent of people whose applications have not been dealt with.

TEACHER VACCINATION RATES

The Hon. MARK LATHAM (13:14): I take note of the answer given to me by the Minister for Education and Early Learning. At the moment New South Wales has a teacher shortage crisis. There are schools like Cromer High School on the Northern Beaches that are closing early. They cannot staff from 9.00 a.m. to 3.00 p.m. At least 17 schools in New South Wales are sending whole cohorts of year groups home because they cannot teach them at the school. The students are told to go home and do a little bit of online learning, if they can. There are many more schools where the classes have been collapsed and merged. There are reports right across the State of students who have been told to go to the library and read a book or just sit in the playground.

We are dramatically short of teachers as a deliberate product of this Government's policies. The Minister said that the 52,274 staff who have not declared a vaccination status are "inactive" employees of the education department; well, it does not look that way on the spreadsheet. They have an employment ID number, they have a departmental email address and they have a space for their vaccination status that is vacant, meaning they cannot go into schools. Even if they were inactive, is not the whole point to activate those teachers to end the crisis? How did we ever get to the point where there are over 52,000 staff in the education department who either are regarded as inactive or have not got a vaccination status, and at the same time we have this staff shortage right around New South Wales?

The Minister needs to do a lot better than what she told us in November, which was that the number was 10,000 and falling. At the time I asked her in a supplementary question for a more detailed number. When she reported back in February there was no detailed number. This is an education department that is loose with the truth and afraid of the facts. Then at budget estimates we tried to get some numbers, because most of the 52,274 are casual teachers who have disappeared out of the system. This should have been the reserve army of teachers to come in and end the crisis. We could not get those numbers from the HR manager, Ms Cachia, at estimates.

Here is a new low in terms of transparency. I asked the supplementary question: How many casual teachers were advised by the department that due to vaccination status they were no longer eligible to teach in New South Wales schools? I was referred to the answer to my question No. 8383 on the *Questions and Answers Paper*, which was a non-answer. This is a new form of non-answer, referring you to a different type of non-answer. The department is not transparent. It is not facing up to the facts. That is why we have another desperately needed Portfolio Committee No. 3 – Education budget estimates session on Monday. We will establish the facts here. They do not reflect well on this department, which so often runs political interference for the Minister. They do not reflect well on a Minister who needs to come back to this House and report the truth.

UGL REGIONAL LINX ORANGE HEADQUARTERS

The Hon. SCOTT BARRETT (13:17): I take note of an answer given to me by the Minister for Regional Transport and Roads on the opening of the UGL country rail headquarters in Orange. The opening of this facility should not be underestimated. It is indicative of the growth we are seeing across the regions as more people, more businesses and more industries see the advantages and attractiveness of moving to our regional centres. Regional New South Wales is getting stronger every day and becoming a better place to live every single day. We are witnessing a regional renaissance, and thanks to the New South Wales Government our communities are benefiting from record investment in infrastructure, health and education.

It is through these partnerships the Government is forming with regional communities, local councils and private businesses that we are creating certainty for people and businesses across the State and attracting new investment into the regions. Regional New South Wales is and always has been the best place to live, work and raise a family. I consider myself incredibly lucky to be able to be doing all these things. I encourage others to follow the lead of UGL and look to the regions, particularly the Central West, for a great place to live, opportunities and a fantastic future for themselves and their families.

E-TOLL CHARGE ERRORS

The Hon. JOHN GRAHAM (13:19): It is bad enough that on 1 April tolls will go up again in Sydney. It is bad enough that the toll relief package Sydneysiders are hopeful that the Government will release has been delayed. Now we have heard from answers in question time today that drivers have been charged multiple times, presumably for the one trip, as part of the e-toll bungle. Exactly how many times those drivers have been charged is currently a mystery. Transport for NSW refers to "duplicate" transactions. Today the Minister indicated to the House that people have been charged twice. What I do not understand is why there are now multiple cases where people have been charged far more than that—in one publicly revealed case, 37 times. That is at odds with the Minister's statement and the department's statement.

In another case—again, this is public—the department charged Jason Clenton \$1,000 increments. He was charged up to \$40,000 by Friday. Bear in mind that this issue became public last Thursday, so Jason Clenton had cancelled his account. But after that account was cancelled, another \$17,000 in \$1,000 increments flew out of that toll account. That is the question—a total mystery. Why is the Minister saying people have been charged twice when these public cases appear to contradict that? That is only the start of the questions that remain about this matter. I thank the Minister for being in the House for this debate. I invite the Minister to place on the record how much in total drivers have been charged. How many times have drivers been charged in multiple transactions?

The Minister was also clear that refunds are on the way. When can we expect those refunds to land in their accounts? How did this happen and when will it stop, given the experience of Jason Clenton, who closed his account but the money kept coming out? Someone closed their e-toll account, and the State is still reaching in and pulling out thousands of dollars by the handful. How does that happen? Most importantly, will it happen again? Do we have any assurance that it will not happen again? Big questions still remain. This Friday—and it is not a bad April Fool's Day joke—tolls will go up again in Sydney. Before tolls go up again, before the next new toll road, before new tolls are imposed, the Opposition calls on the Government to deliver toll relief to drivers to deal with the impact of its toll-mania policy.

UGL REGIONAL LINX ORANGE HEADQUARTERS

JERRABOMBERRA SCHOOLS

The Hon. COURTNEY HOUSSOS (13:22): I take note of the answers provided by the Minister for Regional Transport and Roads. In stark contrast to the characterisation of a "regional renaissance", it is very important that we talk about what this Government's record is when it comes to jobs in rail manufacturing across regional New South Wales. This Government oversaw the closure of the UGL site in Taree in 2013, when more than 130 jobs were lost. The 54-hectare site still lays vacant today. That plant had been there since 1975, and in 2015 the media reported that the Manning had lost 1,500 jobs over the previous three years. In 2013 the ABC

reported that scores of people had left the local community for Newcastle and Queensland, and the mayor reflected that about \$12 million in wages out of the local economy had been lost.

That is not the only site that has been lost. UGL closed its Broadmeadow site in November 2013 and its Chullora site in August 2015. There are other companies as well. Goulburn and Bathurst also lost their rail manufacturing sites. This is a story of \$4 billion of rail manufacturing that this Government sent overseas. We got inferior products from overseas that do not fit the tracks, that are less safe for commuters and that are facing budget blowouts all at the same time as we lose those valuable multiplier effects in sustaining our domestic manufacturing industry. Let us look at the real record of this Government when it comes to rail manufacturing: jobs have been lost, contracts were sent overseas, and vastly inferior products have been delivered.

I also reflect briefly on the education Minister's answer on Jerrabomberra High School and the written answer provided in response to my supplementary question on the consultation that was undertaken before the suburb was split in half. Let us be clear: residents and families in Jerrabomberra will not be able to attend either Jerrabomberra Public School or the new Jerrabomberra High School. In the face of the community outrage that has followed this ridiculous decision, made by education bureaucrats drawing some line here in Sydney, the Minister says:

Consultation has been ongoing since 27 May 2020 with approximately 12 consultation meetings occurring during this time.

We established in question time that consultation did not occur with the local community, it did not occur with parents and it did not occur with students. Internal people within the Department of Education were talking to each other, which is absolutely outrageous.

NORTHERN RIVERS FLOOD ASSISTANCE BLOCKADE AUSTRALIA PROTESTS

The Hon. WALT SECORD (13:25): I participate in the take-note debate as the shadow Minister for the North Coast and the shadow Minister for Police. I will refer to two matters: the lack of business support during the floods, and tougher penalties for illegal protests. Firstly, it has been four weeks without electricity in the Lismore CBD—four weeks. I was up there on Sunday, and the water was not running. That is four weeks without electricity. That is extraordinary. That is why locals are saying, "Where is the help?" Today the Leader of the Government, Minister for Finance, and Minister for Employee Relations revealed what is happening. Of 8,234 applications, only 426 were approved. That is why the community is extremely frustrated up there, and they have lost confidence in the Government. It is just one example of the lack of support from the State and Federal governments—and the Federal Government arbitrarily excluded a Federal Labor electorate from support.

I now turn to an answer given by the Hon. Natalie Ward involving the Roads and Crimes Legislation Amendment Bill 2022, which the Minister indicated will be introduced in the House tomorrow—and I see she is holding it up now. In all commentary that the Minister had made in the public arena, she kept referring to Greater Sydney. I then pointed out that those protests occurred in Newcastle. I am hopeful that the Minister can ensure that tomorrow's bill will very clearly say Botany Bay, Newcastle and Port Kembla.

The Hon. Shayne Mallard: Point of order: This bill is on the *Notice Paper* to be debated—

The Hon. WALT SECORD: To the point of order: The Minister introduced the subject.

The Hon. Shayne Mallard: With respect, I have not finished my point of order.

The PRESIDENT: The Hon. Walt Secord will allow the Hon. Shayne Mallard to finish.

The Hon. WALT SECORD: This is a tactic to use my time.

The Hon. Shayne Mallard: No, it is not at all. I wondered about this in question time. There is a standing order relating to anticipation of something on the *Notice Paper*. I would like your ruling, Mr President.

The Hon. WALT SECORD: Further to the point of order: The Minister introduced the subject into the debate, not me.

The Hon. John Graham: To the point of order: I make the point that we do not believe the bill has yet been introduced.

The PRESIDENT: I do not believe it has. The Hon. Walt Secord has the call.

The Hon. WALT SECORD: That was a clear tactic to eat up my time. I was very clear: Labor supports tougher measures against illegal protests. This is typical of the Government. Until it was pointed out, this Government thinks that everything resides in Sydney's east. But there is more to New South Wales than just Sydney's east. The legislation tomorrow better have Botany Bay, Newcastle and Port Kembla in its description.

NORTHERN RIVERS FLOOD ASSISTANCE

WAGE GROWTH AND INFLATION

The Hon. MARK BUTTIGIEG (13:28): I take note of the response given to the question regarding the flood response to assessors on the ground. The Minister said that 213 people are under fraud review. The implication of the answer was that, because of the fraud, it is an acceptable sacrifice for people to have to wait for weeks and weeks to get any money, the majority of which has not even gone out the door and has not yet been applied. There were 213 out of 8,234 applications which represents 2.59 per cent of people who are under fraud review. That is an extremely low rate and a low price to pay for all the suffering that people in Lismore are going through, without getting that money out the door. Is that an acceptable cost-benefit analysis to assist people? One has to ask the question—

The Hon. Natalie Ward: Point of order—

The PRESIDENT: Order! The Hon. Walt Secord and the Hon. Shayne Mallard will take their conversation outside the Chamber.

The Hon. MARK BUTTIGIEG: Will the Clerk stop the clock?

The Hon. Natalie Ward: The conduct of the Hon. Walt Secord was unparliamentary and I ask that he be brought back to—

The Hon. Walt Secord: Point of order—

The Hon. Natalie Ward: May I finish? Threatening members on the way out of the Chamber is unacceptable behaviour and I ask that the Hon. Walt Secord be reminded that his behaviour is unparliamentary.

The Hon. Walt Secord: To the point of order: That is completely inappropriate and unfair and a misrepresentation. I told the Hon. Shayne Mallard that if he is going to use the tactic of interrupting me and taking a point of order, the next time he makes an adjournment speech I will engage the same tactic. That is not a threat; that is a statement of a fact.

The PRESIDENT: There is no point of order. Members should have private discussions outside the Chamber.

The Hon. MARK BUTTIGIEG: I appreciate that all my time has been chewed up. The percentage of fraud is about 2 per cent and people are waiting weeks on end for money for urgent relief. If that is the Government's quality of cost-benefit analysis of whether or not this money should be paid, then it should think long and hard. In terms of the real wage decline, the point my honourable colleague made is very simple. During a period when inflation was rising and therefore real wages were falling, instead of trying to fix that by putting a submission to the Industrial Relation Commission to lift wages, the Government actively assisted that wage suppression by instituting a wage freeze. That is unconscionable.

The PRESIDENT: Order! Pursuant to standing orders debate is interrupted to allow a Minister or Parliamentary Secretary to respond.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. PETER POULOS (13:31): I take note of the answers given today as I close this take-note debate. In response to some observations made by the Hon. John Graham and in the presence of the Minister for Metropolitan Roads, it is important to correct the record and note that the Government has apologised for the tolling error. My understanding is that refunds are underway and have been processed. I take note of the answer given by the Minister for Regional Transport and Roads relating to the fantastic opportunity of having the UGL country rail headquarters in Orange. That initiative should not be underestimated. Orange is now a major rail operations and maintenance hub. That demonstrates that this type of investment is boosting and enhancing communities, generating jobs and delivering economic prosperity across the regions.

I take note of the answer given by the Minister for Aboriginal Affairs about the Government's response to the Closing the Gap grants program, which was an important contribution. I know that all honourable members are very attentive of those initiatives. The 2021-2022 Implementation Plan for Closing the Gap included a commitment of \$8.7 million for a grants program to support the participation of Aboriginal organisations and businesses in closing the gap. The grants have two streams: one targeting Aboriginal community controlled organisations and the other targeting Aboriginal businesses in New South Wales. A total of \$8.46 million is available for both streams, with a further \$240,000 allocated for evaluation. So much more needs to be done, but it is encouraging that we are progressing those opportunities towards closing the gap in a very constructive manner.

Finally, I was particularly mindful of the important contribution given today by the Minister for Regional Health about the new Western Cancer Centre and the Dubbo Hospital Macquarie Building redevelopment. That is part of a \$306.3 million Dubbo health service redevelopment in collaboration with the Federal Government. The new cancer centre will feature 16 chemotherapy treatment spaces and scanners. That once again showcases that the Perrottet Government is working very hard to deliver a better tomorrow.

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

Motion agreed to.

Written Answers to Supplementary Questions

JERRABOMBERRA SCHOOLS

In reply to **the Hon. COURTNEY HOUSSOS** (29 March).

The Hon. SARAH MITCHELL (Minister for Education and Early Learning)—The Minister provided the following response:

The Department of Education has an obligation to manage enrolments across an entire region, and decisions for intake areas are made based on a number of local factors. The changes aim to balance enrolments across the new and existing schools in the area.

The proposed new intake areas for Googong Public School, Jerrabomberra High School and Bungendore High School were developed in close consultation with School Leadership teams and local principals, and considered the changing demographic data. The new intake areas required adjustments to existing school intake areas including Jerrabomberra Public School. Consultation has been ongoing since 27 May 2020 with approximately 12 consultation meetings occurring during this time.

On 7 and 8 March 2022, local principals were briefed on the proposed new intake areas as well as the local representative of the P&C Federation. The new intake areas were published on 22 March 2022. Significant feedback has since been received from the local community and from the member for Monaro. The Department of Education has re-commenced consultation to gather feedback from local families.

Consideration of the feedback will inform further deliberation of the intake areas.

Bills

HOME BUILDING AMENDMENT (MEDICAL GAS LICENSING) BILL 2022

First Reading

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

The Hon. NATALIE WARD: 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. NATALIE WARD: I move:

That the second reading of the bill stand as an order of the day for the next sitting day.

Motion agreed to.

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

Budget

BUDGET ESTIMATES 2021-2022 TIMETABLE

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

That the resolution of the House of Tuesday 29 March 2022 relating to Budget Estimates 2021-2022 further additional hearings be amended by omitting in paragraph (2) all words after "Wednesday 23 February 2022" and inserting instead:

Day Fourteen:	Wednesday 6 April 2022
PC5	Emergency Services and Resilience
Day Fifteen:	Thursday 21 April 2022
PC1	Premier
Day Sixteen:	Wednesday 4 May 2022
PC5	Deputy Premier, Regional NSW, Police

Motion agreed to.

*Private Members' Statements***TRIBUTE TO GRAEME COLIN "SHORTY" REVILLE**

The Hon. MICK VEITCH (15:01): Yesterday I had the distinct privilege of representing the Leader of the New South Wales Opposition, Chris Minns, and the State Parliamentary Labor Party at the funeral of Shorty Reville at Broken Hill. Shorty was 89 years old. Graeme Colin Reville, or "Shorty", was born in Melbourne on 27 October 1932 to Colin and Pearl Reville, and was the oldest of five children. After leaving school at age 13, Shorty worked in market gardens around Dandenong, then as a gravedigger at the Springvale Cemetery. Shorty was an itinerant worker in his early twenties, travelling throughout Queensland, cutting cane and taking on other jobs. He then moved to South Australia where he worked around the Woomera and Maitland areas.

In 1959 Shorty decided to have a look at Broken Hill, and he never left. As his wife, Pat, said to me yesterday at the funeral, "Shorty came to Broken Hill a blow-in and leaves us as a legend." Shorty held a number of jobs: in a wood yard and driving the mail truck to Menindee, Tibooburra and all the way to the border fence, returning with wool bales for the sales. After ill health forced him to retire in 1989, Shorty worked on various committees and boards where he could really advocate with passion for the people of Broken Hill and the Far West. He served in positions of chair or board member for organisations such as the Broken Hill Water Board; a proposed mining museum, which I heard was scuttled by political influences; the Far West Regional Board; West State Training; the Napradak Club; the Legion Club; the MMM sickness fund; the MMM Superannuation Fund; the Sulphide Street Railway Museum; and the Broken Hill Contribution Fund.

As those on this side of the Chamber well know, Shorty also had a bit of involvement with the Barrier Industrial Council and the Labor Party. It is in that capacity that I got to know and respect Shorty, a friendship of about 30 years' standing. He loved going to conferences where he could, as he would say, "hobnob" with the likes of Paul Keating, Anthony Albanese and Kevin Rudd. In 2006 he was bestowed Life Membership of the Australian Labor Party. He also was awarded a McKell Award for services to the party over a long time, and in 2014 received the Bluey Rodwell Award for services by a country person to the Labor Party.

Shorty always had a word of support, some constructive criticism and a little guidance for members of Parliament of all persuasions, but mainly for those of us in the Labor Party. He spoke and we would listen. Shorty always spoke about the labour movement and what was in the best interests of working people. He was loyal, staunch and as passionate as they come. I spent a lot of yesterday listening to stories about Shorty. I did wonder at times what was fact and what was myth, but it all adds to the legend that was my mate Shorty. To Pat, I offer the sincere condolences of the State parliamentary caucus. We are all going to miss Shorty ambling up to us, in his fedora, with a quiet word of good advice. There are so many stories that cannot be put on the record but, suffice to say, a true champion, a good man, has left us. Vale, Graeme Colin "Shorty" Reville.

PRE-PURCHASE BUILDING INSPECTIONS

The Hon. ROD ROBERTS (15:04): For many Australians, deciding to buy their own home is the biggest financial decision of their lives. I remember buying my first home after years of saving up enough money for a deposit. That is why I found myself astounded recently when I was made aware of the lack of regulation surrounding pre-purchase inspections. Pre-purchase inspections are conducted to ensure the structural integrity of the home. One would expect and assume that to conduct these inspections one would need to be a builder and licensed and authorised to carry out these crucial inspections. But it may shock the House to hear that there is no requirement for building inspectors to hold any form of licence. They are not under the control or supervision of any regulatory body.

I have engaged pre-purchase inspectors in my previous career in the real estate industry and even I assumed that they were licensed builders. What hope does the average mum and dad consumer have if even the industry professionals are not aware of the situation? This lack of regulation has led to a Wild West situation where unscrupulous characters in the industry are conducting sub-standard pre-purchase inspections. I have heard horror stories of first home buyers being duped by dodgy building inspectors.

Imagine this: A young family has managed to save up enough for a deposit. They decide to make sure that the dwelling is up to standard and they engage the services of a building inspector. The inspector gives them the all clear and they move in. A few months later there is massive water damage in the main bedroom from a busted roof tile or a slow-leaking water pipe. They thought they were doing the right thing in getting an inspection, but it turns out there was a problem and now they have to pay more money to get it fixed. And where has the building inspector gone? He is nowhere to be seen. Even worse, the inspector might not have any insurance, so inevitably both parties end up in court. That is extremely expensive for the homebuyer and clearly not an acceptable situation.

This is a massive problem that happens all the time. There needs to be protection for the consumer. We cannot keep having dodgy inspectors ripping people off. When one pays for a product one expects to get what one

paid for, and that is at the heart of the problem. People who have spent their entire lives in the industry have reached out to me pleading for more regulation. This is an industry that is asking to be regulated. They have been trying to improve the profession for years, but their pleas have fallen on deaf ears. Well not anymore. With the median Sydney house price currently in excess of \$1.6 million, buyers need protection. I will be taking this up with the new Minister for Fair Trading. It is time we got this issue solved once and for all, for the protection of consumers.

BUREAU OF METEOROLOGY FLOOD MONITORING

The Hon. CATHERINE CUSACK (15:07): The citizens review of the 2017 Lismore floods on the SES website is essential reading for anyone trying to understand mistakes repeatedly made. The Bureau of Meteorology [BOM], which has a statutory role in emergency protocols, failed. The evacuation order in 2017 was seven hours too early, causing massive avoidable losses in the township. The report pleaded with the SES to recognise local expertise in monitoring in real time what was happening in the catchment. It made recommendations about local management, the need for better coordination, clearer messaging to the community and the like. The report seems to have been pretty much ignored.

The BOM predictions of the 28 February flood were hampered by flood gauges destroyed, but not repaired, after bushfires two years ago. Other gauges flooded and, therefore, the magnitude of the water flowing over them could not be measured. Meanwhile, locals in the catchment tried again for hours to warn the SES, to no avail, because the BOM is the agency that is mandated to supply that information. There was one key to the Lismore flood alarm system and the person who had it could not be found. So it is incredibly disappointing to learn today, as Lismore floods again, that the BOM readings were yet again inaccurate. It is suggested that a key gauge has been underestimating water levels by 400 millimetres. This seems to be the cause of evacuating Lismore yesterday at lunch time, giving the all clear to return last night, only to evacuate again this morning. The warning system has again failed. The reason is not known at this time. Tempers are fraying and lessons must be learned.

I have been raising issues concerning the New South Wales Government disaster grants since the second week of the flood, when Resilience NSW claim forms became available on its website. People have to ring a number, which is never answered, to request a paper form to be delivered by a non-existent postal service to their destroyed home or business. The form is complex and requires excessive documentation including a detailed means test requiring attachments such as the applicant's most recent wages payment, irrespective of the fact that they may have just lost their job. People's homes and businesses are listed as assets even though they have just been destroyed.

A local accountant suggested to me that the Government should use the COVID business support app which could process the whole claim in a few minutes. It would link to one's previous COVID claim, which already has information uploaded, such as one's bank account and premises, and presumably has been assessed for fraud. Service NSW is the delivery agent. This is not its fault. The people behind the scenes are not changing this. As a result, of the 8,000 claims lodged, only 330 have been approved. The Government cites fraud risk and prudential practice but duplication, red tape and unnecessary means testing are the culprit. We should drop the means test and give grants rather than reimbursements so that people have choices about exiting their businesses or repairing on flood-free land. This is not good enough. I do not want to hear that the Government shares my frustrations or understands my concerns. I want to hear that it knows this is not good enough and that this awful system will be reformed.

WESTERN SYDNEY INVESTMENT

The Hon. COURTNEY HOUSSOS (15:10): Three in 10 people in New South Wales and one in 10 people across Australia live in the region of western Sydney. Western Sydney is filled with hardworking people from a range of backgrounds looking to raise their families. Many have been born overseas and migrated here, attracted to the opportunities our country offers. They are not looking for a handout; they are looking for the occasional hand up as they strive for a better life for their children and grandchildren. How have they been treated by this New South Wales Liberal-Nationals Government? Their wages have stagnated, their suburbs locked down and their tolls and charges constantly increased. It is no wonder they are feeling under pressure.

A new report from the McKell Institute this week revealed why those toll increases are placing such pressure on families in western Sydney. It is because of their poor access to public transport. The report found that access to infrastructure is unequal and strongly affects the metropolitan divide in Sydney; that all eight western Sydney LGAs are in the bottom third of councils close to public transport; and that, conversely, of Sydney's 33 LGAs, the third with the best access to public transport are all in the east and north districts. That means that those who travel the furthest to get to the CBD have the lowest access to public transport to get there.

Let us reflect on what this New South Wales Liberal-Nationals Government has delivered over the past decade in office: the Sydney Metro West, the CBD light rail, the Sydney Metro City and South West, the Rozelle Interchange and Sydney Gateway, the Northern Beaches Hospital Road upgrade and the Sydney Metro Northwest. There is not a single major project west of Parramatta, and plenty of budget blowouts to boot. A new airport may have been promised with a metro, but it will only have two suburban stops and is unlikely to be completed before planes actually start arriving.

There will be more population growth in the next 20 years in the local government areas of Blacktown, Liverpool, Parramatta, Camden, Penrith, Canterbury-Bankstown, Cumberland and Campbelltown than the rest of New South Wales combined. Two-thirds of population growth will go into those eight local government areas. Blacktown will have to take an additional 20,000 people; Liverpool, 190,000; Camden, 180,000; Parramatta, 140,000; and Penrith, 140,000. Over the same period, the northern beaches will take an additional 27,000 people and Mosman just 999 people. That record shows just where the priorities of this Government lie. The people of western Sydney have had enough.

STRIKE FORCE DOMINION

YOUTH DETENTION

Mr DAVID SHOEBRIDGE (15:12): Not many people will have heard about the secretive Strike Force Dominion, and that is how the police and the Government want it. Dominion is a police operation investigating matters that may include the manufacture and sale of drugs by serving New South Wales police officers, not just junior police but senior New South Wales drug squad officers. In June 2020 two senior police were raided and presumably charged as part of the operation looking at entrapment used by the drug squad. The police have consistently refused to comment. I raised this matter in October 2021 in budget estimates hearings to seek further information, including whether the police had created a drug syndicate to manufacture drugs and entrap people, what the involvement of the drug squad was, and what the volume of drugs manufactured and sold was. The commissioner took it on notice and said we would get an answer. The answer stated:

As this matter is currently under investigation by the NSW Police Force and is subject to a number of suppression orders and Public Interest Immunity, it is inappropriate to provide any comments at this point in time.

We have been kept in the dark from July 2020 to now. Police must tell us what happened, including whether police were making and selling drugs and whether those police faced any sanction. If we are constantly kept in the dark, it is hard not to assume the worst. The locking up of young people is a national shame and one that I am working on addressing with my bill to raise the age that will be voted on later today. For years police and politicians have said that there is nothing they can do about the number of young people in prison—it was just "bad" and "hopeless". This policy surrender particularly hurts First Nations kids, who are grossly over-represented in jails. But a quick look at what has happened in the past decade shows that is not true. It shows that if we step up, we can have a serious impact.

In June 2011 there were more than 400 young people in prison in New South Wales. At the beginning of 2018 there were 301. But by December 2021 it was down to 161, and it is holding at that lower base, less than half of what it was a decade ago. That is close to a halving of the number of people who are locked up, brutalised and taken away from their loved ones. No-one is any less safe for any of this. There has been no increase in crime and no explosion in the number of people being victimised, because locking people up has had no impact on that. We can learn from this and make a plan to continue that trajectory, where we stop putting young people in the too-hard basket and throwing them in jail. It is time for smarter and kinder policy, it is time to recognise jail is failing, it is time to look at the history of the past decade and it is time to raise the age.

CUDAL CRICKET CLUB

The Hon. SCOTT BARRETT (15:15): I congratulate the Cudal Cricket Club on winning the premiership and the minor premiership for the 2021-22 Molong district cricket competition. That achievement was made all the more special in doing so in their 150th year. I am particularly proud of that achievement, having played for Cudal for the past few seasons up until my body refused to cooperate any further early this season. The premiership and anniversary are achievements worth celebrating and I have it on good authority that they were, not only on grand final night but also during the presentation and anniversary celebration held last weekend.

I give a special mention to Jason Ryan for his season, which saw him win the best batting average, most runs and best bowling average. Lee Cornish also snuck into the awards as the leading wicket taker. I also make special mention of Andrew Smith, who was made a life member of the club for years of service and dedication to Cudal Cricket. "Smithy" also received the Tim Kennedy players' player award for that season. The award was presented to him by last year's recipient, Ryan Drew. I make note of that not only to congratulate but also to point

out that those two players provide the bookends of the ages that range from a youngster in his mid-teens through to Smithy, who is about to turn 50.

Two other life memberships were awarded on the weekend. The first was to Roger Gordon, who was a pivotal player for many years and was instrumental in rejuvenating the club after some tough years in the 1970s. The second was to Donald McFarland, who, although not a player himself, has been attending home and away games for over 50 years, habitually organising the water, Nurofen and jelly beans each week and playing his part in keeping this side of half-broken men semi-functional. I also recognise Lee Cornish, Jock Hough, Adam Clunes and Chris Douglass, who all played vital roles in keeping the club ticking and have done so for several years.

While other competitions across the State might be unfortunately shrinking in size or even falling over, this competition has actually increased in size, notably in recent years with Canowindra, Millthorpe and Lyndhurst joining Cudal, Country and Magpies to make a much stronger six-team competition. I give a great deal of credit to the committees of each of these clubs, as well as the association committee, proficiently run by its president, Greg Pringle. Local sporting clubs and other social organisations are critical to our small towns and regional communities across the State. They provide a focal point for social interactions and a network for local people and direct a few more dollars into local tills. I am proud to have been associated with many of those organisations in the past, none more so than the Cudal Cricket Club.

TRIBUTE TO ALBERT COLLINS

The Hon. GREG DONNELLY (15:19): It is with sadness that I report to the House the death on 3 February of an extraordinary man, Mr Albert Collins, affectionately known as Bert. Bert died one month shy of his 106th birthday. That made him not only one of Australia's oldest surviving World War II veterans but also the oldest member of the Australian Labor Party and the Shop, Distributive and Allied Employees' Association, or the "shoppies union". Bert was born in 1916 and in 1932 he got his first job at the Farmers Department Store, now Myer, on the corner of George and Market streets in Sydney. I invite honourable members to cast their minds back to 1932, if they can, or at least imagine what it would have been like to front up and commence a job as a shop assistant in that store at that time. Of course, like so many of his generation, war upended his world. In 1940 Bert enlisted in the Australian Army and he served as a sergeant in the 52nd Australian Composite Anti-Aircraft Regiment in New Guinea.

After the war, in 1945, he returned to the Farmers Department Store, where he worked until he retired in 1986. Many men who went off to war and served in New Guinea or elsewhere were often reluctant to talk about their personal experiences. We cannot imagine how deeply their lives were influenced and changed by their involvement in those extraordinary challenges and in that fight for survival, particularly in New Guinea. Bert was a staunch unionist and believed workers and their families could best protect and improve their wages and working conditions by being and staying organised. Bert was outstanding at recruiting union members and was at the forefront of a number of industrial campaigns over improving wages, allowances, trading hours and a number of other issues. When Bert took up a small grievance on behalf of another member, he treated it as though it was as significant as a big grievance. He treated all individual grievances as important.

Bert was highly regarded by members and management alike. He was a man of the highest integrity and his word was his bond. He had a wonderful way with people and treated everyone with dignity and respect. Bert was active in the Labor Party and in the Bankstown community. He lived his life for others; it was an outward-looking life guided by the values of honesty, integrity, charity, courage and solidarity. Bert Collins served his country, his community and his union with distinction. It was an honour to know and work with the man. May his soul rest in peace.

JAPANESE ENCEPHALITIS

The Hon. MARK BANASIAK (15:22): On 11 March 2022 the Japanese encephalitis [JE] outbreak was declared a communicable disease incident of national significance in Australia. A communicable disease incident requires the implementation of national policy, interventions and public messaging, or the deployment of Commonwealth or inter-jurisdictional resources to assist affected areas. It is of similar significance to the COVID-19 pandemic in terms of the requisite national response. The Federal Government has announced \$69 million to combat JE, \$28.18 million of which will go towards purchasing additional JE vaccines. The Australian Technical Advisory Group on Immunisation has prioritised people with direct exposure or close proximity to pigs and mosquitoes, and those with high-level occupational exposures in risk areas, for vaccination.

That brings me to the town of Young and the surrounding areas, which are pig farming territory. There are confirmed cases of JE in Young piggeries, and a man from Temora was reportedly treated for JE in hospital. There are no specific treatments for JE, which can cause severe neurological illnesses, convulsions, reduced consciousness and death. JE is a viral zoonotic disease that is spread by mosquitoes. People and horses are

considered dead-end hosts—once infected, they do not play a role in transmitting the virus. However, pigs and some species of wild birds are amplifying hosts. It has been reported that local piggeries in the area have bought vaccines for their workers but, on the whole, not a lot of information has been provided to those communities, and they are worried.

Worry occurs when information is not provided and people are left to talk amongst themselves. I have been contacted by concerned constituents from Young and surrounds who are searching for information on what the Government is doing to control the JE situation. They seek information on what they can do to help themselves, their families and their livestock. One of those concerned citizens is Jennie Ballard, who has two pet pigs, pet horses and breeds sheep and cattle. Jennie also runs a livestock transportation business that travels down to Cowra. Jennie's property is around 1.5 kilometres from a local piggery and a number of dams on her property are inundated with wild ducks because, in her words, "They won't let us control them anymore."

Jennie phoned the Department of Primary Industries to understand her risk of contracting JE and to find out what safeguards she could put in place to protect her property. She spoke to a vet, who simply said, "Keep the mosquitoes down and get vaccinated." Jennie could not get information on where the disease was in her region due to privacy issues. Jennie said, "You talk to other farmers and the rumour mill goes wild." That is not good enough. Where is the local member? There must be broader observation of the surrounding communities and increased notification and communication with them. After all, JE is a communicable disease incident of national significance, and part of that strategy requires public messaging and intervention, which must happen now.

NEW SOUTH WALES PANDEMIC RESPONSE

The Hon. SCOTT FARLOW (15:25): In the face of the greatest global challenge of our lives, the COVID-19 pandemic, New South Wales compares favourably with every jurisdiction in the world. That achievement has saved thousands of lives and prevented even greater disruption across our State. Comparing New South Wales' policy settings, attitudes and results with the rest of the world is important in order to reflect on our successes, learn about how COVID is progressing and understand how we must change our settings and adapt at every turn. We have been able to alter our settings and manage COVID in our community for two reasons, the first of which involves vaccinations. Some 96 per cent of our over-16 community has received a vaccination, 94.6 per cent are double vaccinated and nearly 60 per cent have had three doses.

The COVID-19 vaccine has allowed New South Wales to open up and remove restrictions in a COVID-safe manner. Workers are in the office, students are at school full-time and, with the opening of our borders, families are reunited—this place is even sitting again. Vaccinations have worked, and on vaccinations this State is certainly not a *Titanic* that needs turning around. *Financial Times* analysis of 2021 data from Public Health England on the risk of death from COVID shows that a fully vaccinated 80-year-old has the same mortality risk as an unvaccinated 50-year-old. Analysing the same data, a fully vaccinated 45-year-old has a lower mortality risk than an unvaccinated 30-year-old. That is a remarkable fall in the risk of dying from COVID for the vaccinated. We have also been able to change our settings because of the Omicron variant. While it is roughly four times more transmissible than Delta, it is at least half as deadly and up to 80 per cent less likely to cause hospitalisation. But we should still be mindful of its risks. Yesterday COVID claimed 15 lives across New South Wales.

During the summer wave of Omicron through our community, the Opposition attacked the Government on its management of the pandemic. However, if we look at the impact of the Omicron variant on other jurisdictions—which put in place mask mandates, mandatory check-ins, border closures and quarantine rules—nothing can be done to contain it. South Korea, which has long been hailed as a leader in managing the pandemic, has seen over 400,000 daily cases on a seven-day average; Hong Kong, another leader, has seen daily cases rise on average to more than 65,000 cases per day; and we have all seen what is happening in China. Tragically, the case fatality rate amongst over-80s in Hong Kong is 4.7 per cent. In Australia, 2 per cent of over-80s are unvaccinated and yet the case fatality rate is 0.1 per cent. It is clear that vaccination works. While Hong Kong has been advancing a COVID-zero policy structure with some of the strictest quarantine measures in the world, those measures inevitably did not hold.

Hong Kong's experience proves that a zero-COVID policy, which many people on Twitter wanted Australia to pursue, is a fantasy. The experience in Hong Kong, in South Korea and, increasingly, in China has shown that the New South Wales Government got it right. Throughout the pandemic we have had to change our approach proportionate to the threat level. Given the high vaccination rate and the Omicron variant, the threat level has lessened, but it is still there. New variants with higher threat levels will no doubt emerge, for which we will need to change our settings again. But with a case fatality rate of 0.14 per cent, with high levels of vaccination and with the Omicron variant perhaps we should look at the settings that have been adopted in England as we move forward with living with COVID.

INFRASTRUCTURE PIPELINE REVIEW

The Hon. PETER PRIMROSE (15:28): Earlier this week the Government announced that it is conducting a review into major infrastructure projects, many of which it will defer. To great fanfare the Government previously announced that its infrastructure pipeline would build major projects on time and on budget. It was described as a response to the economic effects of COVID, and Government members said that we would build our way out of the pandemic. The wheels have certainly started falling off that so-called "biggest infrastructure spend" announcement. Over the past two years I have pointed out repeatedly that the current problems in the construction sector were already causing difficulties throughout the economy, and deeper problems were completely foreseeable. The construction industry has experienced rising prices, particularly in materials, plant and equipment, along with shortages of skilled construction workers.

We have seen massive shortages in the supply chain for bricks, timber and joinery, steel products, and concrete. Even pallets have been in short supply. We have seen massive demand for construction workers and tradespeople generally. Yet due to the cuts to TAFE, not enough apprentices have been trained to even come close to filling the demand. As those shortages impact at greater levels, we have witnessed projects run over time and over budget in both the private and public sector. Sadly, construction firms of various sizes have gone into receivership. Back in 2019 none other than the former Minister for Transport and Roads was warning about this issue. He said that the reason for the Sydney light rail cost overrun, which was almost double its original cost, was due to:

... very much market forces at play in terms of the build. We are not denying there hasn't been significant cost pressures on the project ... There has been an overheated infrastructure market for contractors and, of course, that means that ... it has been very much an uplift for suppliers as opposed to procurers.

The responsible Federal agency, Infrastructure Australia, stated in its 2021 *Infrastructure Market Capacity* report:

The scale of demand for skills and resources is highly likely to exceed the normal capacity increases expected in the market

...

The intensity of activity is increasing risk around meeting the input requirements to deliver the Major Public Infrastructure Pipeline.

The only certainty that this much-vaunted jobs and infrastructure pipeline will deliver is public relations spin and hyped-up media releases.

Bills

VOLUNTARY ASSISTED DYING BILL 2021

Second Reading Debate

Debate resumed from an earlier hour.

The Hon. PENNY SHARPE (15:31): As I was saying earlier, the people for whom this legislation matters are all suffering from a terminal illness for which there is no cure, and that will see the last days, weeks and months of their lives consumed by great suffering. Some people are sitting alone with minimal support watching and waiting as their bodies succumb to cruel diseases that will eventually kill them, knowing that it will only get worse. They know that nothing can be done and that the end will come slowly and painfully. They will be alone, no matter the Government promises about their care, or promises made in the name of medical intervention. Even the best palliative care in the world will not alleviate their pain and the loss of control of their lives, or help them retain their much-valued individual dignity.

Families of the people who want us to pass the bill will suffer themselves, not just from the inevitable grief and loss of the treasured person in their lives but from the guilt, sadness, frustration, anger and despair that they cannot help their loved one to leave the pain and suffering behind at the time of their choosing. Some people's families and friends are risking jail as they seek to fulfil the wishes of their loved ones without any legal support. Our failure to pass voluntary assisted dying laws is more than a passing inconvenience; it has a direct impact on the many people for whom the bill would have given comfort and support at the most difficult point in their lives.

I know many advocates and have met with many over the years. They have died waiting for these laws. Even more tragically, some of those advocates and others in a similar position have taken their own lives—alone, in fear of implicating their family and friends in their chosen death. A study from the Victorian Coroner that has been referred to by other members during debate shows that 240 people with irreversible physical health conditions committed suicide between 2009 and 2013. Those 240 people took their lives through awful means. They used poison, hanging, firearms, asphyxiation, motor vehicle exhaust, trains, buildings and sharp objects. Those people died alone and in terrible circumstances. There is nothing to suggest that the numbers in New South Wales would be any different or less horrifying. That is why this bill is so important.

I ask those who struggle with the idea of the state assisting people to die to think about the status quo, which is failing to provide the support, compassion and care that our fellow humans need in the final stages of their lives. Whether or not we choose to acknowledge it, it is the case that some people with terminal illnesses in New South Wales are able to get assistance to end their lives. Some people travel overseas to access assisted dying in other countries. That was less of an issue during COVID, but our borders have now reopened. Some are able to find a doctor who is willing and able to assist them to hasten their death. Some have the support of a resourceful family who, no matter what, will find a way to assist their loved one in their desperate desire to be released from their suffering. These people are in less than ideal circumstances, but at least they have some choice at the end of their lives.

As I have listened to and read the stories of those who are asking us to pass the bill today, I wish for them a death of their choosing with all the support they can get from families and friends and with the best medical care. No stone should be left unturned in prolonging their quality of life as they near the end of their life. We must acknowledge that for some it is not an easy choice, but it is also an easy and much-desired choice for many because there simply is no other relief from the suffering they experience at the end of their lives. For those who wish to have, and need, assistance to end their life, the bill provides a rigorous, safe and legal option for them to make that choice. Through strong safeguards the bill recognises and makes abundantly clear that no-one will be forced to end their life against their will.

I recognise and acknowledge the concerns of opponents of the bill when they talk about that. We all know that is a serious matter and every member in this place believes that the bill before the House should have the most rigorous safeguards in place to ensure that people are protected in the manner they should be. That is an extremely important point. I fear and acknowledge that we will never agree on that matter, but I state for the record that none of us believe that the bill will lead to exploitation or coercion of people. The bill should be rigorous enough to ensure that. The experience to date in other jurisdictions where this type of legislation is operating is that they have been able to do that. New South Wales should be able to do the same.

The bill goes to the heart of what it means to be an autonomous individual—an individual who has freedom to make decisions in their own best interest, free from the interference of others who would not make the same decision in the same or similar circumstances, as is their choice. I do not want that most solemn choice to be available only to those with the wealth, family or medical resources to make it a reality. The only way to ensure that every citizen in New South Wales has access to that choice is for this Parliament to provide a safe, rigorous and compassionate legislative regime.

I commend the efforts of passionate supporters of palliative care and join them in their advocacy. I recognise that we must deal with that issue as well because palliative care is poorly funded. It is not accessible to everyone no matter where they live in the State. The Labor Opposition recognises that, but the ongoing discussion and the discussion we have had throughout this debate about that chicken and egg issue must be laid to rest because the fact is that palliative care does not work for everyone. We must accept that. The idea is that we will be able to relieve people from suffering, while being passionate and vocal supporters of better palliative care and better resourcing, no matter where people live.

Finally, I say that this is the third time we have debated this type of legislation. The first time was in 2013. That 2013 bill attracted 13 votes of support in this Chamber, but it obviously was defeated. In 2017 it came much closer to being passed. An incredible amount of detailed and careful work has been done by a lot of people since then to design a rigorous, safe and transparent legislative framework that would give some people the choice to end their lives. We must recognise that work and the fact that this type of legislation is operating in other States, and very carefully so. I do not want New South Wales to continue to kick this issue down the road. We have had two goes at it. This is our third go.

I have met and known too many people who have suffered terrible deaths. They will suffer a terrible death either way, but a peaceful death in their last days—we are not even talking months—surrounded and supported by family, friends and loved ones of their own choosing would be a very different thing if we do not put in place these laws. We would continue to condemn people—not everyone, because not everyone wants that choice—who desperately want voluntary assisted dying to horrible deaths in unimaginable and untreatable pain, which is something that they desperately never wanted. I do not want to see anyone go through that again. I hope that we can get there this time.

The Hon. ROD ROBERTS (15:40): I make a contribution to debate on the Voluntary Assisted Dying Bill 2021, and indicate that I support the bill. This is a conscience vote for our party, and I thank my One Nation colleague, the Hon. Mark Latham, for his consideration in that regard. I acknowledge that the conversation around voluntary assisted dying is not an easy conversation to have. It can be and is an emotive subject, depending on an individual's viewpoint. My views on this issue are formed by my fundamental belief in the rights of the individual and freedom of choice. As I argued during the COVID pandemic about freedom of choice and bodily autonomy

relating to vaccine mandates, I believe the same freedom of choice should be given to those who are suffering in the final stages of a terminal illness. It is their life and therefore it should be their choice. It is the right of self-determination in respect of one's own self. I respect that those at the end of their lives should be free to make autonomous choices according to their own values and wishes.

The name of the bill says it all: voluntary assisted dying, not mandatory assisted dying. The concept of voluntary assisted dying is grounded in and rises from compassion. In a compassionate society, people suffering intolerably with a terminal illness with no realistic chance of a cure or relief should have the option to end their life in a dignified way. Voluntary assisted dying is there to provide an option and an alternative pathway to those who are suffering and feel as though they have suffered enough and can take no more. It provides for an important end-of-life choice. As I have said, voluntary assisted dying is just that: voluntary. Those who are against voluntary assisted dying or those who do not wish to avail themselves of that option do not have to participate. Their rights as an individual will be upheld and not impinged upon.

Across New South Wales people who are terminally ill are suffering; of that there can be no dispute. That is why others will speak so strongly in support of palliative care. That is why palliative care exists: to support those with intolerable suffering, attempting to manage the pain. For the record I state that I support palliative care for the terminally ill. In that regard, I urge this and future governments to ensure that palliative care organisations are resourced properly, both financially and staff-wise. I agree that palliative care works for some people. It is a viable option for some and helps them find comfort at the end of their life; of this there is no argument. I am also pragmatic enough to know that it does not work for all.

As a member of the Standing Committee on Law and Justice, which inquired into this bill, I heard, read and took evidence from a number of people with stories to tell of how the palliative care system failed their loved ones in their time of most need. Even with the most optimal palliative care, some patients will continue to suffer a long and distressing death. Voluntary assisted dying is not proposed to replace or take priority over palliative care. It has been proposed as an alternative, an option or an adjunct for those who may desire, need and qualify to access it.

We should not be so naive about the fact that assisted dying is already taking place in hospitals and facilities around our State. Doctors have acknowledged that some people are being assisted to die right now. What is well known and spoken about freely is the palliative care practice of terminal sedation. This is where a patient is placed into a state of deep and continuous sedation to manage pain while nutrition and hydration are withdrawn, leading to death. This is a legal practice, but is this not assisted dying by another name? The practice places an unfair burden on medical practitioners. The administering of increasingly stronger doses of opioids with the aim of alleviating suffering comes with the inevitable outcome of shortening a patient's life.

There have been numerous documented cases of individuals being kept alive artificially by way of ventilation. What of the situation when family members make the decision, as hard as it is, to turn off the ventilator? Where does this reconcile? Members may be aware of the NSW Supreme Court decision in *Hunter and New England Area Health Service v A*. This case examined and upheld advanced care directives, where a person can decide while they are competent what medical treatment they want or do not want when they lose the ability to make the decision for themselves. I believe this bill is a humane and compassionate reform to provide those in certain circumstances with choice and control over the circumstances of their passing. In closing, I dedicate my contribution to a friend of mine, Brian Walkom: Brian, we had this conversation a few years ago. At that time I gave you my word and my undertaking. This, my friend, is me fulfilling that undertaking.

The Hon. SCOTT BARRETT (15:46): As the eldest son of relatively young parents, I was fortunate enough to know and build relationships with all four of my grandparents. This was a great privilege for me, and I am very lucky to have shared special moments with all of them. It also meant that I was very aware and very involved in their final days, some of which were extremely difficult. Death is not something that we spend a lot of time talking about because obviously it comes with a level of awkwardness that we are not comfortable with. It is certainly not something that I imagined talking about in one of my earliest speeches in this place, but in this debate it cannot be avoided.

I will not go into the deaths of all of my grandparents, but I want to talk about one of my grandfathers, who, on a Sunday afternoon, was doing what he loved: selling a horse to a lucky new owner. Unfortunately, that evening he came down with a chest infection, which saw him in hospital that night. He was dead by the next afternoon. Before that time he had expressed great anguish about the suffering of some of those of his generation in their final days, including that of his own brother. I reckon we lost Jim three to five years earlier than we expected, and probably earlier than he was ready to go, but he was a bloke who always preferred a bird in the hand. So, if he had to go, I reckon if you put that death on the table as an option against that of a long, protracted and undignified suffering, he would have taken it.

Not everyone is that lucky. Throughout this debate we have heard some very personal stories about heartbreaking deaths—long, painful deaths that are difficult on those who are dying, their carers and their families. They are stories that bring a tear to the eye. I do not believe a practical person like my grandfather would have had a problem with people in these terrible situations having a choice and having control over how they ended their lives. He would not have been alone in regional New South Wales. The majority of people who I have spoken to about this issue are not opposed to well-managed voluntary assisted dying. They do not necessarily advocate for it, but at the same time they would not want to deprive those suffering from a terminal illness of that option. The experience in Victoria in the two years since the introduction of voluntary assisted dying laws suggests that the process can be well managed. The services there are only being accessed by a small number of cases, those who qualify as being in genuine need of relief.

Many years of debate on this issue have refined and improved what we see here today: a bill with a series of considered protections and safeguards. It is comforting to know that there are a number of points along the way where the voluntary nature of requests are tested, to ensure that they remain voluntary as well as enduring. As others in this place have stated, this is not and nor can it be a debate about assisted dying versus palliative care. And while the level of palliative care in this State is pretty good, of course we can do better.

I am pleased that has been acknowledged by the Premier in this debate, also recognising that access to a dignified end of life should not be affected by where one lives. I support the Premier on this and look forward to working on improving palliative care, especially in our regional areas. It is obviously an issue that people have a very personal relationship with. While I am aware this bill has aspects that make some people uncomfortable, I believe it provides a way for people to choose—to choose a dignified death over a long, protracted death full of pain and suffering. Finally, I commend those people from all sides of the debate with whom I dealt on this matter. The dealings I have had have all been conducted in a very respectful and gracious way. I thank all honourable members for their conduct.

The Hon. WES FANG (15:50): I contribute to debate on the Voluntary Assisted Dying Bill 2021 to place my views on the record. I supported the previous bill and, for brevity, I invite members to view that contribution which reveals the circumstances and the reasons why I supported—and will again support—this bill. As the Hon. Rod Roberts highlighted, the Standing Committee on Law and Justice was tasked with looking at this bill in detail. As the chair of that committee it fell to me to assist the secretariat and committee members, and to facilitate that inquiry. I took that role very seriously. I made a commitment that I would chair the inquiry in a fair and impartial way. I do not think there is any doubt that the hearings were difficult for all who were involved. It is fair to say that they were conducted with a great deal of respect, and that reflects positively upon those who were involved. Everybody approached the issue with gravity.

I thank the participants for the candour with which they gave evidence. My views have been previously articulated inside and outside this House. As chair of the committee I committed to looking at and considering all of the positions presented. I did that not least because sitting through the evidence required a level of understanding of what was occurring at the time, knowing that a report would be written and presented to the House reflecting the views of the committee on the bill. It focused my mind towards doing this House and the Parliament proud in generating the report. I believe that the report is sound and a piece of work of which I am proud. I sat through all of the evidence and found two witnesses in particular whose evidence will stay with me for the rest of my life. While it may not be obvious to everybody, they presented a link to the bill.

The first witness was Ms Abbey Egan. Ms Cate Faehrmann has spoken of the evidence that Ms Egan gave before the committee. Ms Egan spoke before the committee about Jayde and the love that she had for her. She spoke of the agony that she experienced to see Jayde suffer the way that she did, which was evident to everybody. I have a transcript of the evidence and I know that Ms Cate Faehrmann read some of that evidence into *Hansard*. I was intending to do the same; however, I will not. I encourage people to read the evidence from Abbey. No better articulation of why the Voluntary Assisted Dying Bill is so important to some people can be found than in the testimony given by Abbey that day. It is harrowing and heartbreaking, but it is also a sign of the love that she had for her partner. That is what we are talking about here—the love that one has for somebody when one sees them suffer. Those who choose voluntary assisted dying know that the suffering they have is hard for them, but it is also hard for other people. As I said, that evidence will remain with me for the rest of my life.

Dr Gavin Pattullo gave evidence about his wife, Vanessa. It was a different circumstance. While I have parts of the transcript before me, I will not read it into *Hansard*. I encourage people to read that evidence. One thing that came through in the testimony was the love that people had for the family members that they were representing—those who could not give voice to their suffering because they had passed. In Dr Pattullo's case his wife, Vanessa, died by suicide. She was facing death from leukaemia and she, as a doctor, understood how it would slowly consume her. In order to have control over her life, and without incriminating anybody else, she died alone by suicide. I do not know how I would feel about somebody I loved electing to commit suicide when

I was not there. I do not know how I would feel about somebody I loved accessing voluntary assisted dying when I was not there. I do not think anyone would know how they would feel until they were put in that position.

However, I know from the evidence he gave that his wife did not feel she had that choice. He spoke of the guilt he feels and the inability to access support afterwards. That is what is being forgotten. People who lose partners and loved ones to a terminal illness or to suicide—perhaps they feel they have more control over the suffering that they may experience later in their terminal illness—may not get the support they need and deserve because of the circumstances in which their partners pass away. Those two witnesses will forever stick with me because it has cemented in my mind the importance of the bill being passed by Parliament.

The Chair's draft report that I put forward to members of the committee was amended in some places but I believe the most important parts were retained. The committee did not form a view on the bill and recommended that it proceed to the House for debate. I am pleased about that because this House is the appropriate place to debate the bill. I respect the views of other people even if they do not share my view—I accept and understand that. But I have determined not only from my experience that I have referred to but also as a result of this inquiry that the Voluntary Assisted Dying Bill as put to the House will make a difference in people's lives. I wholeheartedly commend the bill to the House.

The Hon. ROSE JACKSON (16:01): As other members have reflected on in their contributions to debate on the Voluntary Assisted Dying Bill 2021, I find it extremely uncomfortable to talk about death. I am not one of those people who is resigned to it; I wish I was, but I am not. Some may say it is my lack of spirituality. I like to think it is just my zest for life. I do not know why, but I am not comfortable talking about it. I know we all have to face it but, to be honest, like many others I would prefer not to. However, as legislators we cannot duck the big decisions just because it makes us uncomfortable. We are elected to make decisions—and this is one of the important ones—so here I am, talking about death.

In assessing legislation of this type it is impossible not to draw on one's own lived experience of death and dying, particularly of loved ones. But that is not actually a solid basis on which to legislate on complex matters. The question is, what is the solid basis? Facts, research and evidence are clearly important. They are essential. Unfortunately, they cannot properly inform decision-making in matters such as these. That is far too technocratic. We are living, breathing human beings who have values and principles. Like many members in this debate, I am not going to outsource my decision on matters such as this to research, evidence or facts alone. Our values and experiences are important and should not be de-prioritised. However, as I said, we should also not legislate on emotion or personal sentiment alone. We have to think about the evidence and community sentiment as well as our personal feelings. There is a balance to be struck. Phrases like that are easy to say but it is a difficult thing to do. How do we strike that balance? Where do we strike that balance?

In determining my views on the bill I have done three things. I have consulted the evidence and the facts. I have looked at the research and the detail of this legislative proposition. I thank my colleagues who are the sponsors and the drafters of this legislation for their thoughtful contributions. The process of drafting this law has presented so many opportunities to bring people along on the journey. It has not been rushed; it has been thorough. The evidence and the findings of the parliamentary inquiry were useful as well. I thank Mr Deputy President for the work of the parliamentary committee. The evidence, facts and research contained in that committee's report were very useful.

I have thought about the protections and safeguards. They are essential. To speak plainly, what I am afraid of—I do not want to put words in the mouths of other members, but they may be afraid of it too—is that there is a vulnerable person who does not want to die but dies because others around them use this framework to achieve their death. It would worry me if a vulnerable person dies because we put this system in place and they feel pressure, coercion or any kind of influence from those around them. However, I am comfortable that the protections and safeguards in the bill prevent that. That is a serious thing to consider and I have considered it seriously. I believe the protections and the safeguards are there. The evidence, research and facts say that. The international experience shows it, as does the experience of the rest of Australia. The evidence and research of those things have weighed heavily on me. I have considered them seriously and I have come to that conclusion.

I have also reflected on community sentiment. I do not always do what is popular. As a progressive I support plenty of things that unfortunately do not yet enjoy widespread community support, so it is not always just about what the community wants. However, it is clear what the community wants in this case. It is an important factor to take into consideration. There is the research, evidence and facts, and there is what the community wants us to do—the people who elect us. That is a consideration for me. I have reflected on that and it is clear the community has a view: They want this law to pass.

The third thing I have consulted is my own conscience. This is the most difficult conversation of all. It is not straightforward for me. It is not comfortable to observe up close the suffering and distress of the approach of

death in an irreversible decline. I have had to reflect on that in coming to my conclusions on this legislation. I think about the experiences of my mum having Parkinson's disease. She did not want to die. However, she was not sure that she wanted to live the life she was living, either. In some ways it is a moot point because she probably would not have been a suitable candidate for voluntary assisted dying under this framework. She had Lewy body dementia. It is almost certain that she would not have qualified. Nonetheless, as I said at the beginning of my contribution, as legislators it is impossible to think about whether or not we want to support this framework being put in place without reflecting on our own up-close experiences of death.

For many years my aunt was a palliative care and pain management specialist at Monash and Melbourne medical centres. She now runs Compassionate Hearts on the Bellarine, which is a palliative care support group. For a long time she emphasised to me that death is not a medical journey. It is spiritual, social and psychological. We should not overly medicalise death, and she said that as a medical professional.

I think that is a really important reflection. She now also has Parkinson's disease, which of course freaks me out because we are constantly told that Parkinson's disease is not hereditary. That is one of the first things one is told when one has a parent who has Parkinson's disease, "Don't worry. It's not hereditary. There's no evidence of that." I am aware that that is true, although the fact that my mum's older sister now has it as well does cause me to gulp and think, "Is that what is in my future?" At the end of the day, I could not deny the option of voluntary assisted dying to those people for whom that choice is important.

I like to think the Premier was true to his word when he said in his contribution to the debate in the Legislative Assembly that he would like to see New South Wales' palliative care system be the best in the world. That is an incredibly important sentiment and I, like many others who have spoken in this debate, will look forward to holding him to that over the years. It is an option, of course, that we would hope very few people elect. Nonetheless, when I reflect on the facts, the evidence and the research, and when I reflect on the community sentiment and my own values and beliefs, I simply cannot make a decision that would deny the choice to end their life peacefully and with loved ones around them to those people for whom that choice is incredibly important. For those reasons, I support the bill.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (16:10): I contribute to debate on the Voluntary Assisted Dying Bill 2021. I did not want to make this contribution. I would do anything to avoid it. I did not have to vote on the bill when it was last before this House because it was the days between the former member, whose casual vacancy I filled, and me starting in this role. How we have moved on. I have struggled with competing values and interests that are informed, like so many, by the experiences that I bring to this House. Everyone brings their best to this place, and I thank those members who have brought this bill forward and previous iterations of it to the House.

They say dying quickly is good for the person dying because they go quickly. It is terrible for those around who do not get the chance to say goodbye. They say that dying slowly is great because everyone gets the chance to say goodbye, make peace and say all those things they wanted to say. It is terrible for the person dying. It is terrible to have that prospect. I have struggled with my deliberations over this bill, and I bring four perspectives to place on the record.

Firstly, I am a lawyer. I have practised in wills and estates on cases under the Succession Act and Family Provision Act. I have acted for applicants and respondents on both sides. When someone dies and they carve up the pie of a family estate in court, it is not pretty. It is a dangerous and complicated combination of money, competing family interests, a loved one, high emotion and death. There is law, and there is emotion. They very often do not reconcile, but the law is the rules by which we choose to impose and abide by our values as a community. I have seen the very best and the very worst of families and dynamics at that time. We must reflect the law, as beset as it is with imperfections. At the outset we must recognise that people are imperfect. Life is messy and complicated, and it depends on individual circumstances. That is why we must approach this carefully. I believe the drafters of this bill have done so. They have done so diligently, faithfully and thoroughly.

Secondly, I am a Christian. I have Christian values and that includes the value of life. In his contribution, Reverend the Hon. Fred Nile referred to Romans 5 that life is God-given, and it is. I agree with Reverend the Hon. Fred Nile. That is why I have struggled with this legislation. I have to reconcile for me and for my values, and that is between Him and me and my faith. But God also gives us a conscience and a free will. He gives us reason, emotion and experience. For me, Christian faith and faith in general is in the fundamental good of people. It is about subscribing to a set of value propositions, and one of those is to love one another:

By this shall all men know that you are my disciples, if you have love one for another.

Romans 14 talks about the weak and the strong and conscience. Romans essentially says that people in good conscience do what they think is right. That particular chapter is about choices:

Accept the one whose faith is weak, without quarrelling over disputable matters.

...

One person considers one day more sacred than another; another considers every day alike. Each of them should be fully convinced in their own mind. Whoever regards one day as special does so to the Lord. Whoever eats meat does so to the Lord, for they give thanks to God; and whoever abstains does so to the Lord and gives thanks to God. For none of us lives for ourselves alone, and none of us dies for ourselves alone.

Why judge a brother or sister? Why treat them with contempt? We all stand before God in his judgement, and we are here to love one another. Let us stop passing judgement on one and another and instead make up our mind not to put any stumbling block or obstacle in the way of a brother or sister. And that is it for me. If my brother or sister, relative, friend or complete stranger out there chooses this, then who am I to make up their mind? Let us, therefore, make every effort to do what leads to peace and to mutual edification. Whatever we believe about these things we should keep between ourselves and God.

For me, I have reconciled that good people come to different conclusions. If a person suffering who does not want to die knows there is no alternative and they want to exercise the last iteration of control over what ultimately they cannot control—their inevitable death—I owe it to them to give them the freedom to respect their voluntary choice. That is why we have this House. People in good conscience do what they think is right, and I believe everyone has brought that to this debate. On this bill, I will be voting on what is my good conscience. I have reconciled that with my faith—that I must love others enough to help them and support their voluntary choice. I thank Reverend Duncan Anderson, whose counsel I sought and with whom I have consulted and prayed on this matter. Thank you, Duncan.

Thirdly, I have concerns. There are detailed elucidations of the risks in end-of-life care. My concern is there are presently people helping other people to end their lives right now. It is widely unregulated. It is putting nursing and medical staff and family members in difficult situations. Why should we not have the conversation? Why should we not put in place safeguards? Why should we not have stringent gateways and not turn away from those who most need us to give them back some semblance of control in the very worst of situations? There is the issue of coercion. There is the issue of pressure.

I have studied the bill, and I am reassured by the stringent, thorough and well-considered safeguards; the gateways and the thresholds that must be met and are informed by the sector. I am reassured that the bill puts the onus on this being entirely voluntary. It has stated principles to which regard must be had. There is a stated principle of the need to protect persons who may be the subject of pressure or duress. There is capacity. The bill covers eligibility requirements, the first request, the first assessment and the consulting assessment. I will not repeat further the elements of the bill, as they have been thoroughly presented. But I am satisfied, on my review, that the thresholds and gateways are sufficient and thorough.

Fourthly, and by far the most difficult, I am a daughter. I do not like speaking on personal matters; I much prefer to be a boring lawyer and stick to the content. But I cannot fail to bring my experience to the debate in this House. My father, David John Ward, was in the prime of his life—successful, happy and about to start on the precipice of finally having the opportunity to reap the rewards of a lifetime of hard work as a Welsh-Pommy immigrant, having done good with barely any education and finally taking some time for himself. Dad got prostate cancer at 52, and he died at 55. My brother and my husband have now outlived him and have lived longer than he did. We never talked about dying. He did not think he was going to die, and nor did we.

In the end, my father was nursed at home by me, my mum and my brother—and I am a dreadful nurse. Both my brother and I lived interstate. We made excuses to go home without ever actually saying why. I had no idea how to nurse someone in their last days. I was in complete denial. All we knew is that he wanted to stay at home. We never discussed why; we never had the conversation. I cannot talk about his physical decline. All I can say is that dad was superman and he was never going to die. He was strong, bolshie, opinionated and quite annoying at times because he had such a strong personality, but he certainly was not dying before my eyes. And yet, we were at home when in the last moment he came to me and he said, "Nattie, I'm going now," so loudly that I could hear it and I wondered why no-one else could. I do not think I realised even then; I thought he was going into the next room.

Dad was a Christian. He was not loud about it; neither am I. It is a quiet, comforting faith. He led a life which reflected that, quietly and observant. He did not ask for assistance at the end because he simply did not want to die. He was not at peace with it. It was not an easy time. I heard Cate Faehrmann talking about how these people do not want to die; they do not want to have to make this choice. My dad did not want to die and I did not want him to. I cannot know what it is truly like to stand in his shoes and be that sick; none of us can unless we have been there. We cannot say for them what their choices are. Dad did not ask us to help him die, but had he done so, I would have put him first, loved him first and helped him do what he wanted to with his life.

Sometimes it is not the fairytale ending. While he was surrounded by his loving family and he did die at home, it was not peaceful; it was exhausting. It was not something we embraced because we completely resented it. We quietly fought back by not discussing it and by not saying the words. That was our rebellious way of denying its existence. All the while, mum and I learned how to administer morphine. We tried to respect his choices. He would hate me and us for focusing on this aspect of his otherwise fabulous, incredible, vivacious, joyous, productive and magnificent life. I hate giving this speech because it is not what I wanted to focus on with him, but I have to bring that experience to this place. I have to bring that to those people who are experiencing that now. I asked my mum what we would have done if he had asked for this. She said, "We would have respected his wishes, no matter our own. We would have loved him."

It is horrible, difficult, heartbreaking and so hard. It is something you never want to face. It is deeply personal and I apologise for my unusual candour and for not being as composed as I would prefer to be. But he would expect me to speak up for him and for his rights. My colleagues expect me to speak up. For those facing this excruciating reality right now, they expect us to support their choice. We absolutely must face this because it is happening. It is out there and we must, in my personal opinion, put something in place to regulate and govern what is happening anyway. We must provide safeguards and guardrails for this path. We must love one another enough to do that. I am convinced the bill has provided sufficient safeguards.

I am still not sure my dad would have availed himself of it, and that is perfectly fine too. For those who wish to choose their pathways for themselves, I respect and support their right to self-determination. I try to put the rights of the individual at the centre, the rights of the individual to self-determination balanced by the needs of the community and the need to do no harm. As a liberal, that is what I fundamentally believe. I note the evidence that some people in other jurisdictions avail themselves of this opportunity but then do not use it in the end. That for me is another reason. If someone chooses to want to have this available and yet still does not undertake the steps, that is part of what we should be doing as well.

I thank those who took the time to draft the bill and who thoroughly consulted on it. I thank those who have entirely different views for bringing those views forward. I thank my colleagues and all who have contacted me with their views. I thank them for their efforts, concerns and passion. For me, in good conscience, I support the rights of those who wish to take these steps to do so. For those reasons and in good conscience, I support the bill.

Mr DAVID SHOEBRIDGE (16:24): I contribute to the debate on the Voluntary Assisted Dying Bill 2021 and indicate my strong support for the bill. I note the contributions of my colleagues. For The Greens, the choice is simple. Individuals have the right to make self-governing choices. That means terminally ill people in pain have a right to choose to die with dignity and appropriate safeguards need to be put in place to make that happen. In 1995 the Northern Territory first legalised voluntary assisted dying. In a highly controversial moment, that was overridden by the Federal Government two years later. Then in 2019 the laws finally passed in Victoria, Tasmania and Western Australia. At that moment, it felt like New South Wales would also legalise voluntary assisted dying, but reform stalled. However, last year voluntary assisted dying laws passed in South Australia and Queensland, and this year must be the year that voluntary assisted dying laws pass in New South Wales.

Voluntary assisted dying laws protect patients. They let patients make choices around the end of their life that are right for them. The mere existence of the law can in fact give comfort to those suffering even if they do not access it. The existence of a legal scheme means that we have open, transparent and respectful protections for everyone, especially for people with a disability or a mental illness and other vulnerable community members. In its final report in 2016, the Victorian parliamentary inquiry into end-of-life choices acknowledged that simply having the option to choose assisted dying has a palliative effect by enabling people at the end of their life to reclaim control of their situation. Voluntary assisted dying also assists caregivers, who do not have to decide to take the law into their own hands to help a loved one carry out a request and who do not have to watch and feel powerless while needless, unwanted suffering happens to someone they love dearly.

Regulating voluntary assisted dying gives a clear framework for everyone involved, especially doctors and healthcare workers when they are dealing with terminal illness and patients in immense pain who are often begging for their medical practitioners to help them end their life with dignity. In-built protections in the scheme mean that voluntary assisted dying is only available to those who really need it, and appropriate checks ensure that they are of sound mind. Regulating this area properly will protect the vulnerable, healthcare workers and everyone involved. I will not detail all the protections in the bill. I refer to the Hon. Adam Searle's second reading speech and endorse his views and assessment of the protections in the bill. They are multi-layered, well-considered and address the public interest needs that we must have in laws such as this.

Voluntary assisted dying helps families at the end. Loved ones will get that chance to say goodbye and patients may find comfort in knowing they were able to choose the time of their passing. We have all been approached by family members who say, "Mum went too soon because no-one could help her and she needed to

make the choice when she was able to. But if we had these laws in place, we might have had mum for another few months and those few months would have been precious and valuable." I give credit to all of those family members who shared their stories with us. Because I want to bring this to a vote as soon as possible, I will not read out all of those stories, but I want all of those members of the community and family members to know that I have read them with great respect. I have heard their stories and I hope that this Parliament will listen and respect their stories and move to make this bill law.

Doctors and patients are telling us that palliative care is not enough. Yes, it should be increased and expanded and, yes, that should be urgently done, but there will still be cases that are deeply distressing for families and patients, where the pain relief offered and the sheer indignity of the illness will not be meaningfully ameliorated by palliative care. The current situation basically means that a person in such great physical suffering must continue to endure their suffering against their wishes because of somebody else's moral preferences. It is an immoral law to let that happen.

The Victorian parliamentary inquiry also confirmed that there is no moral distinction between refusing or stopping treatment combined with continuous palliative sedation and providing assisted dying. That is particularly so when continuous palliative sedation is combined with removing nutrition and hydration. There is no logical basis for prohibiting assisted dying but permitting the refusal of treatment where the consequences are the same. I endorse that rationale. A phrase that has stuck with me is that we need a better method of end-of-life care than unbearable suffering. The bill provides that. I commend the bill to the House.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (16:29): I was pretty clear with myself that I would not speak in debate on the Voluntary Assisted Dying Bill 2021, and just cast my vote. But while listening to my colleague the Hon. Natalie Ward tell her story, I nearly shed a tear because my story is almost identical. Having read the submissions to the inquiry into the bill and plenty of letters, I have formed the view that it is personal when we have had our own experiences; it fundamentally changes one's view of the bill. It is easy to have a set view.

I believe in life over death and I believe that in society everyone should be given the maximum opportunity to enjoy and live life to its fullest right to the end. But the reality is things can change when we personally go through experiences like my colleague mentioned—and I am happy to share my own. My father did not make 60 because he was very, very unwell. When your family has to be nurses, it is not a pleasant experience. In my case, it was my brothers, my younger sister and me. It is unpleasant for not only the people in the family who have to care for that person but also—and we forget this—the person who is ill.

I suspect that, like my father, Minister Ward's father was pretty stubborn and very proud. My father loved his family but he lived in denial for a lot of his illness until he got to the end. When someone reaches that stage, we have to think about their quality of life. The decision about the quality of life they want is ultimately for that individual to make. I have seen the lives of two family members cut short very quickly because of illness, and those final days, weeks and months in that terminally ill situation are pretty awful. Those personal experiences certainly changed my view about how I would vote on an assisted dying bill. Members have spoken about palliative care. I am happy to say that no matter what political party we belong to, whether someone is a member of the Government or not, we all agree that we need to spend more money on palliative care. It should not be about having one option or the other. The bill we are debating concerns voluntary assisted dying. That is up to the individual and they should be given that choice.

I believe that the bill has a real potential to pass this Parliament. The safeguard measures—and possibly the amendments—are critical to ensuring that enough MPs are comfortable that safeguards are in place. I do not believe that this Parliament will pass a bill until it gets it right. The amendments stage could be interesting; it is an important part of the bill. The point I make, which was sparked by the contribution from the Hon. Natalie Ward, is that many of us think that we have certain views on the bill. But when we have had to personally live through more than one case of a family member, friend or loved one who is terminally ill and in their final days, weeks or months on this planet, it changes our perspective on end of life. It changes how we think about their individual decision on their quality of life in their final days, and how people wish to end their life in those circumstances.

I will keep my contribution brief. I will certainly be looking to my personal experiences and the experiences of many others when considering the question of quality of life. I think almost every member in this House would have a family member, a friend, a loved one or know of someone who in recent times has been put in that position. We must give those people the option. It is voluntary and it should not just be one option or the other. The bill has the potential to pass this Parliament. But irrespective of whether it passes or not, palliative care should be front and centre for the entire Parliament to consider. Politics should not come into it. Hopefully, with the course of this bill, it should not be a question of one or the other and people will have that option. I will leave it at that.

The Hon. JOHN GRAHAM (16:35): I make a contribution to debate on the Voluntary Assisted Dying Bill 2021. My colleague Mr Shoebridge referred to the Northern Territory, which, in 1995, became the first jurisdiction in the world to explicitly permit assisted dying. Four people made use of that law before it was repealed by the Howard Government. As we know, and as many members have said, if New South Wales passes this bill it will be the last of the Australian States to act. But that is no reason to rush this debate. It is far more important to get this law right. We debate the bill against the backdrop of many countries having already acted. Assisted dying is now legal or decriminalised in more than 10 countries, including Switzerland, Germany, Austria, Belgium, the Netherlands, Luxembourg, Colombia and Canada as well as 10 American states. Spain acted on 25 June last year. A national debate about the fate of Ángel Hernández, aged 70, who was threatened with six months in jail for his involvement in his wife's death, was then overtaken by that country's legislation. The law was changed and Hernández was acquitted.

Since debate commenced on the bill on 14 October last year, other countries have acted. On 22 October the United Kingdom House of Commons passed its second reading debate on an Oregon-style assisted dying bill, which is now in the Committee stage. On 5 November Portugal passed a law enabling assisted dying, which was then vetoed by its president. On 7 November last year New Zealand passed its law. Catholic countries such as Chile, Ireland, Italy and Uruguay are at various stages of discussing moves towards assisted dying laws. Scotland is expected to introduce a bill this year. Around the world these laws are changing. Why is it that this issue has developed legislative momentum at this moment? The first reason is a generational one. It is a product of the baby boomer generation, who shaped so much of our culture and our laws, and in successive waves have now turned their minds to this issue. Many of them want more control over the circumstances of their deaths than previous generations would have asked for, or would have expected.

Secondly, we have undergone a medical revolution. One of the great achievements of the twentieth century was the extension of the human life span. In this country it rose from 51 to 81 today for men, and from 55 to 85 today for women. In the twenty-first century that will go further. The human genome was only finally mapped in 2003. That breakthrough genetic research and, importantly, the international political decision to keep that research public will see further medical discoveries and developments. The worldwide COVID vaccine discovery and deployment is perhaps just one of those medical miracles that we will experience in our lifetimes. However, faced with the increasing ability of medical machines to sustain human life, our laws will need to respond by giving patients more control over their own care, especially at the end of their lives. That is the social change that is driving this discussion. Like others, I saw it for myself when my dad was in the intensive care unit. He received incredible care. It was remarkable. He made it back out but in almost no circumstances would he have gone back to intensive care. That was where he was at after the experience he lived through.

The third factor driving these laws around the world is the community of the dying and their advocates. People have been personally affected by the impact of current laws wherever they live and are determined to change them. I pay tribute to Shayne Higson and Penny Hackett from Dying with Dignity for their longstanding work. Generational change, a medical revolution and a community of advocates are some of the factors why these laws are changing around the world at this moment. I do not accept that this is a matter of life and death. This proposed law limits its provisions to the dying. It offers a choice between death and a horrible death, between a sad death and a sad painful death, and between the tragedy of any death and the tragedy of a lonely death. Given that choice, I intend to support this legislation.

When it comes to the evidence base for this discussion, we are indebted to coroners around the country for informing much of the information we have, especially the Victorian Coroner. That work has often described unflinchingly the suicides of people with terminal illnesses. The largest number have hung themselves, but they have also bled to death, poisoned themselves, asphyxiated themselves, shot themselves with guns and in one instance in Victoria shot themselves with a nail gun. Those are violent deaths and are most often lonely deaths. Those people confronting death are almost always alone because they are scared of legally implicating their loved ones in their death. That is the fault of the law. That is what the existing law in New South Wales and in other places has driven people to do.

I will refer to my colleagues' contributions, the first being that of the Hon. Greg Donnelly. He has been a longstanding advocate in this area. He has raised his concern about the impact of these laws on the vulnerable and he has done that over a long time, not just in this field. For me, as someone raised in a religious family in the Catholic social justice tradition, and as an altar boy at seven, I think he is asking precisely the right question. I worry that society's less powerful might be exploited under any system—the frail, the poor, the disabled and the persuadable. Where I differ from the Hon. Greg Donnelly and the others is that there is little evidence from other jurisdictions of the vulnerable being exploited under these laws. But I do have that concern about the state of the existing law.

I thank another of my colleagues the Hon. Peter Primrose for his contribution to the debate. He enumerated the many ways that the principle that the State should not sanction the taking of life is being breached in the existing system as we debate the bill. For example, life-sustaining treatment is being withheld or withdrawn when doctors decide it is not in the patient's best interest, today; a person relying on life-sustaining treatment may decide when it is turned off, today; an advanced care directive could ensure, in a wide range of circumstances, that treatment is withheld, today; substitute decision-making, for example, through the adult guardianship legislation, is allowed, today; and palliative care contemplates terminal sedation to treat symptoms, which shortens patients' lives, today. Those points have already been made and I concur with them.

For me it raises the question: Who suffers when the law and the circumstances in the current system are that unclear? We have a remarkable health system in New South Wales, but it is a large system with a logic of its own. Many patients experience it as confronting, confusing and alienating. I say that while supporting our incredible health workforce, but that is how people often feel when they end up at the wrong end of the health system. As we have seen in our current system, people are dying and treatment is being denied and withheld.

In those grey areas of the law, the medical system allows those things to happen, often after a quiet word or a hushed discussion. Those discussions are more likely to be available to the articulate or to those with resources. People with little power, resources or ability to advocate do not have those options. They rely on the law. They rely on a clear articulation of what is illegal and what is legal. They rely on a clear articulation of their rights. As is often the case, the less powerful one is, the more the clean lines of the law protect one's rights. That is just as true in dying as it is in living. This House has an obligation to support the bill and to provide legal clarity.

A number of those terminal illnesses are workers' illnesses. I do not raise that as a partisan point and I do not want it to be misunderstood. There is no greater example of that than mesothelioma. Mesothelioma sufferers are often James Hardie workers, building workers, port workers or, more recently, home renovators. They are all working people. What a terrible way to die for working people. That is one more reason why this change in the law matters. We do not often speak openly of death, dying or suicide in our society. We understand less about death now than we have in the past. Not about the medical details of death; we know plenty about that.

We understand less about the loss, grief and reflection that death brings. That is perhaps because we directly face death, dying and the ethical issues that sound it less now than in any previous generation in human history. They are all issues raised by the bill. They are issues we need to grapple with according to our own conscience or belief, rather than be subject to direction by the law or the Parliament. They are matters for each citizen and their doctor, not for their member of Parliament. I intend to call my local GP when I am dying, not my local MP. That is an important reason why I support the bill.

I am not surprised that conservative members of Parliament take a different view. That is consistent with their world view and philosophy. But I am surprised to see some Liberal members do so. I cannot think of a more significant intervention by the State over individual choice. John Stuart Mill in his book *On Liberty* published in 1859 said:

The only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others.

What harm to others are members who count themselves Liberals concerned about? I do not ask the same question of conservatives opposite. Their reasoning is entirely clear. On the other hand, I cannot square the motivations of Liberals or libertarians opposite who choose to oppose the bill. There is no time to delay. I call on the House to deal with the bill. Every other State has passed such a law. The lower House in New South Wales has passed this law—52 votes to 32. The upper House in New South Wales should not delay. That is not to say that this House of review should not weigh carefully the passage of the bill. We should do that and do that well. But we should not delay.

In this, the most popular State, many people are looking for an answer from this Chamber right now, including people in pain and people close to death. A debate of this significance takes time. That is the lesson from each jurisdiction that has passed this legislation. I call on the Premier to allow time for this debate to take place. If time is not allocated, eyes will increasingly turn to other matters that are brought before the Chamber and whether they carry the same weight, significance and importance as this bill. However, this House is at its best when dealing with these complex bills. I look forward to the committee debate on the bill. If passed, the bill will give power to those who are dying to choose a small measure of control over when they die, where they die and, most importantly, who is with them when they die. That is one measure of a good death and to avoid a lonely death—to choose a death surrounded by family and friends. I commend the bill to the House.

The Hon. COURTNEY HOUSSOS (16:49): I contribute to debate on the Voluntary Assisted Dying Bill 2021, which I will vote against. At the outset I acknowledge the many people who have contacted me and my office to convey their thoughts on the bill. I have received emails, phone calls and letters, and I have even had

conversations with people in my local coffee shop. I acknowledge the 3,073 submissions to the upper House inquiry into the bill as well as the 39,000 people who responded to the survey which was also conducted by the inquiry. Many people in our community have deeply held views on both sides of the debate, and no-one with those deeply held views wants to prolong the suffering or pain of their loved ones in their final days. Some people who have contacted me to indicate their opposition to the bill have told me that it is because of their religious beliefs; many others who are opposed to the bill emphasised their lack of religion and instead based their opposition on the fact that the bill would represent a fundamental change in the way our legal and medical systems operate.

Like many members in this place I was here in 2017 when we last considered a bill to allow voluntary assisted dying, which I voted against. In preparing for the contribution today I reflected on what caused me to vote in that way. I re-read the debate on the bill, including my own contribution, which I am happy to say reflects my position on the matter still. But it caused me to reflect on the concept of euthanasia, as it was called. When I was in high school the laws were first introduced for a brief period in the Northern Territory to allow euthanasia. At that time I had become very interested in politics. I had started to think about current affairs and issues in the world and the way in which I approached the world, and on this topic I became particularly passionate. I really believed that as a society we should protect life and that the sanctity of life was incredibly important.

In reflecting on that and preparing for my contribution I realised that not long after that, in term 1 of year 12, a particularly horrific series of events occurred in which two people in my year took their own lives and, several weeks later, a further three died in a car accident. For me, that reinforced the sanctity and importance of life. It has been 22 years since those events and I think of the life that I have lived, the opportunities that I have had, the children that I have raised and the incredible husband that I have met and, again, I think on the possibility of life. Those events have stayed with me through that time, but the fundamental principle of the importance and sanctity of life has been constant through that period. In debate on the Voluntary Assisted Dying Bill 2017 I said:

I have heard from doctors about the fundamental change that this would mean for the doctor-patient relationship—undermining their oath to do no harm—and the profound effect on the mental health of the doctors who would be tasked with implementing this bill. I have heard from palliative care specialists about the need to make not just their latest advancements but even basic palliative care available to all in the community. I have heard from ethicists about the dangers of introducing such legislation and from lawyers about their concerns with this legislation. I have also heard and read many heart-wrenching stories, as many members of the public have sought to share their personal experiences. These stories have been incredibly moving. I have deep sympathy for those who have lived with terminal pain or who have witnessed their loved ones in these awful situations.

I went on to pay tribute to Brett Holmes, general secretary of the NSW Nurses and Midwives' Association, who I deeply respect and who in the lead-up to the vote in 2017 talked to me about the nurses who stay with their patients in their final moments. He recalled that they often say they lose a small part of themselves with every death. I went on:

I am humbled by their dedication and care...

However, my concern is that, in seeking to alleviate the suffering of a few, this bill will fundamentally undermine the legal framework and concepts that underpin our society. As legislators and as elected representatives, we must make decisions that are in the best interests of our entire society. As John Watkins, the former member for Ryde and former Deputy Premier, said recently, we should not find ourselves motivated by "individuals speaking from the depths of their grief". I agree with the sentiments expressed by former Prime Minister Paul Keating only weeks ago when he said:

What matters is the core intention of the law. What matters is the ethical threshold being crossed.

I quoted Paul Keating again when he said:

Opposition to this bill is not about religion. It is about the civilisational ethic that should be put at the heart of our secular society. The concerns I express are shared by people of any religion or no religion. In public life it is the principles that matter. They define the norms and values of a society and in this case the principles concern our view of human life itself. It is a mistake for legislators to act on the deeply held emotional concerns of many, when that involves crossing a threshold that will affect the entire society in perpetuity.

Of course I quoted Paul Keating because no-one can say it better than Paul Keating. In preparing for my contribution to debate on the bill I reflected on the submissions to the upper House inquiry as well as letters from medical professionals who work every day in an area that we find difficult to discuss. Dr Frank Brennan, who I understand is in Parliament House today, made a submission to the inquiry in 2021. He said:

The Act mandates the description but not the experience of Palliative Care.

That was a very powerful statement from Dr Brennan. He also outlined the enduring misconceptions about palliative care. He said:

An enduring myth is that Palliative Care is already practicing VAD and that by legalising the practice it will be better regulated. It is not. Families see patients being given morphine towards the end of their life and assume that the morphine is hastening their death. That is incorrect. The standard of care in Palliative Care is to give morphine for symptom management, not simply because the patient is deteriorating. Also, studies have shown that the proportionate use of morphine and sedative medication does not hasten death.

These two points are very important: that the discipline of Palliative Care is not already practising VAD by stealth and, secondly, that the standard of care—the proportionate use of medications—does not hasten death.

Dr Brennan made other important contributions in correspondence to me, and I am sure he wrote to others. Under the heading "Law meets medicine" he wrote:

Law aims for precision. Medicine operates in a landscape of uncertainty. The VAD Bill strains to achieve certainty in language and effect. The Bill seeks, but medicine cannot provide, such precision.

There are inherent uncertainties in each of the major elements of VAD eligibility—prognostication of illness, the assessment of decision-making capacity including screening for depression and the possibility of pressure or duress. As physicians, we know we cannot be certain about these issues. There is therefore, an inherent tension at the centre of any VAD Bill. For statutory law is entering a domain that is already challenging and mysterious—the profoundly human experience of becoming seriously ill, balancing hope and realism, comforting and being comforted. No law can use this language, and yet, that is the reality of our work. Discussion, negotiation, compromise, and there lies the rub. Law grapples earnestly with this area and seeks to marshal multiple safeguards in the VAD process. But by having, as its destination, the planned, premature death of a person, the law ventures into uncertain medical terrain, the vagaries of human nature and the extraordinarily complex nature of interpersonal relationships. No law can capture this reality. Of minds made up and then changed. Of the ebb and flow of the human spirit, despairing now, more content a day later. Of a selfless impulse in some to ease the burden of one's family. Of a lifetime habit, in others, of acquiescing to the suggesting, even unspoken, of a dominant relative.

I take this opportunity to put forward the words and reflections of others, who so eloquently expressed their concerns with the bill. As members of this place we have the ability in the course of deciding on this momentous bill to place our concerns on the record. I cite those comments because I just cannot imagine how anyone could say it more eloquently. Dr Frank Brennan went on to refer to the role of palliative care in the bill. He stated:

In the Bill, one of the criteria of eligibility is that "the disease, illness or medical condition ... is causing suffering to the person that cannot be relieved in a way the person considers tolerable." In reality, this is often the point where palliative care now enters the scene. It does so to bring a powerful and forensic approach to their management. Instead, under the Bill, the eligible person embarks on altogether a different journey. Process dominates; seeing a Palliative Care Physician is optional. The patient decides on the point when things are intolerable but that decision may never have been informed by the actual experience of receiving palliative care. The Bill places into the patient's hands the ability to commence a process that may lead them to a premature death where that patient has not engaged with medical experts who could deal with, assuage or comfort the reasons they sought this process in the first place.

I find those words to be incredibly powerful and a reflection by someone who knows this area far better than any of us who are reflecting on it in this place today. I thank him and others who have taken the time to write to us and make submissions to the upper House inquiry. He referred to concerns in relation to the lack of access to palliative care, which is something I referred to in my previous contribution. I have to say that over the last four and a half years access to palliative care in New South Wales has not significantly changed.

I reflected last night, and I again reflect, on some excellent inquiries by this House that have only furthered my concerns. I pay tribute to all the members of Portfolio Committee No. 2, which conducted the inquiry entitled "Health outcomes and access to health and hospital services in rural, regional and remote New South Wales". I particularly pay tribute to my good friend the Hon. Greg Donnelly, who chaired the inquiry, and another good friend, the Hon. Walt Secord, who was a member of that committee. My colleague the shadow Minister for Health, Ryan Park, also took a close interest in the inquiry. The inquiry has shown that there is a clear difference in the level of available health care between those who reside in the city and those who do not, and that extends to palliative care. The issue of differential access is incredibly important when we are considering taking such a significant step as allowing voluntary assisted dying.

Those concerns were raised and made obvious during an inquiry into aged care that I chaired last year. The committee heard about the difficulties of accessing palliative care even within aged care facilities, let alone in the more remote and regional areas of New South Wales. Indeed, in a recent article John Watkins raised concerns about differential access to health care generally based on postcodes. It certainly should not be the case that someone can access voluntary assisted dying but cannot access palliative care. My concern is that that is still the case in New South Wales. Other members and I have noted that other States and indeed other countries have pursued voluntary assisted dying. Therefore, some members believe that it is time for us to do it. I do not subscribe to that view. I do not believe that just because they are doing it, we should do it. I note that it is not the majority around the world. Indeed only last week in the United Kingdom the latest attempt to introduce similar legislation was defeated. But I do think it is important that we should carefully examine what has happened in jurisdictions that have introduced voluntary assisted dying before we take such a significant step.

The first issue that concerns me about the experiences of other countries that have introduced similar laws is that, once it has been introduced, there has been a further expansion beyond the initial grounds on which voluntary assisted dying was made available. In Canada within four years it was no longer required for death to be foreseeable. That has now been extended to dementia and children are under consideration. Most concerning is that it will be available for people with a mental illness from 2023. In February 2014 Belgium became the first country in the world to allow terminally ill children to end their lives. That was not part of the initial consideration. It is now available for anorexia, schizophrenia, autism, personality disorder and even prolonged grief.

Professor David Kissane, who is the chair of Palliative Care Medical Research at the University of Notre Dame, made a submission to the upper House inquiry. He used de-identified examples from Victoria to show two particular instances that I find deeply concerning: a case of undiagnosed depression where, once diagnosed and treated, the patient no longer sought access to voluntary assisted dying and another case of a child who returned from overseas to visit a terminally ill parent. The parent felt pressure to take the medication during the three-week period of the child's visit, but the spouse felt that it was premature. After the child returned overseas, the spouse was left alone to grieve and felt that he and his spouse should have had more time together.

These are incredibly difficult circumstances. These are incredibly difficult calculations. I think it is really important for me to express these are very serious concerns I have when we are about to take this significant step. Other academic studies, including when voluntary assisted dying was briefly legal in the Northern Territory, show levels of undiagnosed depression in patients who are seeking to access voluntary assisted dying and a lack of access to palliative care.

As my time is short, I will raise specific concerns I have with the bill itself, such as the lack of prior knowledge about a patient or a patient's history that is required by medical practitioners who assess the patient's ability to decide. I am particularly concerned about the lack of information for institutions and close family members. I am also concerned about conscientious objections for doctors and institutions, which is a very significant issue when we are facing health care but also aged care, in particular. I foreshadow that I will move or support amendments in those particular areas if the bill progresses.

The two final concerns I wish to raise are elder abuse, to which I referred in 2017. This Chamber initiated the first inquiry. This issue is a well discussed and well known but insidious phenomenon in our society. But, more generally, older people feeling that they are a burden is something I have seen with my own grandparents and older people that I know. Ageing is an incredibly difficult process. It is the slow surrendering of your life. I think it is incredibly important that we do all that we can to protect our most vulnerable people. Indeed, that is what we did over the course of the global pandemic at huge economic and social cost. We shut down everything in order to protect our most vulnerable people. That was the right decision then. I think it is important that we continue to do that now. For that reason, I cannot support the bill.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (17:09): I dedicate my speech on the Voluntary Assisted Dying Bill 2021 to my mother, who will turn 100 in July. She would want me to give this speech, as would my father, who was a country medical practitioner. He would be appalled by this legislation and what it proposes to do to the medical profession. I will start by making an observation before making some other observations on the bill. If at the end of this debate the House cannot categorically say that this legislation provides a framework for a person not to die voluntarily—in other words, that they are killed against their wishes—then this House, this Parliament, can never be complicit in the killing of that human being. I will endeavour to demonstrate the problem with the bill through the experience of what exists overseas. I was grateful to the Hon. Courtney Houssos for quoting Paul Keating because I will also start by quoting Paul Keating, who had a bit to say on this issue, as did other eminent politicians. He said:

What matters is the core intention of the law.

...

In both practical and moral terms, it is misleading to think allowing people to terminate their life is without consequence for the entire society.

One inevitable aspect of debates about euthanasia is the reluctance on the part of advocates to confront the essence of what they propose. In this case, that means permitting physicians to intentionally kill patients or to assist patients in killing themselves. Understandably, the medical profession is gravely concerned by this venture. An alarming aspect of the debate is the claim that safeguards can be provided at every step to protect the vulnerable. This exposes the bald utopianism of the project. Advocates support a bill to authorise the termination of life in the name of compassion while at the same time claiming that they can guarantee protection of the vulnerable, the depressed and the poor. No law and no process can achieve that object. If it is accepted that that is the case, this Parliament can never be complicit in the passing of this legislation. Former Deputy Prime Minister John Anderson said:

We open this door at the peril of all future generations as we move one step closer to a heartless and expedient society where everything is expendable, including the lives of all those whom we, others, or even the state deem 'unsatisfactory'.

...

Government-sponsored suicide does not provide real choice, nor does it address the causes of suffering; it just excuses politicians and policymakers of their solemn obligation to do better.

We ought to learn from other jurisdictions to not look at our own individual experiences of death but to look at where this legislation will lead us. As Paul Keating pointed out, recent developments in four other jurisdictions

have shed light on how a society that crosses the threshold of deciding voluntary assisted dying laws treats differently people whose lives we honour and those we believe are better off dead. I will talk about two people who were not terminally ill who recently travelled to Switzerland. The Pegasos clinic in Switzerland, associated with Dr Philip Nitschke, assisted the double suicide of two sisters, neither of whom had a terminal illness. In commenting on their suicides under Swiss law, Nitschke reiterated his view that every rational adult has the right to assistance in ending their life at any time they choose. Nitschke even included in this category the "troubled teen".

Let us remember that Nitschke began his career as a suicide facilitator and promoter under the Northern Territory's thankfully short-lived euthanasia law, which had the effect of killing four people with his so-called deliverance machine. Even with the Northern Territory's apparently stricter safeguards than those in this bill, a subsequent study published in *The Lancet* found that three out of the four suffered from depression that could have been treated. One was probably not terminally ill, and in two cases the person could have benefitted from treatment that was not offered. Any two medical practitioners who shared Philip Nitschke's view on the fundamental right of every adult, even the "troubled teen", to receive assistance to end their life at a time of their choosing could act as the coordinating, consulting and administering practitioners under this bill, interpreting the eligibility criteria and safeguards as liberally as they pleased. The "check that all the boxes have been ticked" role of the Voluntary Assisted Dying Board is unlikely to prevent that.

Anorexia-assisted suicide, which was referenced by the Hon. Courtney Houssos, is assisted suicide for people assessed as having an incurable and irreversible disease, which has been medically confirmed and will, within reasonable medical judgement, produce death within six months has been legally available in Oregon for 24 years. The most recent report on Oregon's law listed anorexia among the conditions for which lethal poison to cause a person's death has been prescribed. Nothing in this bill would rule out two medical practitioners assessing a person with anorexia, or a person with apparently intractable suicidal ideation associated with bipolar disorder or another mental illness, as eligible for the administration of a lethal poison to end their life.

Clause 16 (2) (c) of the bill provides that "merely because the person has a mental health impairment", that person is not eligible. The operative word in that subclause is "merely". The person would also need to be assessed as likely on the balance of probabilities to die as a result of their mental health impairment, whether anorexia or bipolar disorder with suicidal ideation. Such cases may not be the first to occur under this bill but, as we have seen in Oregon, without any change to the eligibility criteria the net has widened progressively to include diabetes cases, where a person decides to go off insulin but is not otherwise dying, and now anorexia. We can expect the same progressive widening in New South Wales.

What does the Western Australian data tell us, because we are all told that New South Wales is the last jurisdiction to go down this route? On 23 March 2022 the Western Australian Minister for Health, the Hon. Amber-Jade Sanderson, reported in the Western Australian Legislative Assembly that a further 75 people had, as she coyly put it, "completed the process of voluntary assisted dying in the four-month period from 1 November 2021 to 28 February 2022." This equates to a rate of 1.7 per cent of all deaths in Western Australia in that four-month period and resulted from the self-administration or practitioner administration of a prescribed lethal poison. That compares with the latest available rate of 0.5 per cent in Victoria after two years and 0.64 per cent in Oregon after 23 years of the passing of their voluntary assisted dying bills. Why is this so and what would that mean for New South Wales if the Voluntary Assisted Dying Bill were to pass?

In all jurisdictions where euthanasia and assisted suicide are permitted, the rate of those deaths as a percentage of all deaths is significantly higher than where only assisted suicide is permitted. Oregon does not allow euthanasia or practitioner administration of the prescribed lethal poison. Although the rate of assisted suicides there has increased each year for 24 years at an average of 15 per cent per year, it has not yet reached the rate of Canada, which allowed euthanasia and assisted suicide in the first year of its voluntary assisted dying laws, of 1 per cent—let alone the rate of 3.84 per cent, which was hit in British Columbia in 2020. Victoria allows euthanasia only in limited circumstances and when a person is physically incapable of self-administration of the lethal poison. Some 14.8 per cent of people who died from a lethal poison under Victoria's laws were administered the poison by a practitioner.

Western Australia's law, like the bill before us, gives applicants a choice without requiring physical inability to self-administer the poison. In the first seven months of legalisation more than two out of three deaths by lethal poison were by administration of the poison by a medical practitioner. The data shows the availability of this option increases the overall rate. If deaths under this bill occurred at the same rate as in Western Australia—1.7 per cent of all deaths—that would equate to 850 deaths per year. That would be three times the deaths from road accidents and similar to the number of deaths from suicide. Every suicide is a tragedy. Claims were made in the Victorian and Western Australian debates on their voluntary assisted dying bills that legalising euthanasia and assisted suicide would prevent bad deaths by acts of suicide not authorised by the State.

In Victoria, for example, the then Minister for Health, the Hon. Jill Hennessy, repeatedly claimed that the Voluntary Assisted Dying Bill would prevent 50 deaths by suicide of terminally ill Victorians each year. That type of argument has been repeated in this place. In an article published in the Monash University Law Review on 18 December 2021, well-known advocates for legalising euthanasia and assisted suicide, Lindy Willmott and Ben White along with Katrine Del Vilar, noted:

One argument advanced in favour of legalisation of voluntary assisted dying is that terminally and chronically ill people are committing suicide, or asking friends or relatives to assist them to die, because they feel that they have no alternative.

After examining the coronial evidence from Victoria and Western Australia concerning suicides in the chronically and terminally ill used in the parliamentary debates, they concluded that many of these cases would not have met the eligibility criteria for voluntary assisted dying under the Victorian model, and thus such bad deaths by suicide will continue to occur. Victorian data on suicides shows that the number of suicides went up between 2017—when Minister Hennessy made her claim—and 2020, the first full year of operation of the Voluntary Assisted Dying Act, by 4 per cent from 683 to 710. That is 27 extra suicides rather than 50 fewer suicides. I am profoundly disturbed by the legal fiction attempted by this bill of defining out of our suicide prevention efforts any person in New South Wales who may be eligible to access the prescription of a lethal poison for the person to take home and ingest at any time.

If the bill passes and someone ingests 15 grams of sodium pentobarbital obtained illegally and dies as a result it will be suicide, even if the person has a terminal illness. However, if a person ingests 15 grams of sodium pentobarbital provided by an authorised pharmacist pursuant to a formal authorisation by the Voluntary Assisted Dying Board to supply it to the person to be used to cause the person's death, then it will not be treated as suicide. The person will be just as dead. They will have died by their own act. The physiological process by which a lethal poison causes death will be identical. The possible complications will also be the same. Based on published data from the Netherlands, Switzerland, Oregon and Washington these include: regurgitation, seizures, regaining consciousness and not dying, up to four hours to lose consciousness and up to 104 hours to die—that is, four days and eight hours.

Some of the same drugs used for assisted suicide in Oregon and Victoria are also used for executing convicted offenders subject to the death penalty in certain US states. A 2020 review published by *National Public Radio* of 216 autopsies conducted after execution in US states by lethal injection found signs of pulmonary oedema in 84 per cent of the cases. That is, the person died by drowning. In her 2015 dissent in *Glossip v Gros*, US Supreme Court, Justice Sonya Sotomayor characterised death by lethal injection as "the chemical equivalent of being burned at the stake". Autopsies are rarely carried out after legal acts of assisted suicide. So we will never know how people really die under this bill. There is certainly no guarantee of the peaceful death apparently imagined by many proponents of the bill. We all ought to be profoundly disturbed by the level of State involvement in the processes under this bill.

The Parliamentary Secretary for Health will be given the power to specify which schedule 4 or schedule 8 poisons can be used. There is no provision in the bill requiring any process of evaluation of evidence that a specific poison is fit for this purpose. Will it kill swiftly and peacefully every time? All other use of poisons for medical purposes are subject to a rigorous process of evaluation by the Therapeutic Goods Administration. In this case the Parliamentary Secretary for Health has no guidance and no official body to turn to for advice. The Minister made responsible for this Act and the Attorney General must together appoint the members of the Voluntary Assisted Dying Review Board.

They are charged with appointing a person as a member only if they "are satisfied the person has knowledge, skills or experience relevant to the board's functions". The key function of the board is to issue voluntary assisted dying substance authorities, which may either authorise a person to be supplied with a prescribed lethal poison in order to self-administer to cause the person's death or authorise a medical or nurse practitioner to administer a prescribed lethal poison to a person in order to cause the person's death. How will the Minister and Attorney General go about identifying candidates for board membership? What is the skillset required to issue a license to kill? I began by quoting Paul Keating. He also said:

Once this bill is passed the expectations of patients and families will change. The culture of dying, despite certain and intense resistance, will gradually permeate into our medical, health, social and institutional arrangements. It stands for everything a truly civil society should stand against. A change of this kind will affect our entire community not just a small number of dying patients. It is fatuous to assert that patients will not feel under pressure once this bill becomes law to nominate themselves for termination.

As I have stated, my mother turns 100 in July. I visit her as often as I can. The bill would make it possible for her neighbours in that residence to be given a lethal poison to commit suicide or to have a medical practitioner come into my mother's home and kill one of her fellow residents. I cannot imagine how distressed that would make her feel. But I am even more concerned for the many residents in our aged care facilities—perhaps up to 40 per cent—who never get a single visitor in a year. The latest data from Quebec shows that feeling socially isolated and lonely

was a reason for requesting euthanasia in 24 per cent of cases. In Oregon feeling a burden on family and friends is a factor in six out of 10 cases of assisted suicide. If we pass this bill we may give some comfort to Mrs Jones, a paid up member of Death With Dignity who has campaigned for the right to be helped to end her life at the time she chooses.

But what about Mrs Brown who has never considered this option before? She now has to wake up every morning and decide not to request a lethal poison. She has to decide that she would not be better off dead and that she is not too much of a burden on her family and carers. No safeguard can prevent this cultural change from putting pressure on the elderly, sick, frail and disabled from feeling like they ought to make a request to have their life ended. Under clause 10 (3) of the bill a nurse or disability care worker can initiate a discussion with Mrs Brown while giving her a wash or handing her medication, suggesting that requesting so-called voluntary assisted dying might be the best thing for her. The nurse or carer only has to add, perhaps at the end of repeated suggestions, "But you should discuss palliative care and treatment options with your medical practitioner." This is not the culture I want to deliver for our elderly, sick and disabled. I oppose the bill with my whole heart and invite even those who have already spoken in favour of the bill to reconsider and vote against it. We can and must do better than this.

Debate adjourned.

Motions

PARLIAMENTARY INDEPENDENT COMPLAINTS OFFICER

Message

The DEPUTY PRESIDENT (Ms Abigail Boyd): I report receipt of the following message from the Legislative Assembly:

Mr President

The Legislative Assembly desires to inform the Legislative Council that it has this day agreed to the following resolution:

- (1) That this House considers and adopts the revised proposal for the establishment of an Independent Complaints Officer, which was considered and agreed to by the Legislative Assembly's Standing Committee on Parliamentary Privilege and Ethics, during a meeting held earlier today.

(1) Establishment of position

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

(2) Functions of position

The Independent Complaints Officer shall have the following functions:

- (a) Receive and investigate complaints

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

- (i) misuse of allowances and entitlements;
- (ii) other less serious misconduct matters falling short of corrupt conduct; and
- (iii) minor breaches of the pecuniary interests disclosure scheme.

The Independent Complaints Officer shall also have the function of receiving and investigating complaints confidentially in relation to bullying, harassment and inappropriate behaviour by members, not related to conduct in proceedings of the Legislative Council or Legislative Assembly or their committees.

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

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

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

- (b) Monitoring Code of Conduct for Members

The Independent Complaints Officer shall monitor the operation of the Code of Conduct for Members, the Constitution (Disclosures by Members) Regulation 1983 and the members' entitlements system, and provide advice

about reform to the Legislative Assembly Committee on Parliamentary Privilege and Ethics ("Privileges Committee") as required.

(c) Educational presentations

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

(3) Term of appointment

(a) Appointment by Presiding Officers

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

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

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

(4) Complaints investigations

(a) Protocol

The Independent Complaints Officer shall, within three months of his or her appointment, develop a protocol to be approved by the Privileges Committee and tabled in the House by the committee chair, outlining how complaints may be received, the manner and method by which complaints will be assessed and investigated, the definition of low level, minor misconduct, and arrangements for the notification of matters between the Independent Complaints Officer and the Independent Commission Against Corruption and other relevant bodies (including the most appropriate agencies in relation to bullying and harassment matters), subject to relevant legislation (including section 122 of the Independent Commission Against Corruption Act 1988).

(b) Standing

This protocol shall include definitions of standing such that:

- Only current members of the NSW Parliament, those who currently work for members of the Parliament of NSW in their capacity as members, and those who currently work for the parliamentary departments, have standing to lodge complaints. This includes current contractors or subcontractors, current volunteers, current interns and current trainees.
- An individual may make a complaint up until 21 days following termination from their employment, but not have standing after that date if not remaining within any of the aforementioned categories. 1
- Complaints must be lodged within two years of the incident alleged to have occurred, unless this is not fair or reasonable to a complainant or member.
- No complaint may be considered which is alleged to have occurred prior to the passing of this resolution.

(c) Confidentiality

Individuals with standing who are not members of Parliament and who make complaints shall be required to maintain confidentiality concerning complaints and investigations. Others involved in any complaints investigations, for example witnesses shall be required to maintain confidentiality concerning complaints and investigations.

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

(d) Protocol with the Independent Commission Against Corruption

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

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

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

(e) Investigatory report to the House

Where the Independent Complaints Officer ("the investigator") finds that there has been a misuse of an allowance or entitlement, the investigator may recommend repayment of funds misused. Where the investigator finds that a

member has otherwise breached the Members Code of Conduct or engaged in bullying, harassment or inappropriate behaviour the investigator may recommend corrective action.

Subject to (f) below, the Independent Complaints Officer will make a report if the member does not accept the recommendation and, in the case of bullying, harassment and inappropriate behaviour matters, only where the complainant consents to the making of the report. This report will be presented to the Privileges Committee. The Committee will consider whether to adopt the recommendations of the Independent Complaints Officer.

(f) Minor breach

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

(g) Declines to investigate

If the Independent Complaints Officer receives a complaint but upon assessment declines to investigate the matter, or upon investigation the Independent Complaints Officer finds no evidence or insufficient evidence to substantiate a complaint of bullying, harassment or inappropriate behaviour; a breach of the Code of Conduct for Members; or a breach of the Constitution (Disclosures by Members) Regulation 1983, the Independent Complaints Officer shall advise in writing the member and the complainant of the decision. The Independent Complaints Officer shall also briefly report the decision to the relevant Privileges Committee on a confidential basis. However, if the complaint relates to bullying, harassment or inappropriate behaviour, the decision must only be reported to the Privileges Committee with the complainant's consent. No report to a House is required in this circumstance.

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

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

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

Further, after receiving:

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

the Privileges Committee shall:

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

(g) Expert assistance

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

(5) Powers of the Independent Complaints Officer

The Independent Complaints Officer shall have power to request the production of relevant documents and other records from members and officers of the Parliament.

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

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

(6) Keeping of records

The Independent Complaints Officer shall be required to keep records of advice given and the factual information upon which it is based, complaints received and investigations. The records of the Independent Complaints Officer are to be regarded as records of the House and are not to be made public without the prior approval of the Independent Complaints Officer and resolution of the House, except for the notification of information between the Independent Complaints Officer and other relevant authorities in accordance with the protocol to be developed pursuant to clause 4(a), or where the member requests that the records be made public.

A member requesting the records be made public should table them in the House. During an extended break in sittings a member may table records with the Privileges Committee.

(7) Reports to Parliament

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

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

(8) Annual meeting with relevant committees

The Independent Complaints Officer is to meet annually with the Privileges Committee of the House.

(9) Review of the Independent Complaints Officer System

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

- the confidentiality provisions applying in respect of complaints and investigations under the system;
- the timeliness of complaints assessments and investigations conducted under the system; and
- the provisions applying with respect to standing for complainants and retrospectivity under the system.

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

(2) That this resolution have continuing effect until amended or rescinded.

(3) That a message be forwarded to the Legislative Council conveying the terms of the resolution agreed to by the House.

¹ However, this does not affect timeframes for complainants to take action under the relevant legislation, for example, the Work Health and Safety Act 2011 and the Anti-Discrimination Act 1977.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations)
(17:29): By leave: I make a short statement in relation to the complaints officer provision; I have discussed this with my friend the Hon. Penny Sharpe and invite her to make a statement as well. I suggest that the complaints officer provisions that have been adopted by those in the other House are not in conformity with the complaints officer provisions adopted by this House after a very considered process by the Privileges Committee of this House. There are some fundamental differences between the two sets of provisions. I suggest that over the break the provisions for the appointment of a complaints officer that have been considered by members of the other place be referred to the Privileges Committee of this place, and that further consideration of the provisions of the

Legislative Assembly complaints officer then be considered after the committee has had the opportunity to consider them.

The Hon. PENNY SHARPE (17:30): This has been a long process. I acknowledge the Privileges Committee members in the Chamber, particularly the Chair, the Hon. Peter Primrose, in relation to this. I will be up-front and state that some of the changes that have come back from the Legislative Assembly were a little unexpected, but I think it is important that this House gets on with it. The approach suggested by the Hon. Damien Tudehope is something that Labor supports: that we note the changes, and that basically the Houses operate with slightly different versions, but that members will have further consideration of that when we come back in winter. I thank our members in particular for their patience in relation to this matter.

The Hon. Damien Tudehope: It is bipartisan, Penny.

The Hon. PENNY SHARPE: It is. Sorry, by "our members" I mean Legislative Council members—"our" in the broadest sense. Essentially that is where we are at. We think this is the best course to progress this.

Documents

STATE-OWNED CORPORATIONS

Return to Order

The CLERK: According to the resolution of the House of Thursday 24 February 2022, I table additional documents relating to an order for papers regarding State-owned corporations, received this day from the Secretary of Department of Premier and Cabinet, together with an indexed list of the documents.

Claim of Privilege

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

RAPID ANTIGEN TESTS

Return to Order

The CLERK: According to the resolution of the House of Wednesday 23 February 2022, I table documents relating to an order for papers regarding rapid antigen tests, received this day from the Secretary of Department of Premier and Cabinet, together with an indexed list of the documents.

Claim of Privilege

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

RESOURCES FOR REGIONS PROGRAM

Further Return to Order

The CLERK: According to the resolution of the House of Wednesday 23 February 2022, I table documents relating to a further order for papers regarding the Resources for Regions program, received this day from the Secretary of Department of Premier and Cabinet, together with an indexed list of the documents.

PARK'NPAY APP

Further Return to Order

The CLERK: According to the resolution of the House of Thursday 24 February 2022, I table additional documents relating to a further order for papers regarding the Park'nPay app, received this day from the Secretary of Department of Premier and Cabinet, together with an indexed list of the documents.

Claim of Privilege

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

RENEWABLE ENERGY ZONES**Production of Documents: Further Order**

The Hon. MARK LATHAM: I move:

That private members' business item No. 1616 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK LATHAM (17:33): 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, excluding any documents previously returned under an order of the House, in the possession, custody or control of the Treasurer, Minister for Energy, Treasury or Department of Planning, Industry and Environment relating to Renewable Energy Zones [REZ] in New South Wales:

- (a) all advice, projections, modelling, audits of modelling and costings from the Department of Planning, Industry and Environment, consultants to the government or the Australian Energy Market Operator [AEMO] to the Minister for Energy and Environment on the establishment of Renewable Energy Zones in New South Wales;
- (b) any document disclosing the firming capacity needed to make REZ effective;
- (c) any document disclosing the creation of electricity grid connections as a consequence of the establishment of REZ;
- (d) any document disclosing the impact of REZ on electricity prices, supply and reliability in New South Wales;
- (e) any document disclosing the impact of REZ on coal-fired power stations, in particular, the early closure of stations and the consequential impact on energy security and prices in New South Wales; and
- (f) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

The purpose of this further order for papers under Standing Order 52 [SO52] is to fulfil the transparency provisions of the upper House, particularly in light of the shocking decision that surprised public policy experts and the public alike to bring forward the early closure of the Eraring coal-fired power station. Members might remember the long debate we had in this Chamber some 16 months ago about the road map. Part of that was the Government's promise of a managed, orderly process in its policy direction of the transformation of the New South Wales electricity grid. It was a shock to find that instead of a managed, orderly process, Eraring would close in 2025. Some 450 jobs are seemingly lost without the prospect of replacement. It is very important to get the relevant documents, particularly the modelling that underpinned the road map and the modelling audit, to ensure there are no future shocks and no more job losses unanticipated by the Government or the Parliament.

It is a commonsense proposition to have taken the Government at its word at the time of the road map that this would be a managed, orderly process and jobs would be protected. In fact, the Government gave umpteen guarantees there would be no early closure of the coal-fired power stations. Well, that has not happened and the Government's promise has been broken. It is now perfectly legitimate for this Chamber, fulfilling the review functions of an upper House, to seek the relevant documents. This is particularly so in light of the fact that at the November estimates hearing Minister Kean was asked if he knew of any early closure of the coal-fired power stations and he said no. It was a point made with fine effect by the Leader of the Opposition at budget estimates earlier this year. The Minister was squirming, denying and not really getting out from under that rock, the rock being that he could have openly stated the truth to committee members. He could have said, "I have been in discussions with Origin since the middle of 2021. These jobs are at stake. I need to tell you that this is imminent. Can we work together to protect the jobs and have the orderly, managed transition that was always promised?"

There are several reasons why these documents need to be produced. The modelling advice and the audit were commissioned at substantial public expense. The public has the right to know what those documents say given the shock we had about Eraring and the high stakes we are now talking about, being the whole future of the New South Wales electricity grid and the New South Wales economy. This motion is not about the substance of the policy debate. It is about access to information and transparency. There is a bit in it for everyone. If a member is a big supporter of the renewable energy zones and they want the coal-fired power stations to close earlier, they will want to see the documents to find out whether that can feasibly be done. What is the pathway towards that policy objective? It is not often I try to help my colleagues in The Greens, but there is a little bit of advice on how to access documents—

The Hon. Penny Sharpe: I am not sure they are going to help you.

The Hon. MARK LATHAM: For the Labor Party, which would be making policy as the alternative government going into the next election, it too would want to look at these vital documents. On the other side of the coin, if a member is an advocate of the base load power approach they will learn a lot as well. There is something there for everyone around the Chamber. The stakes are high. Keeping the lights on and the jobs in

New South Wales is a priority. For those who have bigger ambitions about carbon mitigation, they too can learn a lot from the documents.

It is also a question of fairness. Why should this House ever discriminate against Matt Kean in SO52s? It should invite him with all his documents into the Daniel Mookhey "have a looky" library. The truth is that over three years, in a stunning act of discrimination against Minister Kean, members of this House have not moved any Standing Order 52 calls for papers about energy. There is every subject under the sun up there on the eighth floor but we have not got anything for Matt Kean. I am always one to try and help Matt! I do not want Matt to feel left out. There is every single reason here why he needs to be involved in this fine process of transparency and upper House powers to let the public know what is going on. Let us not leave him out. Let us give him an honoured place in the Mookhey library for the making of good policy, whether members are on the left of centre and wanting to advance renewable energy zones or on the other side, wanting to promote the base load power approach. Certainly I advocate for the Parliament to support the SO52, as members have done in so many areas.

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (17:38): I do enjoy these reunions that we have about once every six months. It will shock members to know that the Government does not support this motion. This order for papers presents a real risk of diverting valuable public resources to collect, collate and provide the materials requested. At a time when the electricity road map has never been more pressing, requiring those public servants to stop work on progressing those vital projects to respond to this potential order is not in the interests of the people of New South Wales.

This motion largely concerns the establishment of renewable energy zones [REZ] in this State, which are widely recognised as critical to modernising the State's electricity system and feature heavily in the Australian Energy Market Operator's Integrated System Plan. The REZs are being co-designed, with each stage of the process being consulted on with local community and industry. Extensive information is available on the road map and the individual initiatives under the Act on the Energy NSW website.

In passing the Electricity Infrastructure Investment Act 2020, with strong bipartisan support, the New South Wales Government has taken decisive action to take control of our future energy system, acting in the interests of the people of New South Wales. EnergyCo is at advanced stages of procurement for key service providers in relation to the Central West Orana, New England and Hunter-Central Coast REZs. Again, the scope, scale and timing of the proposed order for papers would place a huge burden on the public service and delay essential processes, as well as create process and outcome risks through the potential for commercially sensitive information to be released.

With some of the best renewable energy resources in the world, New South Wales is in a unique position to benefit from emerging low-cost technologies like wind, solar, batteries and pumped hydro. The scale of the planned transmission rollout, which needed to ensure that the people of New South Wales have access to cheap, clean and reliable energy with the retirement of coal-fired generation, is unprecedented. Any action to divert resources away from delivery of the road map will put the Government's plan to deliver cheaper, cleaner and more reliable energy for New South Wales consumers at risk of delay. For those reasons, the Government opposes the motion.

The Hon. PENNY SHARPE (17:40): The Hon. Ben Franklin may not have done this for a while now, but I must ask, "Really?" On the standard arguments against a call for papers the Opposition makes the following comments. One of the arguments is diversion of resources. On that argument, we would never be allowed to call for papers under Standing Order 52 because a public servant may have to be held accountable and provide the information that this House is asking for. On the basis of that argument, a Standing Order 52 motion could never be supported in this House.

Secondly, there is an ongoing issue about commercially sensitive information. Members take that seriously, and we have a process to deal with it called privileged documents. The Government is well aware of how privileged documents work and do not work. It has challenged the process frequently and failed to provide information. We then have to go through a whole rigmarole where we win more times than we lose on what is privileged and what is not. The Government cannot come to this Chamber and tell us, "It's commercially sensitive. It can't possibly be released," when it absolutely knows we have a process to deal with that. Every member of this House takes that process seriously. The Opposition does not oppose this Standing Order 52 motion.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (17:42): At the risk of being seen as providing cover for the energy Minister, which I am sure he does not need, and at the risk of being seen as not wanting to fill up the Mookhey library with more documents, I endorse the observations made by the Hon. Ben Franklin. The Leader of the Opposition just made an observation about the argument of diversion of resources against orders for papers and how this House would never get any documents. In many respects, the Leader of the Opposition has a selective memory in relation to that, because at one stage the

Leader of the Opposition was in government. I understand that it is a vague memory for her, but I can provide her speeches where she made exactly the same observations that the Hon. Ben Franklin made today when she was on this side of the House.

The Hon. Penny Sharpe: I have grown.

The Hon. DAMIEN TUDEHOPE: She has grown. There is a promise we can always accept. I have to say, we have the best part of 17 Standing Order 52 motions on the *Notice Paper* today.

The Hon. Robert Borsak: Is that all?

The Hon. DAMIEN TUDEHOPE: Yes. The amount of time we are asking from the good public servants of the State was never so manifest as last week when we asked State Emergency Service personnel to check their mobile phones and other records because members of this House wanted documentations. I propose an amendment to limit the scope of the order. I believe the Hon. Mark Latham has been provided with a copy of the proposed amendment. I move:

That the question be amended by omitting all words after "That" and inserting instead:

under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents created since 1 January 2020, excluding any documents previously returned under an order of the House, in the possession, custody or control of the Treasurer, Minister for Energy, Treasury or Department of Planning and Environment relating to Renewable Energy Zones [REZs] in New South Wales:

- (a) all Department of Planning and Environment or Australian Energy Market Operator reports or briefs to the Minister for Energy setting out the impact of the New South Wales Government's Renewable Energy Zones policy on electricity reliability, electricity prices, the firming needed to make REZs effective and the closure of coal-fired power stations in New South Wales; 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.

That is eminently sensible. I commend the amendment to the House.

The Hon. MARK LATHAM (17:45): In reply: The amendment restricts the scope of documents to what Matt Kean told himself. That, of course, is not the purpose of this call for papers, but it is consistent with the more theatrical approach we have seen from Ministers this afternoon. We all love the Hon. Ben Franklin, but in going to so many arts events he runs the risk of crossing over from a cool, calculating and rational debating approach to a theatrical approach that undermines some of his credibility. I am afraid that was my interpretation of the stage show this afternoon.

As for his partner, who would have thought the Hon. Damien Tudehope would ever present himself as part of the theatre as a hand puppet for Matt Kean? These are certainly unusual times in the New South Wales Liberal Party—but not to the point of accepting an amendment to find out what Matt Kean told himself and to exclude from the Standing Order 52 motion the key documents of the modelling and the audit. I hope the amendment will be rejected. The motion should stand. I thank all the other participants in the debate. I particularly thank the Hon. Penny Sharpe, who also put her shoulder to this particular wheel at budget estimates hearings. The motion is about the accountability of a Minister who has avoided an honoured place in the Mookhey library, which we must correct.

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

The House divided.

Ayes19
Noes20
Majority.....1

AYES

Amato
Barrett (teller)
Boyd
Cusack
Faehrmann
Fang
Farlow (teller)

Farraway
Franklin
Maclaren-Jones
Mallard
Martin
Mitchell

Poulos
Rath
Shoebridge
Taylor
Tudehope
Ward

NOES

Banasiak	Hurst	Primrose
Borsak	Jackson	Roberts
Buttigieg (teller)	Latham	Searle
D'Adam (teller)	Mookhey	Secord
Donnelly	Moriarty	Sharpe
Graham	Moselmane	Veitch
Houssos	Nile	

Amendment negatived.

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

Leave granted.**The House divided.**

Ayes23
 Noes16
 Majority.....7

AYES

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

NOES

Amato	Franklin	Poulos
Barrett (teller)	Maclaren-Jones	Rath
Cusack	Mallard	Taylor
Fang	Martin	Tudehope
Farlow (teller)	Mitchell	Ward
Farraway		

Motion agreed to.**FIREARMS POLICIES AND PROPOSALS****Production of Documents: Order**

The Hon. ROBERT BORSAK: I move:

That private members' business item No. 1764 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. ROBERT BORSAK (18:03): I seek leave to amend private members' business item No. 1764 outside the order of precedence by omitting "21 days" and inserting instead "35 days".

Leave granted.

The Hon. ROBERT BORSAK: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 35 days of the date of passing of this resolution the following documents created since 1 January 2015 in the possession, custody or control of the NSW Police Force or the Minister for Police relating to firearm policies and policy proposals:

- (a) all correspondence, including emails, telephone logs, letters, proposals, reports, data sets, and data analysis between Ms Georgina Gold, NSW Firearms Registry and the Firearms and Weapons Policy Working Group [FWPWG] and Commonwealth Department of Home Affairs relating to firearm policies and policy proposals;

- (b) all correspondence, including emails, telephone logs, letters, proposals, reports, data sets, and data analysis between the Commander, NSW Firearms Registry and the Firearms and Weapons Policy Working Group [FWPWG] and Commonwealth Department of Home Affairs relating to firearm policies and policy proposals;
- (c) all correspondence, including emails, telephone logs, letters, proposals, reports, data sets, and data analysis between the Legislation and Policy Branch, Office of the Commissioner, NSW Police Force and the Firearms and Weapons Policy Working Group [FWPWG] and Commonwealth Department of Home Affairs relating to firearm policies and policy proposals; 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.

Last week *The West Australian* newspaper ran a blatant scaremongering story on the increase in legal firearm ownership between 2009 and January this year. The story was typical gutter journalism and included all the fear-inducing phrases they could muster, including "Shocking new maps reveal the horrifying scale of gun ownership in suburban Perth," and "The number of licensed guns in WA has soared". The story included the obligatory maps of suburban streets, prepared from data provided by the Western Australia Police Force, showing the locations of houses containing legally owned firearms that were properly, legally and securely stored.

This grubby tactic of police using the media to vilify licensed, law-abiding firearms owners is nothing new. Everyone will recall the tabloids in New South Wales regularly running stories in newspapers about the number of legally owned firearms in each suburb. The journalists who write those stories are regularly fed data on legally held firearms directly from State police forces. In New South Wales it is the NSW Firearms Registry. The architect behind this ongoing campaign against legal firearm ownership is a senior bureaucrat in the NSW Firearms Registry by the name of Georgina Gold. Ms Gold also sits on the Commonwealth Government's Firearms and Weapons Policy Working Group.

As evidence of the malicious intent against firearms licence holders, in response to a damning audit report by the NSW Audit Office in February 2019 Ms Gold prepared a report with a number of policy proposals on 21 June 2019 that went up the chain of command to the commissioner's office. In that report Ms Gold proposed applying a legislated limit to firearm ownership, as if that was an answer to their audit failures. She said:

This option would reduce stockpiling, provide legislative clarity for the regulator and the community, and reduce criticism from the gun control lobby about the ease of access to firearms and firearm volumes in the community.

Clearly evidence and data do not matter for drafting firearms policy in New South Wales. Right around the country firearms policy is being driven by anti-firearm bureaucrats like Georgina Gold. It is for this reason that we need to see exactly what communications and narratives have been going on between Ms Gold, the NSW Firearms Registry, the Legislation and Policy Branch of the NSW Police Force, and the Commonwealth Firearms and Weapons Policy Working Group. Her activities and drive are not evidence-based. Ms Gold is an unelected bureaucrat who is developing policy for an oppressive government that seeks to wipe out freedoms and broaden implementation of already oppressive firearm laws. In doing so, Ms Gold is seeking to cover up her lies and failures as a senior administrator and manager of the NSW Firearms Registry.

Make no mistake: it was Ms Gold and senior police at the Firearms Registry who issued John Edwards with a licence to kill. It was not me or the 250,000 legal firearms owners in this State. It was them and they need to be held accountable. This Government needs to be held accountable. The Shooters, Fishers and Farmers Party will not relax in our defence against this attack until the lies are exposed and those responsible are punished. For the sake of transparency and evidence-based policy, I commend the order for papers to the House.

The Hon. SCOTT BARRETT (18:07): The Government does not oppose the motion.

The Hon. WALT SECORD (18:07): Labor will support the motion.

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

Motion agreed to.

BRUMBIES IN KOSCIUSZKO NATIONAL PARK

Production of Documents: Order

Reverend the Hon. FRED NILE: I move:

That private members' business item No. 1749 outside the order of precedence be considered in a short form format.

Motion agreed to.

Reverend the Hon. FRED NILE (18:09): I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents created since 1 March 2021 in the possession, custody or control of the Department of Planning, Industry and Environment or the Minister for Environment and Heritage relating to brumbies in Kosciuszko National Park:

- (a) all documents relating to brumbies trapped or removed from Kosciuszko National Park, including but not limited to documents which record:
 - (i) the number of brumbies removed;
 - (ii) the ages of the brumbies removed, including any foals;
 - (iii) who the removed brumbies have been sold to;
 - (iv) who the removed brumbies have been rehomed to; and
 - (v) the welfare of the brumbies after being released.
- (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.

The debate to save the Kosciuszko brumbies may come to a head sooner than we think. I have recently seen videos and photographic evidence showing cruel mass trappings of brumbies. Those unnecessary actions are based on false premises and signal the end of our brumbies in the Kosciuszko National Park. In 2018 the Government passed the Kosciuszko Wild Horse Heritage Act 2018 No. 24. The object of the Act was to recognise the heritage value of the sustainable wild horse populations within parts of the Kosciuszko National Park and to protect that heritage. The legislation states:

The chief executive is to cause a draft wild horse heritage management plan to be prepared for Kosciuszko National Park.

The Kosciuszko National Park Wild Horse Heritage Management Plan states:

The total population of wild horses across the wild horse retention and management areas will be reduced to 3000 horses by 30 June 2027.

The protection of the wild horse heritage has been based on leaving 3,000 horses in the areas of the park that are designed as wild horse retention areas. The problem is that this figure has been based on a starting figure taken from the 2020 survey conducted by Stewart Cairns, which stated that 14,380 Brumbies were counted in the park. That is assuming a reduction of 11,380 horses over the period of the plan. If further attempts are made to remove that number of horses, there will be none left at all in the whole park. I have sighted area maps from the Department of Planning, Industry and Environment that show the horse count total to be only 2,468. That is below the 3,000 horses that are allowed in the park under the existing management plan.

Previous surveys using distance software supplied by Stewart Cairns have produced estimates that are scientifically and biologically impossible. That is shown in the peer review report by St Andrews. That is a similar situation to the kangaroo survey, which has shown increases in over 4,000 per cent. Yet, when conducting new trials of survey methods, the choice was made to use this software again in full knowledge that it is producing scientifically and biologically impossible annual increases. If the figures are below 3,000 brumbies, why are they still being trapped in mass numbers? Some 120 brumbies have been removed as recently as a few weeks ago.

The horses are trapped once they are rehomed. The problem is that the rate at which they are trapped quickly exceeds the numbers that rehomers can take in. There are only 11 registered rehomers qualified through the national park guidelines. The horses that cannot be rehomed are shot and killed. A further problem is that the rehomers are not policed. President of the Snowy Mountains Brumby Sustainability and Management Group, Diane Hardley, stated recently, "We have horses going up in 14.5-hour trips to Clearview in Queensland, which I would class as a horse trader. They get the brumbies free from the national park. They are taking 30 at a time and selling them. That is a good deal for them but not so much for the brumbies."

I seek an extension of time.

Leave granted.

Reverend the Hon. FRED NILE: Ms Hardley has shown photographic evidence of foals and heavily pregnant mares being trapped. That goes against the standard operating procedure for trapping feral horses, available on the RSPCA website, which states:

Capture ... should be avoided when females are foaling or have dependent young at foot. Unweaned foals that do not accompany their mother into the trap can sometimes become separated and die of starvation, or if trapped can get trampled underfoot. Foaling is concentrated over spring and summer. In addition to welfare implications, control at foaling times is less effective than other times, as females are usually more secretive and tend to leave the group to give birth in isolated locations.

Ms Hardley has stated that there is a rehomer prepared to come forward and pick up five horses from the holding yard, but she counted 20 foals hidden away in the back of the yard. I ask members to support the motion to

maintain at least the minimum number of brumbies in the park area. I commend the motion to the House. [*Time expired.*]

The Hon. EMMA HURST (18:17): I strongly support the call for papers put forward by Reverend the Hon. Fred Nile. I thank him for bringing the motion before the House. I have spoken at length in this House about my concerns surrounding the treatment of brumbies at Kosciuszko National Park, including my concerns about the flawed methodology used to estimate the number of horses in the park and my objection to the lethal means of killing those horses when there are more humane and effective solutions available. This is a straightforward request under Standing Order 52, which seeks documents regarding the New South Wales Government's brumby trapping and rehoming program over the past 12 months.

The call for papers will provide some much-needed transparency about the program, which has been the subject of concern from brumby advocates and rehomers for some time. In the past few weeks I have been contacted by local groups who are alarmed at the rate at which brumbies are being removed from Kosciuszko National Park, including a large number of foals. The Government's previous policy was to release pregnant mares and mares with young at foot. Now vulnerable infant animals are being trapped in high numbers. The groups are also concerned that horses are being removed from the park but not being sent to rehoming organisations, despite rehomers being ready and willing to take the animals in. That suggests horses may be being sent to knackeries. The call for papers will shed some light on what has been going on in the rehoming program. I commend the motion to the House.

The Hon. MARK LATHAM (18:19): One Nation supports the motion. We have concerns about the lack of transparency around what is happening at Kosciuszko National Park. Overall we are very supportive of looking after the brumbies. They are part of our national culture. Anything that harms those beautiful animals is plainly wrong. Consideration should always be to look after those animals ahead of plants and foliage. Major decisions have been made about the future of the herd and we must ensure that they are consistent with policymaking. I am sure the order for the production of documents under Standing Order 52 will shed light on what is happening and provide some comfort to the many pro-brumby activists who want more information about what is going on. I thank Reverend the Hon. Fred Nile for moving the motion.

The Hon. TAYLOR MARTIN (18:20): The Government does not support the motion in its current form. While the Government is committed to open and transparent government, in its current form the scope of the motion would require the release of information that could impact the safety of NSW National Parks and Wildlife Service [NPWS] staff. While the Government acknowledges that wild horse control can heighten community emotions, it has zero tolerance for threats of violence and intimidation. It concerns me to report that threats and intimidation towards NPWS staff have included bumper stickers with the slogans "Aerial cull a greenie, save a Snowy brumby", calls for staff to be "gelded or shot" and a "wanted" poster for a particular National Parks and Wildlife Service staff member. I am also advised that on 7 March 2022 two trap sites were tampered with and horses were released. That matter is being investigated by the NSW Police Force.

The National Parks and Wildlife Service is taking strong action to ensure the safety of its staff. In 2021 external safety contractors were employed to undertake a risk assessment and safety audit of all NPWS sites in the Southern Ranges Branch. As a result, key measures were implemented, including physical security improvements to local NPWS worksites and the update of site emergency procedures. In addition, the local security threat status is regularly reviewed and security measures are escalated as required. To protect staff working in the field, operational details regarding the wild horse control program are not released publicly. The *Wild Horse Heritage Management Plan* identifies the heritage value of sustainable wild horse populations within identified parts of Kosciuszko National Park and sets out actions to protect those heritage values and maintain other environmental values of the park.

It is also worth noting that general information regarding the trapping program, including the number of wild horses that have been removed, has been published previously on the National Parks and Wildlife Service website. Moving forward, there will be periodic reporting on the implementation of the new management plan. As I have said, the release of the information at the level of detail that has been requested has the potential to compromise staff safety, which the Government does not accept. For those reasons I am proposing an amendment to the motion. I move:

That the question be amended as follows:

- (1) Omit "14 days" and insert instead "21 days".
- (2) Omit "1 March" and insert instead "24 November".
- (3) In paragraph (a), omit subparagraphs (iii) and (iv).

The Hon. PENNY SHARPE (18:22): I contribute to debate on the motion and I advise the House that Labor will not re-prosecute the issue around the wild horses in Kosciuszko National Park, on which there has been much debate. Labor's position is very clear: There are too many horses in the park. They are damaging the water and the soil, and they are putting a whole list of threatened plants and native animals in danger. The Opposition respectfully disagrees with the Animal Justice Party on that fact, but the issue is very important and must be handled carefully. It has taken a very long time to reach an agreed position on the *Wild Horse Heritage Management Plan*, which will see those horses reduced from around 15,000 in number down to 3,000 over time. That is a very ambitious target. To the issue raised by Reverend the Hon. Fred Nile, no-one is suggesting that there are no horses in the park; that is what the *Wild Horse Heritage Management Plan* is about.

Labor is broadly supportive of orders for papers under Standing Order 52. As members know, Labor rarely knocks them back. However, it supports the Government's amendment to the motion. I do not take the issue of the safety of NSW National Parks and Wildlife Service staff lightly. A National Parks and Wildlife Service officer has been murdered in this State. Members are not discussing staff safety because they believe it is some flight of fancy or is an excuse to not deal with the matter. Labor is very happy to support the Government's amendment. We think there should be open and transparent processes around the removal of the horses at the park. That process has been coming for a long time. No-one wants those horses to suffer, but Labor believes that their numbers need to be massively reduced.

The Hon. Emma Hurst will not have a chance to respond to my contribution on the motion, but I note that she is concerned about paragraphs (iii) and (iv) in the motion. Those issues can be pursued through questions without notice; they do not need to be addressed under Standing Order 52. The questions around how many brumbies have been rehomed and how many have been sold are important to many people, but those questions and others around the safety of offers can be answered by other means. For those reasons Labor supports the order for papers under Standing Order 52. I am sure this motion will not be the end of the matter, but the Opposition is happy to vote in favour of the motion.

Reverend the Hon. FRED NILE (18:25): In reply: I am informed that the Government has no data on the ages of the brumbies that have been taken by traps. If my order for papers under Standing Order 52 confirms this, then that must be changed moving forward. The RSPCA guidelines state:

Capture and handling should be avoided when females are foaling or have dependent young at foot.

If the approximate ages of the brumbies are not being recorded, then the RSPCA guidelines are being ignored by the Government. Finally, there is no reporting on the welfare of the brumbies after they are released. If my order for papers confirms this, then that must also be changed. How are we to know whether our national heritage is being properly cared for without that vital data? I support the Government's amendment.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): Reverend the Hon. Fred Nile has moved a motion, to which the Hon. Taylor Martin has moved an amendment. The question is that the amendment be agreed to.

Amendment agreed to.

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

Motion as amended agreed to.

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

Motions

ELECTORAL FUNDING ACTING IN CONCERT PROVISIONS

The Hon. JOHN GRAHAM: I move:

That private members' business item No. 1738 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. JOHN GRAHAM (20:04): I move:

That this House:

- (a) notes the "acting in concert" provisions contained at section 35 of the Electoral Funding Act 2018; and
- (b) expresses concern regarding their impact on the implied freedom of political communication.

Having indicated that the Opposition is bringing this gentle motion to the House, for the benefit of members I will explain some of the background. Government members, through the Joint Standing Committee on Electoral Matters, have initiated a review on a relatively short time frame into an issue that will be of interest to aficionados in the political system: the potential reintroduction of third-party campaign caps on electoral expenditure. It is something the Opposition is open to and has supported in the past. Indeed, they were provisions that were introduced into law by the former Government. However, the provisions were the subject of some controversy before the 2019 State election after additional restrictions were placed on them. The caps dropped and, in addition, those acting in concert provisions were introduced into the law. At the time they were unwelcome, from the Opposition's point of view. We saw them as an unnecessary Americanisation of the political system, which I will come to later.

This motion simply seeks to draw the attention of the House to this matter and for the parties in this House to potentially express a view. We hope that might delicately shape the considerations of the joint standing committee as it marches out on this review. As I have said, it is a short review. It will conclude shortly after the expected date of the Federal election. How might we consult political parties while they are engaged in what will be a very significant Federal election? That is a very good question and the answer is not immediately clear to us. The joint standing committee is a serious committee of this Parliament, and certainly the Opposition's members on it—the Hon. Courtney Houssos, Mr Paul Scully and the Hon. Peter Primrose—will engage in that review in a serious way.

For the benefit of members I will provide a quick background on the law. Those provisions are contained at section 35 of the Electoral Funding Act 2018. They restrict third-party campaigners from acting in concert and they make it unlawful for two or more campaigners to coordinate campaigns where their combined expenditure exceeds the applicable caps. Those provisions and the way the caps worked were the subject of a challenge in the High Court of Australia. The argument was made that the third-party expenditure cap and the acting in concert provisions impermissibly burdened the implied freedom of communication on matters of politics and government as protected by the Constitution.

On 29 January 2019 the High Court found in favour of that argument regarding the expenditure cap but did not substantively address the question of the validity of the acting in concert provisions, finding it was unnecessary to do so with caps no longer applying. There is probably a longer discussion to have about some of the views that were expressed in coming to that finding. I direct members to the reports of the joint standing committee and to the decision itself; they are probably the best places to consider that in the short time that is available today.

I place on record the Opposition's ongoing concerns about those acting in concert provisions but note our support for third-party funding caps. That is the sort of space that we are very comfortable to work in with the Government and with any other parties. It is our sincere view that changes to the electoral law should be bipartisan changes. That is the only way they stand the test of time. We are now inside 12 months before the State election. The last thing that is wanted are late changes to the rules of democracy that all members have to abide by. That is what we seek to avoid and it is one of the reasons why we place this on the *Notice Paper* today: to send an early signal on this matter. Perhaps when speaking in reply I will elaborate on the US influence here, but at this point I simply commend the motion to the House.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations)
(20:08): It is amazing that we have before the House a motion moved by the Hon. John Graham about "acting in concert" and it is not about music. But let us deal with what we have before us. As the member rightly identifies, the motion expresses concern regarding the impact of the provisions in the Electoral Funding Act. Having said that, an expert report was done on that issue, upon which the Government acted.

It is worth reflecting on the whole notion of "third-party campaigners", as it was reflected on by Dr Kerry Schott, who delivered the report on the inquiry into political donations to the Government on behalf of a panel of experts. The report stated that third-party campaigners "should not be able to drown out the voices of the parties of candidates who are the direct electoral contestants". It continued:

There is also a high level of concern about the increase in third-party campaigning and the emergence of US-style Political Action Committees. These groups incur very large expenditure and have the potential to undermine the role of parties and candidates in election campaigns.

The expert report went on to note:

There is widespread support for third-party participation in elections within limits.

As such, recommendation 31 of the expert panel suggested:

That the cap on electoral expenditure by third-party campaigners be decreased to \$500,000 and adjusted annually for inflation ...

The expert panel finalised its report by making a recommendation in order to "guard against third parties coming to dominate election campaigns". The Schott expert report clearly made important recommendations about expenditure caps for third-party campaigners, which the Government implemented with the Electoral Funding Act 2018. However, the matter was recently referred to the Joint Standing Committee on Electoral Matters. In light of the reasoning articulated in the expert report and the fact that the matter was recently referred to a committee, the motion should not pass in this House. It is a matter for further discussion. If there are concerns about third-party campaigning, the appropriate way to deal with it is to potentially challenge it in court. The member's motion is attempting to make the illegal legal. That is illegal.

Ms ABIGAIL BOYD (20:12): The Greens are in favour of the motion, and my colleague Mr David Shoebridge will also be contributing to this debate. The motion expresses our concern about the impact on the implied freedom of political communication—and, indeed, that is critical in our democracy. But I find it interesting that Labor is moving this motion at this time, given that the Opposition is currently ganging up with the Coalition in the other place to ram through the most anti-democratic laws that this State has ever seen. We are concerned about the impact of the acting in concert provisions on our implied freedom of political communication, but there are far bigger threats to our democracy happening in this Parliament right now, with the agreement of both major parties. That is of far more concern.

The Hon. SCOTT BARRETT (20:13): The Government opposes the motion moved by the Hon. John Graham. The motion calls on the House to note concerns about certain acting in concert provisions in the Electoral Funding Act 2018. As we have heard, it argues those provisions impact on implied freedom of political communication. The motion should be opposed because those matters are currently before an inquiry of the Joint Standing Committee on Electoral Matters, which I have recently joined.

The inquiry was referred to the committee on 23 March 2022 for the purpose of examining caps on third-party campaigners' electoral expenditure in section 29 (11) and section 35 of the Electoral Funding Act 2018. Parliamentary committees have a strong reputation for producing high-quality reports by members from across the political divide. They are largely considered non-partisan. The motion moved by the Hon. John Graham interrupts that independent committee process. The committee's terms of reference are:

That the Joint Standing Committee on Electoral Matters inquire into and report on:

1. whether the existing cap on electoral expenditure by third-party campaigners for an Assembly by-election under section 29(11) of the *Electoral Funding Act 2018* is reasonably adequate;
2. if the answer to question 1 above is 'no', what the amount of the applicable cap should be; and
3. whether the prohibition on third-party campaigners acting in concert with others to incur electoral expenditure in excess of the applicable cap on electoral expenditure in section 35 of the *Electoral Funding Act 2018* should be retained, amended or repealed.

To enable the members of that committee to undertake that important work without interruption from the Government or this House, I argue that the motion should not pass. The Government opposes the motion.

Mr DAVID SHOEBRIDGE (20:15): The Greens support the motion. The acting in concert provisions are essentially in one form in the Electoral Funding Act to ensure that third parties do not co-opt a variety of directly associated entities in order to aggregate their expenditure and defeat the electoral caps. I think we are all on the same page that intentional efforts from effectively the same entity, or an entity controlled by the same interest, to create multiple entities in order to disaggregate their spending to avoid the electoral funding cap is something we should all unite to stop.

The question, though, is what should the reach of the acting in concert provisions be? Let us be clear about what the concern is. Unions at one point in time may have a common goal to change the government to put in a Labor government, and the question then becomes whether or not the spending of unions can be aggregated to be acting in concert for the purpose of a State election. In The Greens' experience with unions, they tend to have feistily independent organising bodies. For a short period of time, they may share a common goal, some or all—

The Hon. Courtney Houssos: Some.

Mr DAVID SHOEBRIDGE: There are always some—to change the government of the day, but they are democratically controlled independent entities, and they will often go about the task in very different ways. Equally, many of them will not engage in that task at all and do not want to spend their members' money in that regard. That is entirely up to them. The Greens believe it is wrong in principle to aggregate all the expenditure under the acting in concert provisions from a series of distinct legal entities, with distinct and separate democratic control, to rope them all together under the acting in concert provisions.

We have seen before how attempts by the State Government to pass laws that restrict the ability of people to come together collectively to contribute to politics can get struck down by the High Court. The implied freedom

of political communication is not a right that people have; it is a restraint on governments. We should try to avoid having that policed by the High Court for individual actions and instead try to cut across politics and come up with an outcome that reflects democracy and the reality of disparate, separate, democratically controlled organisations perhaps having a shared goal but not being, effectively, silenced in an electoral process by an overreach of acting in concert provisions.

The Hon. COURTNEY HOUSSOS (20:18): I make a brief contribution to debate on the motion. I thank the shadow Special Minister of State, and the Deputy Leader of the Opposition in this place, for bringing forward this important discussion. Some members of the Government have said this is an inappropriate motion, but it is important that we can have a measured and careful discussion about an issue that will be considered by one of our longstanding and well-respected committees. I have been a member of the Joint Standing Committee for Electoral Matters since I was elected to this place seven years ago. Our first inquiry was into the implementation of the Schott report, which contained important integrity measures.

I believe New South Wales has the best electoral system in the world. We have absolutely no questions raised about our election results. We have an excellent system of paper-based voting that allows everyone to scrutinise the process. That process is incredibly open and transparent. We largely have a bipartisan response to electoral matters, which is important because we agree on the rules of engagement and then we go out and engage on the actual issues that are important. The fact that we agree on that is important. I look forward to working with the Hon. Scott Barrett, who is the newest member of the committee, as I have worked collaboratively with other members of the committee in the past.

Labor absolutely supports caps. When Labor was last in government we introduced spending and donation caps. We believe they are fundamentally important. Arms races in donations and expenditure does not help the electorate. We should be focused on campaigning to them about the issues. That is an important way of balancing the field and making sure that people do not get swamped. The two points where we differentiate are the question of third parties and what is appropriate for them, and we can have an engaged conversation about those. We want third parties to be engaging in this space. There are third parties that support all sides of politics, and we want more third parties involved in politics. We want people to be involved in the political process. We want those barriers to entry to be low, but the caps have to be appropriate.

The idea that we would rule out people acting together in political movements seems antithetical to the question of political involvement. Labor is bound by strong caucus solidarity rules because we stand in this House on the shoulders of the labour movement and the Labor Party. In the same way, all political parties stand in this House on the shoulders of their volunteers and their party members. As a movement, we want to bring people together to get them working together for common goals. The acting in concert provisions originated in the Australian Capital Territory, whose electoral system operates in a fundamentally different way to anywhere else in Australia—and maybe the world. The provisions are not appropriate for the way that the rest of the electoral systems work around the country because they were specifically designed for the Australian Capital Territory.

The Hon. SCOTT FARLOW (20:22): As outlined by the Leader of the Government and the Hon. Scott Barrett, the Government opposes the motion moved by the Hon. John Graham. The motion would require the House to note concerns about certain acting in concert provisions in the Electoral Funding Act 2018. The motion argues those provisions impact on the implied freedom of political communication. We heard from Mr David Shoebridge about the independence of the union movement. I turn to the Labor Party's constitution for New South Wales and section A.3, which states, "The party is made up of affiliated trade unions." They are not some sort of illusory beast that has nothing to do with the political system of the Labor Party or the labour movement; they are an integral part of it.

Integrity, transparency and accountability are important. When reforms were introduced to this Parliament, NSW Labor voted against the Electoral Funding Bill 2018, which implemented reforms to ensure greater integrity, transparency and accountability in elections in New South Wales. The reforms were based on recommendations made by an independent expert panel and the parliamentary joint standing committee, which the Hon. Courtney Houssos is a member of. The Electoral Funding Act 2018 delivers the strongest, most transparent political donation scheme the State has seen, including the introduction of expenditure caps for local government elections; a requirement that political donations of \$1,000 or more in the six-month period before a State general election be disclosed within 21 days; a clearer, tougher definition of "prohibited property developer", which now extends to individuals as well as corporations who conduct a property development business; and the reinstatement of the dollar-per-vote model of public funding for State election campaigns for future State general elections.

In light of all those reforms, Labor has still decided to vote against the Government. Now the Labor Party wants the House to vote in support of a motion that signals support for the involvement of big unions and other third-party campaigners financing the campaigns to influence the outcome for third-party campaigners. The expert review, chaired by Dr Kerry Schott, reported that while third-party campaigners:

... should be free to participate in election campaigns ... they should not be able to drown out the voices of parties and candidates who are the direct electoral contestants.

That is not just the Liberal Party or The Nationals but the crossbench parties as well. The majority of the union movement—and I think maybe a few more unions perhaps under Chris Minns and Jodi McKay—comprises affiliated unions of the Labor Party that support the Labor Party's aims. When one considers the reforms that this Government has tried to bring in, even from when Barry O'Farrell was Premier in 2011, we have tried to bring in stricter reforms around donations that apply for all non-individuals, whether they be unions or business, and the High Court has made its determinations on that. The acting in concert provisions are integral to ensuring a level playing field in the electoral system. The Government opposes the motion.

The Hon. ANTHONY D'ADAM (20:26): I contribute to debate on the motion. If this type of legislation was in place when The Nationals was being founded, it probably would not have been able to get off the ground. It is ironic that the Hon. Scott Barrett opposes a motion that would have obstructed the formation of his own party. The intersection between civil organisations and our political system is not a simple one; it is a complex one. Often they participate in the political process through directly supporting candidates and other times they advocate around issues that are the subject of contestation within the context of an electoral period. We should be cautious when framing laws that might impede or obstruct that proper deliberation.

The whole principle of the implied right of political communication is ensuring that governments do not place constraints on the electoral system that might impede the ability of many voices being heard in our political system so that voters are able to make a choice informed by not only the contributions of political parties but also third parties that have a view about the direction government should take. That is why we should be seriously concerned about the impact of the acting in concert provisions. The other problem with the provisions is they are not clear. Having worked for an unaffiliated union that engaged in political communication, there was a high degree of uncertainty created by the laws about what the union could and could not do in terms of its intervention in the political system. That has a chilling effect on the participation of organisations in our political system. In a democracy we should not be discouraging political participation; we should be encouraging it.

The Hon. JOHN GRAHAM (20:29): In reply: I thank all members for that discussion. It was possibly a little longer than I had expected but I think it was a valuable discussion. First, I object to the idea that this House cannot discuss this gentle motion while the joint standing committee does its important work. We are not attempting to interrupt that committee process; the House can work well with its committee processes and this is just a gentle interaction. We have certainly found it helpful. I thank the Leader of the Government for the tone of his comments; they were really helpful and he has put the Government's view on the record well. I do not agree with his view that we should head down to the High Court to sort this out. Surely we can deal with this in a more mature way than that.

I object to the way the Whip put the argument about the 2018 laws and the Opposition's legitimate objections at that time, and to the golden halo he sought to cast over the Government's action at this time. I assure the Whip and other members of the House that when it comes to discussion about electoral law, I believe that it is best to stick to the rule that there are few saints in the discussion. Everyone is trying to get their party elected. If they feel the golden halo turning on they should check themselves, because there are no saints here. What we can do, though, is have a mature and bipartisan discussion and we can keep the sinners out of the system.

That is what we should be aiming to do: to keep out the people who are trying to bend the law or break the law. That is in all our interests and it is in democracy's interest. That is the sort of mature discussion we have to be able to have over time, regardless of one's political party. That is what we seek to do and it is one of the reasons we are putting this issue on the table now so that everyone knows clearly where we are coming from. This motion will be the subject of other committee activity and it may be the subject of legislative activity later down the line, but I think this discussion has really flagged it so that we are not dealing with it late in the electoral cycle and we all know where we stand right now.

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

The House divided.

Ayes22

Noes14

Majority.....8

AYES

Banasiak
Borsak
Boyd

Houssos
Hurst
Jackson

Primrose
Roberts
Searle

AYES

Buttigieg (teller)
D'Adam (teller)
Donnelly
Faehrmann
Graham

Latham
Moriarty
Moselmane
Nile

Secord
Sharpe
Shoebridge
Veitch

NOES

Amato
Barrett (teller)
Fang
Farlow (teller)
Farraway

Maclaren-Jones
Mallard
Martin
Mitchell
Poulos

Rath
Taylor
Tudehope
Ward

PAIRS

Mookhey

Franklin

Motion agreed to.

*Documents***SCHOOL INFRASTRUCTURE****Production of Documents: Order**

The Hon. COURTNEY HOUSSOS: I move:

That private members' business item No. 1755 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. COURTNEY HOUSSOS (20:43): I seek leave to amend private members' business item No. 1755 outside the order of precedence for today of which I have given notice by omitting "21 days" and inserting instead "28 days".

Leave granted.

The Hon. COURTNEY HOUSSOS: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents created since 1 January 2014 in the possession, custody or control of the Department of Education and the Minister for Education and Early Learning relating to figures on certain School Infrastructure NSW projects from 2014:

- (a) for each year from 2014 to 2023, projected enrolment figures for:
 - (i) Northbourne Public School;
 - (ii) Schofields Public School;
 - (iii) Riverbank Public School;
 - (iv) Gregory Hills Public School;
 - (v) Leppington Selective High School;
 - (vi) Concord High School;
 - (vii) Oran Park Public School; and
 - (viii) Gledswood Hills Public School.
- (b) population figures for each year from 2014 to 2021, and projected population figures for 2022 and 2023, for:
 - (i) Marsden Park;
 - (ii) Schofields;
 - (iii) The Ponds;
 - (iv) Gregory Hills;
 - (v) Leppington;
 - (vi) Concord;

- (vii) Oran Park; and
- (viii) Gledswood Hills.
- (c) any and all construction timetables for school infrastructure upgrades or other projects for:
 - (i) Concord High School;
 - (ii) Oran Park Public School; and
 - (iii) Gledswood Hills Public School.
- (d) any and all construction timetables for planned new schools for:
 - (i) Northbourne Public School;
 - (ii) Schofields Public School;
 - (iii) Riverbank Public School;
 - (iv) Gregory Hills Public School; and
 - (v) Leppington Selective High School.
- (e) all reports, briefings and memorandum relating to major School Infrastructure NSW school projects currently in planning or design created since 1 January 2022; and
- (f) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I will be brief because there is a long list of motions to be dealt with tonight—

The Hon. Damien Tudehope: No, take your time.

The Hon. COURTNEY HOUSSOS: —despite the protestations from the Leader of the Government. This is a call for papers under Standing Order 52 designed to seek further information to inform our school infrastructure inquiry that is currently being undertaken by Portfolio Committee No. 3 – Education. We have listed a series of local schools that we will be visiting over the course of the inquiry. We are seeking the projected enrolment figures, the population figures, the construction timetables for the upgrades, the construction timetables for the new schools and progress reports from School Infrastructure NSW. We are seeking those documents to inform us about why the Government got this so horribly wrong. Northbourne Public School is one example of that.

In Northbourne Public School there was a development application [DA] lodged for a pop-up school for 500 students, and the DA was subsequently relodged for 1,000 students. The projections were so wrong within a matter of months that the DA needed to be relodged. The new school has been built, but the growth has been so exponential since the pop-up school was built that a large part, if not all, of the pop-up school has remained in order to sustain not only the new permanent buildings but also the demountable classrooms. We are seeking information about and the population figures for Northbourne Public School, Schofields Public School, Riverbank Public School, Gregory Hills Public School, Leppington Selective High School, Concord High School, Oran Park Public School and Gledswood Hills Public School. I commend the motion to the House.

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (20:45): The Government will not be opposing this Standing Order 52 request. I have been in consultation with the mover of the motion to request an extension of time for the Government. I thank the Hon. Courtney Houssos for accommodating that. The Government requested an extension because the Opposition is asking for population figures dating back to 2014, which is quite an extensive time frame, and because the School Infrastructure teams are under an awful lot of pressure with the flood impacts on the North Coast. An extra seven days to comply with this Standing Order 52 request is certainly appreciated.

When a motion of this nature is passed by the Chamber there are a significant number of staff members within the departments who must take time away from what they are doing in order to fulfil the requirements of the House. That is the process and we understand that, but we also appreciate when members moving these motions can be understanding of those time frames and work with us. It is about making it easier for staff, particularly School Infrastructure staff who are getting smashed with the work needed to support schools in the Northern Rivers region. There are about 160 schools impacted again today. It is a terrible situation in the Northern Rivers region, yet again. Anything we can do to alleviate some of that pressure and allow our staff to focus on supporting those schools is important. I acknowledge and thank the Hon. Courtney Houssos for the extension. The Government will not be opposing this Standing Order 52 request.

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

Motion agreed to.

*Bills***WATER MANAGEMENT AMENDMENT (NO COMPENSATION FOR FLOODPLAIN HARVESTING LICENCES) BILL 2022****First Reading**

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

Second Reading Speech

Ms CATE FAEHRMANN (20:49): I move:

That this bill be now read a second time.

As The Greens spokesperson on water it gives me great pride to introduce the Water Management Amendment (No Compensation for Floodplain Harvesting Licences) Bill 2022. As members in this place are well aware, the issue of floodplain harvesting has been a major focus in this term of Parliament. The Government has been trying, often unsuccessfully, to push ahead with its controversial plan to hand out nearly \$1 billion of floodplain harvesting entitlements to irrigators, who have already taken thousands of gigalitres of water without paying a cent. I have spoken at length in this place about how the floodplain harvesting volumes the Government seeks to hand out as compensable water entitlements are well over the limits in the Murray-Darling Basin Cap and the Murray-Darling Basin Plan and will lock in disastrous environmental, social, cultural and economic outcomes for the Darling-Baaka River and Menindee Lakes.

The bill does not address all of the many problems with the Government's proposal to licence and regulate floodplain harvesting, but it does protect any future government that decides to return those volumes of water back into the river from facing any financial liability—and we are talking about future taxpayers. The bill achieves that by amending the Water Management Act 2000 to specifically exclude floodplain harvesting licences from being eligible for compensation as a result of a reduced water determination or compulsory acquisition. In 2014 the Government amended the Water Management Act to specifically include floodplain harvesting entitlements as being eligible for compensation. Prior to those amendments, property owners did not have a private access right to floodplain water, as it had always been considered opportunistic water. In his second reading speech to the Water Management Amendment Bill 2014, then water Minister Kevin Humphries said:

This bill builds on this Government's commitment to achieving genuine sustainability in the water sector by amending the Water Management Act 2000 to facilitate issuing flood plain harvesting licences to increase business certainty for landholders who extract water from flood events; provide security for holders of supplementary water licences and flood plain harvesting licences through enhanced compensation rights.

He also said:

The bill also expands existing compensation rights to holders of flood plain harvesting licences.

Bear in mind that those amendments were introduced by the same water Minister, Kevin Humphries, who told irrigators in the Barwon-Darling that they could pump despite a section 324 water embargo being in place—which triggered an Independent Commission Against Corruption [ICAC] investigation. That ICAC investigation ultimately found that the Minister's department had failed to fulfil its responsibilities regarding the objects of the Water Management Act and was "unduly focused on the interests of the irrigation industry". Members in this place may not see eye to eye on floodplain harvesting and the management of the Murray-Darling Basin, but we can all agree that it is unwise for the State Government or a future State government to hand out nearly \$1 billion worth of compensable water entitlements to irrigators who have never had to pay a cent for that water.

The bill amends section 79 of the Water Management Act, "Compulsory acquisition of licences", which allows the water Minister to compulsorily acquire access licences if they are, "of the opinion that, in the special circumstances of the case, the public interest requires their compulsory acquisition". Section 79 (2) of the Act states:

A person from whom an access licence is compulsorily acquired under subsection (1) is entitled to compensation from the State for the market value of the licence at the time it was compulsorily acquired.

This bill amends section 79 (2) by inserting the following words:

Subsection (2) does not apply to a floodplain harvesting access licence within the meaning of section 86.

To put it simply, the Government will have the power to take back any floodplain access harvesting licences it has handed out without being forced to pay for it. That is sensible policy, given that those licences, once again, have been handed out freely to wealthy irrigators who have never had to pay a cent to access that water. Amendments to section 87 and 87AA deal with possible compensation as a result of reduced water allocations. Section 87 (1) of the Act states that:

A holder of an access licence (other than a supplementary water access licence that is not a regulated river supplementary water access licence) whose water allocations are reduced as a consequence of the variation of a bulk access regime may claim compensation for loss suffered by the holder as a consequence of that reduction.

The bill amends section 81 (1) to include "floodplain harvesting access licences" after "other than", the effect of which will exclude floodplain harvesting licence holders from being eligible for compensation as a result of reduced water allocation. Section 87AA lists the categories and subcategories of access licences that are eligible for compensation. That list was also amended in 2014 by then water Minister Kevin Humphries, who inserted into that section the following:

- (f1) floodplain harvesting (regulated river) access licences,
- (f2) floodplain harvesting (unregulated river) access licences ...

The bill removes (f1) and (f2) and amends the regulation-making power so that floodplain harvesting licences cannot be reinserted via regulation. The effect of those changes is to make it unequivocally clear in legal terms that floodplain harvesting licence holders will not be eligible for compensation as a consequence of a reduction in water allocations. Throughout the inquiry into the Government's floodplain harvesting regulations—which this House has now voted against on three occasions—concerns were raised about the volumes of the entitlements the Government had proposed to hand out. The committee heard evidence from multiple witnesses about how the Government is attempting to modify the Basin plan to increase the limits on extraction so that it can hand out floodplain harvesting licence volumes that are way above those in the Murray-Darling Basin Plan.

The Natural Resources Access Regulator [NRAR] uses modelling to determine a landholder's so-called "historical take" and informs landholders of the floodplain harvesting entitlement that they are eligible for. On previous occasions I have discussed in this place the problems with the department's models, which are essentially black-box algorithms that can be modified by the department to produce a desired figure that can be claimed to be based on the "best available data". Internal emails uncovered by an order for papers under Standing Order 52, which I succeeded in moving in this place, show the principal modeller of the Department of Primary Industries discussing floodplain harvesting modelling. He said:

You might have a list of 10 things you know are wrong with the model, then fix one of them and it's still an improved model even with 9 other things you know are wrong still. A model doesn't even have to be fit for purpose to qualify as best available information.

In another email the same DPI principal modeller said:

Keep in mind that the Basin Plan doesn't specify "a model", it asks for a "a method". A model can be a method, and a model + post processing can also be a method. A single estimated number obtained with the random number generator on your calculator can also be a method.

That is extraordinary considering that they are responsible for ensuring that the take from the rivers fits with the modelled sustainable take in the Murray-Darling Basin Plan. If a landholder felt the entitlement that the department's black-box calculator provided them was not generous enough, they could take it to the secretive Healthy Floodplains Review Committee, which was set up to adjudicate disputes between landholders and the department. The committee consists of four members, three of whom are irrigators. Despite lacking the expertise of departmental or Natural Resources Access Regulator officials, that secretive four-person committee can override their decisions and have the final say on floodplain harvesting entitlements. Ms Bev Smiles, the Nature Conservation Council representative on the committee, presented evidence to the floodplain harvesting inquiry about the "lack of transparency, lack of environmental assessment and changes to policy throughout the assessment and modelling process."

Ms Smiles explained that, when landholders appealed the entitlements they were awarded by NRAR and the department to the four-person committee, the committee's decision nearly always resulted in larger allocations for irrigators—they are getting floodplain harvesting licences—despite the fact that the committee is considerably less qualified than the department to make such determinations. Ultimately, the volumes the Government proposes to hand out are way outside the limits in the Basin Plan. The volumes are not based on rigorous or transparent models and they are not sustainable for the environmental, cultural, social or economic health of the Murray-Darling Basin. Unless the bill passes the House there is a high likelihood that all of those floodplain harvesting licences that irrigators have appealed at that secretive committee, which is made up of irrigators—and which are over and above the modelling that I have talked about and the sustainable limits in the Murray-Darling Basin Plan—will be compensable under a future government.

In other words, one of the consequences of handing out these entitlements is that if—hopefully, this will be the case—a future government comes to its senses and decides to return the water that is granted in the coming months to the environment and downstream communities and to the basin entirely, that will come at a hefty price tag for that government and for future taxpayers. An indication of just how hefty are the water buybacks through the Condamine Balonne strategic water purchase is that the Commonwealth paid \$2,745 per megalitre. If the

Government hands out its proposed 346 gigalitres of licences that it proposes to hand out under the floodplain harvesting licences in the north—it is starting to hand them out—that will equate to \$950 million worth of licences. The Government has claimed that the floodplain harvesting licence entitlements it is handing out will not be compensable. That is what the Government has claimed. In response to supplementary questions the Department of Planning, Industry and Environment [DPIE] stated:

The proposed water sharing rules will allow allocations to floodplain harvesting licences to be adjusted in response to improved model estimates of the water source legal limits, without triggering compensation under the Water Management Act 2000.

Recently at budget estimates, in response to my question as to whether floodplain harvesting licences would be compensable, the CEO of the New South Wales Water sector within DPIE, Jim Bentley, responded with a firm and categorical "No". I asked him whether there was any further situation that might trigger compensation and Mr Bentley said this:

I am saying that what has been set up for floodplain harvesting—where the modelling has been done that is determining those licensed amounts and the questions have been asked in particular about climate change impact, if climate change means that changes have to be made, that would not be compensable under these arrangements.

We have to take Mr Bentley's word for it as there is not a single mention of compensability in the currently available draft water sharing rules for floodplain harvesting on the department's website. However, to be honest it is my suspicion that the Government and its senior Water officials are playing with words. What the department has described is an exemption from compensation as a result of one very specific mechanism to reduce floodplain harvesting, which is to make adjustments to annual water determinations as a result of changes in the modelling. It is not clear that this would cover reductions in annual water determinations for other reasons or the compulsory acquisition of entitlements, both of which are covered by changes in this bill. It is also not clear how the Government's position has evolved from providing, back in 2014 under the then water Minister Kevin Humphries, enhanced compensation rights to floodplain harvesting entitlement holders to now claiming these entitlements will not be compensable at all. Indeed, has it evolved at all?

We must be certain on the question of compensability for these licences. If the current or any future government came to the conclusion that the volumes of floodplain harvesting being handed out today were unsustainable and had to be permanently reduced, then that government could be on the line for up to \$1 billion in payments of taxpayers' money to put that water back into the rivers. This bill can put a stop to that. This bill can put a stop to \$1 billion of taxpayers' money being handed to wealthy irrigators, who have not had to pay a cent for that money and who, over the next couple of months, will be handed floodplain licences by this Government.

If the Government's position is now that these entitlements should not be compensable, why has it not sought to make the same legislative amendments in this bill, which will amend the Water Management Act 2000, to make absolutely crystal clear to the public—to the very doubting public that has no faith when it comes to this Government's words on water policy and has no faith that the Government is acting in the interests of all of the basin and not its wealthy northern irrigator mates—just as the ICAC has said that it is? Why does the Government not support something like this bill that is before the House today because that is all this bill does? When I put the question to them, the water Minister and his officials stated that it is the Government's intention for any floodplain harvesting licences issued to not be compensable. Excellent! Then let us make it so. Let us solidify this rare moment of bipartisanship on water into law by every member of this House supporting this bill and lock it in stone. I commend this bill to the House.

Debate adjourned.

Motions

FLOODS AND VET SERVICES

The Hon. EMMA HURST: I move:

That private members' business item No. 1725 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. EMMA HURST (21:04): I move:

(1) That this House notes that:

- (a) the recent floods in northern New South Wales have been devastating for humans and animals;
- (b) the Animal Welfare League NSW quickly responded to the flood crisis with their mobile vet truck, which was critical given that most local veterinary practices were underwater and vets were unable to access equipment and supplies;

- (c) as the only functioning vet service in Lismore, the Animal Welfare League worked with volunteer vets on the mobile vet truck to deliver care to sick and injured animals, and to reunite displaced animals with their families;
 - (d) the mobile vet truck was indispensable in responding to this emergency and yet, it is funded entirely by public donations; and
 - (e) this is another example of the New South Wales Government leaving animal protection up to private charities, and failing to adequately plan and respond to animals in emergency situations.
- (2) That this House calls on the New South Wales Government to fund the building and operation of additional mobile vet trucks for use in emergency situations.

The recent floods in northern New South Wales have been discussed at length in this place, and for good reason. These floods have been devastating for communities, devastating for people and devastating for animals. One call that I got during those floods was from the Animal Welfare League [AWL] to let me know that its vet truck had been deployed to Lismore. Apparently the local police station had called the Animal Welfare League because every vet service in Lismore was completely underwater. For the people in Lismore that meant that, if they had animals that had been injured during the floods or even if they had lost companion animals and people had found companion animals, they could not even scan the microchips for those animals because the scanners were underwater inside the veterinary practices.

They desperately needed the mobile vet truck to head out to Lismore to help reunite animals with their owners and to treat animals that had been injured in the floods. But what I was really shocked about is that it is the only mobile vet truck in New South Wales and the truck had been funded privately. Not one cent of government funding had gone into building the truck. This truck also helps in regional and rural areas where we know there are major vet shortages. We have heard in this place about animals inside pounds that have been shot instead of euthanised with barbiturate overdose because there are simply not enough vets to go into some regional areas. While the truck is used for emergency situations like the recent floods, when it is not being used in emergency situations it is still being used for regional and rural areas where there are major vet shortages.

As we heard on Monday during the inquiry into the enforcement of animal cruelty laws in New South Wales there is virtually no funding into animal protection in New South Wales. The vet truck is really just another example of that. A private charity developed and funded the solutions to animal emergencies and animal protection. That attitude really has to change. The funding of animal protection should be a top priority for this Government. We have spoken at length in this place about the strong bond people have with companion animals and with other animals they live with, but failing to adequately fund and support animal protection initiatives such as this has been a major oversight of this Government—one that I hope we can change going forward. That is simply what this motion does. It calls on the Government to recognise the huge need for projects like mobile vet trucks, to recognise the success of the work that has been done by the Animal Welfare League and to provide the funding necessary to expand this service so that it can be run at a proper capacity.

We have heard from the Animal Welfare League that it has one truck. The AWL estimates that there probably needs to be three vet trucks to cover New South Wales for State emergencies and also for rural and regional work. This is not something that should be fundraised by the public. It is not something we should be fundraising from the public to build. It is not something we should be fundraising from the public in order to continue to run the service. The protection of animals and animal emergency plans are government responsibilities. The Government has the opportunity to fund some amazing work. It will go very far to not just helping animals but also helping communities. A lot of the mental stress that comes from these situations is from having to deal with and see what happens to animals. It will help people and animals in collaboration. I have no idea why somebody would not fund a project like this one. I encourage all members to support the motion.

The Hon. SHAYNE MALLARD (21:09): I thank the Hon. Emma Hurst, whom I hold in high regard, for highlighting the very important issue that flooding on the New South Wales North Coast has had on animal welfare. The issues that she has raised are a bit more nuanced and complex than what is portrayed in the motion. The honourable member is correct to raise animal welfare and to praise the efforts of the Animal Welfare League—which I join in—as well as raise the fact that its mobile vet truck was indispensable during the floods. However, the Government objects to her characterisation of its attitude towards animal protection. As the Minister for Agriculture recently noted in the other place, the focus of much, if not all, of the attention in the immediate aftermath of the recent flooding event was on the evacuation and rescue of people whose homes and businesses were inundated by the floodwaters. Many people were evacuated with their pets in their company, as we saw on TV footage. I am familiar with that situation after experiencing bushfire evacuations in the Blue Mountains.

The Department of Primary Industries [DPI] is responsible for the NSW Agriculture and Animal Services Functional Area [AASFA] supporting plan, which is enacted in the event of a natural disaster and other emergencies. Under the AASFA banner, DPI and Local Land Services work with impacted land managers and animal owners, a range of organisations and local providers, including the Animal Welfare League, to provide

emergency assistance to maintain animal welfare. The role of the AASFA in a situation like the one facing us on the North Coast is one of coordination. The unprecedented scale of this disaster meant that no single organisation was adequately equipped to provide all the required care.

Many pet and livestock owners have ongoing and long established relationships with their animal care providers. Under the emergency response arrangements, those providers can claim back the cost of providing animal assessment and care in an emergency. The AASFA has successfully onboarded more than 70 veterinary providers from Grafton to the Queensland border for that purpose in this emergency. When those providers may be unavailable or unable to provide that service due to the flooding, AASFA coordinates the provision of care through Local Land Services veterinarians or through its partnership with animal care organisations such as RSPCA NSW or the Animal Welfare League.

In addition, the Australian Veterinary Emergency Response Team and Vets Beyond Borders mobilised a number of veterinary volunteers to the flood-affected areas to assist mainly with small animal services and rescues. I join the honourable member in commending the work of the Animal Welfare League in providing assistance in response to the recent floods. However, the Government disagrees with the assertion that it is leaving animal care to private charities.

The Hon. MICK VEITCH (21:11): Most of what the Parliamentary Secretary has said is right. I had the opportunity to be in Casino and Lismore with the Minister for Agriculture not long after the floods. We spent half a day loading trucks with hay for animals. We went up there without media and without taking photos because people needed someone to load the trucks, so we did that. We took the opportunity to visit the Animal Welfare League mobile vet truck, which at that point in time was at Alstonville. To put a bit of context around what the Parliamentary Secretary said, the vets at Casino were super stressed; they were really struggling.

Having an extra mobile vet truck is not an and/or; it would complement what is already there. By looking at the Animal Welfare League mobile vet truck, as the Hon. Scott Barrett had the opportunity to do on Friday, we can obtain an appreciation of what it is. As a part of mobilising our response to emergencies—whether that be bushfires, as Parliamentary Secretary said, or floods, which is the basis of this really good motion moved by the Hon. Emma Hurst—we need more than one of those trucks. By talking to people who were there, we get an understanding and appreciation of what this vehicle does. We need more than one in the State. The motion is saying that the Government has been remiss and that the Animal Welfare League charity has used its own funds to conduct its rescue operations. It said on Monday in an inquiry that it was called upon by the DPI to mobilise. It can claim that money back but only for the mobilisation not for the capital costs of creating its mobile vet clinics. That is the difference.

Everything the Parliamentary Secretary said was right, but the construction of its truck was funded by private donations. The Government has an obligation because this truck is meeting a need. The motion picks up on what the committee heard on Friday and Monday, which is that there is a need for more than one of those trucks. But it will not replace existing vet services. When I was at Casino, the vets had not slept. They were working with large animals such as bovines and equines. They were doing stressful work and they were really stretched. The truck complements their work. This is a really good motion. I am not taking anything away from the contribution of the Parliamentary Secretary, but the initial capital cost of those trucks must be met by the Government. The Opposition supports the motion and I urge the Government to also consider supporting it.

Reverend the Hon. FRED NILE (21:15): On behalf of the Christian Democratic Party I support the motion of the Hon. Emma Hurst. The Government rallied around to help people who were devastated by the recent rain and floods. However, the same cannot be said for pets and livestock. Help has been left to charity groups to save houses, provide free food and conduct check-ups for vulnerable animals. Some pet owners who lost their homes and all their possessions have also had to make the devastating decision to surrender their pets because they were unable to care for them.

I thank the Hon. Emma Hurst for bringing to our attention to the many years of incredible work that the Animal Welfare League NSW has provided with its mobile vet truck, especially during the recent flood crisis. Its incredible staff deliver care to sick and injured animals and reunite displaced animals with their families. This invaluable service should not be solely left to charities to fund. It is essential that the New South Wales Government fund the building and operation of additional mobile vet trucks to be used in emergency situations, as we saw recently. I support the motion.

Ms CATE FAEHRMANN (21:17): I support the very good motion of the Hon. Emma Hurst. It is horrendous to be talking about the impact of the recent floods because it is happening again so soon. It is horrendous that communities in Lismore, Byron, Mullumbimby and in the hills around the region are being evacuated again, and that animals are probably losing their lives in the latest floods. The floods come two years after the horrible bushfires in which billions of animals died. During the Portfolio Committee No. 7 inquiry into

Koala populations and habitat in New South Wales, we heard a lot about the lack of support available for not only injured pets but also wildlife at that time.

The NSW Bushfire Inquiry made recommendations relating to animal care, but a recommendation of the koala inquiry was that this Government puts more funding into emergency situations for animals—particularly koalas, obviously. The Government has done a bit in that regard. I hope that it does not take another inquiry for the Government to act on this issue. It is such a simple ask. Members who have contributed to the debate have talked about the fact that so many volunteers are doing such good work for animals. This motion is asking for a couple of additional mobile vet trucks to help with the crisis that is affecting the Northern Rivers communities and their animals.

People are so distressed at what is happening to their animals. I wrote an opinion piece a couple of weeks ago for *The Sydney Morning Herald* about the toll that these floods have taken on wildlife in particular and on animals more generally. I trawled through the social media accounts of animal welfare organisations and saw the effort that so many volunteers went to in order to save animals in the floods—it was absolutely extraordinary. They are coming in from Queensland and from everywhere to save animals. They are putting forward resources and donations. Ultimately, it is about 550 per cent community and about 5 per cent government, and that needs to shift. The motion before the House is a tiny little portion of that shift. I would hope that the Government would support it, and it is unfortunate that it does not.

The Hon. EMMA HURST (21:20): In reply: I thank the members who contributed to this debate: the Hon. Shayne Mallard, the Hon. Mick Veitch, Reverend the Hon. Fred Nile and Ms Cate Faehrmann. I will cover a couple of things that were raised by the Government. While it is true that the Animal Welfare League does have its costs covered during the emergency, the costs of the actual vet clinic outside of that are not covered. We heard at the inquiry that it is costing the vet clinic roughly \$1.6 million a year just to run the truck. On top of that, as raised by the Hon. Mick Veitch, there is the cost of building two more trucks to be able to run at capacity. The other thing that was mentioned was that vets were deployed beyond that mobile truck, and that is true. However, as in my conversations with the Minister, these vets had limited access to equipment because they were having to drive around in cars and did not have access to anything like a surgical area.

I refer to the comments of Ms Cate Faehrmann. When we spoke with the Animal Welfare League we were informed that there is one other truck in New South Wales dedicated to wildlife. However, it is stationary and does not have the ability to travel. It is literally a truck that just stays in one place. Again, that is why we need these mobile trucks. We need wildlife specialists who are able to go to these areas, as well as mobile trucks that can deal with companion animal issues in the same way the Animal Welfare League does. While I understand the points made by the Government, it does not address the main ask within the motion, which is funding for trucks and funding for the ongoing costs of the trucks outside of the memorandum of understanding that covers their emergency costs when they are dealing with situations. I encourage all members to support this motion. I encourage the Government to give this very serious consideration. As Ms Cate Faehrmann said, this is the bare minimum of where we should be starting in animal protection. We need to go beyond this and the Government needs to make a commitment to animals going forward.

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

Motion agreed to.

Documents

GOVERNMENT ASSETS

Production of Documents: Order

Debate resumed from 23 March 2022.

The Hon. SCOTT FARLOW (21:23): I am inspired by the earlier contributions to debate of the Hon. Sarah Mitchell and the Leader of the Government. I move:

That the question be amended as follows:

- (1) In the amendment of the Hon. Damien Tudehope omit "35" and insert instead "21".
- (2) Omit "all drafts and" where occurring.
- (3) Omit paragraph (c) and inserting instead:
 - (c) all documents created by Treasury since 1 January 2021 recommending a decision on the potential sale of the State's remaining interest in either Ausgrid, or Endeavour Energy.

I ask that the amendments be considered seriatim.

The Hon. MICK VEITCH (21:26): The contribution of the Government Whip has drawn me to my feet. Some technicalities in the motion require serious consideration. They relate to the request for the amended motion to be considered in seriatim. What that actually means, if I am clear, is that we are going to do this by section or clause of the motion moved by the Hon. Daniel Mookhey. That means that honourable members will need to be aware of what is going on and remain alive to the implications of in seriatim. It is a bit unusual for a Standing Order 52 application. I see that members are entering the Chamber. What the Government Whip has done is change the way that this works. People are now giving serious consideration to the in seriatim, clause by clause, section by section aspect of this quite wordy motion moved by the Hon. Daniel Mookhey. I know that the Clerks get quite excited by this technical approach to the debate and processes around the motion.

The Hon. Sarah Mitchell: This is Friday's weekly Legislative Council debrief edition.

The Hon. MICK VEITCH: It is one of the things that will probably make the Friday debrief edition, because it is not a regular thing—you have to have a ticket to the David Blunt show on Fridays. You have to sit in and watch that. I know that the Hon. Rod Roberts is a regular attendee and is always there for the David Blunt show, as are most other people. We should be there for the David Blunt show—we would learn a lot. One of the things we will learn on Friday, I am certain, is voting seriatim for Standing Order 52 motions.

The Hon. Scott Farlow: It is one of your finest contributions.

The Hon. MICK VEITCH: I note the Government Whip has moved a motion and is now pulling out books at the table to work out what he has moved. By the look of the cover it is the rulings of the former President, the Hon. John Ajaka. There are a range of books. The Government Whip has moved the amendment and is now pulling out books after moving the motion to work out what he is going to do. He now has to work out, "What have I actually moved? Why have I moved this? Could somebody explain?"

The Hon. Scott Farlow: What does John Ajaka say about that, that is what I want to know.

The Hon. MICK VEITCH: It is a serious matter and members need to know what each clause of the Standing Order 52 motion will be. We will not do this as per the normal process and people need to be alive to the fact that it will be done in seriatim. I am absolutely certain that this House, as always, will get it right.

The DEPUTY PRESIDENT (Ms Abigail Boyd): I note that considering amendments in seriatim is a request rather than something a member needs to move. The House will comply with that request. The Clerks may need just a little bit more time to sort that out.

The Hon. DANIEL MOOKHEY (21:29): I note that the Government has moved two amendments. The first by the Hon. Scott Farlow is an amendment to the amendment moved by the Leader of the Government. As members would recall, at about 11.57 p.m. last Wednesday the Leader of the Government decided that he wished to amend my motion from 10 days' return to 35 days' return. I am glad the Government Whip has realised that is too generous to the Government and has come to understand that a more reasonable position is to amend the amendment to 21 days.

That two-week saving is helpful and is a good gesture. I hope the Government Whip has not created any personal anxiety for his career having contradicted the Leader of the Government in moving that amendment, but I have confidence that he will handle this well. In that respect, there is merit in the suggestion made by the Government member to adjust the period from 35 days. Of course, the Opposition will reflect on whether or not we accept an amendment from 10 days to 21 days. I might address that matter in my reply, which is not the contribution I am currently making; I am currently addressing the amendments. That brings me to the amendments made by the Government Whip.

The Hon. Sarah Mitchell: You are filibustering your own motion!

The Hon. DANIEL MOOKHEY: As soon as the Clerk is ready to go, I am ready. I am assisting the House. The Government Whip moved:

That the question be amended as follows:

(2) Omitting "all drafts and" where occurring ...

Let us be clear that I think that "all drafts and" only appears in one or perhaps two paragraphs of the motion and relates to scoping studies. The scoping studies are referred to in the budget. I would think those scoping studies would have gone through some drafts. Personally, I would find it quite useful to compare versions to do a bit of version control on those scoping studies to understand the scope of the changes made to them as they were developed. Nevertheless, in an act of generosity I am considering carefully the amendment moved by the Government Whip. I might refer to the Opposition's position on that amendment when I reply to the motion.

The Hon. Mick Veitch: We should have a discussion before you do that.

The Hon. DANIEL MOOKHEY: We might have to have a discussion about that. Furthermore, the Government Whip wishes to omit paragraph (c) and insert instead:

- (c) all documents created by Treasury since 1 January 2021 recommending a decision on the potential sale of the State's remaining interest in either Ausgrid, or Endeavour Energy.

Of course, that is quite a change to the original motion as I moved it, which stated:

- (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;

Again, I will have to consider this matter carefully between now and my reply. However, I am worried about that being unnecessarily restrictive. I do not feel the Government member has necessarily set out the reasons for that amendment. Finally, in respect to the contribution made on the amendments by the Hon. Mick Veitch, it was important that members understand what an in seriatim procedure is, how it has developed and how it is used. I will also consider that carefully.

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (21:32): The amendments moved by my friend and colleague the Government Whip are well crafted and I very much support them. Members who were in the Chamber at 11.59 p.m. on Wednesday night last week would remember what was, I am sure, my coherent and clear contribution where I talked about—

The Hon. Daniel Mookhey: You didn't like the drafts.

The Hon. SARAH MITCHELL: I thank the Hon. Daniel Mookhey and acknowledge that interjection. I did talk about drafts versus the actual, final documents that the member is after. I think I spoke about it being a fishing expedition to be going for drafts as well as the final version.

The Hon. Scott Farlow: A super trawler.

The Hon. SARAH MITCHELL: That is right, it is a super trawler. The amendment to omit "all drafts" where occurring is a sound one. I also agree with the time frame the honourable member has proposed. Having that extension of time from 10 days up to 21 days is important. I encourage the Opposition to seriously consider that amendment.

I note the earlier contribution I made—and I may be making it in a future debate tonight, not to foreshadow—that it is a very challenging time at the moment for government departments to be supporting communities going through pretty tough times. Anything this House can do to support our public servants in the fine work they do, including giving them some more time and an opportunity to comply with the orders of the House—all government departments take these orders for papers very seriously. If there is an opportunity to have more time in order to fulfil the requirements of this very important work by the Legislative Council then that can only be a positive thing. I finish my remarks there.

The Hon. DANIEL MOOKHEY (21:34): In reply: I have carefully considered the matters raised by Government members. I indicate that the Government Whip's amendment to the Leader of the Government's amendment is acceptable. We will certainly support the Government Whip as he attempts to amend the amendment of the Leader of the Government; that is a sensible position. I am also highly persuaded by the arguments made around drafts being included or excluded. I reject that they were in any sense a fishing exercise. Nevertheless, one should not unduly quibble on such matters and if a consensus can emerge at least on that question, so be it. We reject the other amendment. I commend the motion to the House.

The DEPUTY PRESIDENT (Ms Abigail Boyd): The Hon. Daniel Mookhey has moved a motion, to which the Hon. Damien Tudehope and the Hon. Scott Farlow have moved amendments. I will deal with each of the amendments in turn. A request has been made for the amendments to be put seriatim. The question is that amendment No. 1 of the Hon. Scott Farlow be agreed to.

Amendment No. 1 of the Hon. Scott Farlow agreed to.

The DEPUTY PRESIDENT (Ms Abigail Boyd): The question now is that the amendment of the Hon. Damien Tudehope as amended be agreed to.

Amendment of the Hon. Damien Tudehope as amended agreed to.

The DEPUTY PRESIDENT (Ms Abigail Boyd): The question is that amendment No. 2 of the Hon. Scott Farlow be agreed to.

Amendment No. 2 of the Hon. Scott Farlow agreed to.

The PRESIDENT: The question is that amendment No. 3 of the Hon. Scott Farlow be agreed to.

The House divided.

Ayes15
 Noes20
 Majority.....5

AYES

Amato
 Barrett (teller)
 Fang
 Farlow (teller)
 Farraway

Maclaren-Jones
 Mallard
 Martin
 Mitchell
 Nile

Poulos
 Rath
 Taylor
 Tudehope
 Ward

NOES

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

Graham
 Hurst
 Jackson
 Latham
 Mookhey
 Moselmane
 Primrose

Roberts
 Searle
 Secord
 Sharpe
 Shoebridge
 Veitch

PAIRS

Cusack
 Franklin

Houssos
 Moriarty

Amendment No.3 of the Hon. Scott Farlow negatived.

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

Leave granted.**The House divided.**

Ayes21
 Noes14
 Majority.....7

AYES

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

Graham
 Hurst
 Jackson
 Latham
 Mookhey
 Moselmane
 Nile

Primrose
 Roberts
 Searle
 Secord
 Sharpe
 Shoebridge
 Veitch

NOES

Amato
 Barrett (teller)
 Fang
 Farlow (teller)
 Farraway

Maclaren-Jones
 Mallard
 Martin
 Mitchell
 Poulos

Rath
 Taylor
 Tudehope
 Ward

PAIRS

Houssos
 Moriarty

Franklin
 Cusack

Motion as amended agreed to.

DEPARTMENT OF EDUCATION ASSET MANAGEMENT

Production of Documents: Order

The Hon. DANIEL MOOKHEY: I move:

That private members' business item No. 1710 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. DANIEL MOOKHEY (21:57): 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 Department of Education, Treasury, the Treasurer, and Minister for Energy, the Minister for Education and Early Learning, or the Minister for Skills and Training, and Minister for Science, Innovation and Technology, 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) the Department of Education;
 - (ii) Schools Infrastructure NSW; and
 - (iii) TAFE 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 Education and Early Learning;
 - (iv) the Minister for Skills and Training, and Minister for Science, Innovation and Technology; and
 - (v) the Secretary of the Department of Education.
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I rely on the reasons I gave for a very similar order for the production of documents last week in respect of the health department. I refer the House to those reasons as the explanation for precisely what gave rise to this motion. The only addendum is that the Department of Education is a major capital spender and is responsible for the management of huge levels of the State's capital assets, which are a massive part of the Government's balance sheet that has equally required a significant amount of investment in the past 10 years. The documents will assist the House as it deliberates over those matters. I commend the motion to the House.

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (21:58): I speak against this motion and also foreshadow that I will be moving an amendment which I hope will get the support of the mover of the motion.

The Hon. Walt Secord: Don't be too sure.

The Hon. SARAH MITCHELL: We have had a little chat across the table so we will see how we go. We will oppose this motion, largely for a lot of the reasons that I outlined in relation to the previous motion and the fishing expedition argument that we often put forward as to the trawling for documents. I will reiterate what I said in response to the Hon. Courtney Houssos' motion earlier tonight. A lot of the requests for papers that the Hon. Daniel Mookhey has moved are around our asset management plans, the utilisation of the assets registers and the 10-year capital investment plan.

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.

The Hon. SARAH MITCHELL: Even though the member itemises different areas of the department, including the department generally, School Infrastructure NSW, TAFE NSW, the relevant Ministers' offices and the Treasurer's offices and the Treasury, a big bulk of the work of this will be School Infrastructure. As many members in the House know, our School Infrastructure teams are currently under pressure, particularly in supporting school communities that have been impacted by recent flooding events a few weeks ago and as recently

as today. They are also overseeing the biggest investment in public education in the State's history; we have more than 100 projects in various stages of delivery, not to mention all the other works that our assets teams do. I move the following amendment:

That the question be amended by omitting "21 days" and instead inserting instead "28 days".

The reason for that time extension is to allow those staff within the Department of Education, and particularly the School Infrastructure teams and TAFE NSW—TAFE has also been hit quite hard, with many of its campuses flood impacted as well—to have an additional seven days to comply with the order. I do not think it is an unreasonable request. Given the current circumstances, to have that extension of seven days is something that the House should consider on its merits. I hope that the mover of the motion will also accept that amendment.

The Hon. DANIEL MOOKHEY (22:01): In reply: I thank the Minister for her contribution. As I often say, reasonable amendments will be treated reasonably by the Government. I acknowledge that this Minister is always very reasonable and up-front. So the Opposition will not oppose the amendment, especially as we want all our schools to be functioning as quickly as possible.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The Hon. Daniel Mookhey has moved a motion, to which the Hon. Sarah Mitchell 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.

ERARING POWER STATION

Production of Documents: Order

The Hon. MARK LATHAM: I move:

That private members' business item No. 1617 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK LATHAM: I seek leave to amend the motion by inserting in paragraph (1) "Energy Corporation of NSW" after "Treasury".

Leave not granted.

The Hon. MARK LATHAM (22:04): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 January 2021 in the possession, custody or control of the Treasurer, Minister for Energy, Treasury or Department of Planning, Industry and Environment relating to Eraring Power Station:

- (a) all documents regarding proposals, communications and negotiations between the New South Wales Government, the Australian Energy Market Operator [AEMO] or Origin Energy concerning the early closure of the Eraring Power Station and a possible way of keeping it open past its new closing date in 2025;
- (b) all documents containing advice to the Treasurer and Minister for Energy about the implications of the early closure of the Eraring Power Station and the government response;
- (c) all documents relating to the development of a New South Wales government jobs package for the Eraring Power Station workforce; 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.

My colleague the Hon. Rod Roberts will move an amendment to the motion. It is only a small thing. If we are going to look at the most important part of this targeted Standing Order 52, being "(c) all documents relating to the development of a New South Wales government jobs package for the Eraring Power Station workforce", then we need to look at what the Energy Corporation of NSW would be doing, because it is potentially one of the employment providers.

The Eraring Power Station early closure not only went against the Government assurances of an orderly managed transition in the energy sector but also, of greatest concern, it seemingly put on the scrap heap the workforce at Eraring in the Lake Macquarie district, which has not got a lot of surplus jobs—450 jobs at Eraring and no satisfactory job replacement package developed by this Government. Minister Kean said people could go and get a job doing hydrogen in the Illawarra or people could go and get a job in western New South Wales putting up the transmission wires. That is hopelessly inadequate for that workforce. The only worthwhile replacement

jobs are those in the same location with the same skill set. The Government has not done that and there needs to be greater attention given to the needs of that community.

To give a further example of government neglect, at the Portfolio Committee No. 3 Tertiary Education and TAFE budget estimates hearing I asked Minister Henskens what conversation he had had with Minister Kean about the training needs: how to reskill that workforce at Eraring to find work in the future. Minister Henskens said they had not had that discussion. So clearly Minister Kean has not taken the task of a replacement jobs package, the reskilling requirements of the workforce, seriously. If he does not talk to the Minister in the adjoining seat on the Upper North Shore then he is not serious about the needs of the 450 workers at Eraring.

We need to look at the documents to see what was considered by the Government in the jobs package and how it can be improved. I am sure the Labor Opposition—the alternative government—will want to come up with a much better jobs package for the Eraring workforce because it will be a very relevant issue to the next State election. Beyond that, we want to find out what advice the Minister had and what consideration he gave to trying to keep the power station. It was no small thing for New South Wales in this announcement that it was foreshadowed to lose 20 to 25 per cent of its electricity supply. This was a complete shock to the market, a complete shock to the public, a complete shock to public policymakers and, most importantly, a complete shock to the workforce at Eraring, who had accepted government guarantees that their jobs would continue well into the future.

This is a Standing Order 52 that is much needed to analyse the way in which the decision was made and to look at the integrity of the Minister, who said at the November budget estimates hearing that he had no knowledge of a power station closing early, when he clearly then admitted he had been in conversations with Origin since the middle of last year. Again, this is a Minister who has not fulfilled his promise of an orderly managed transition in the energy sector and has not provided adequately for the Eraring workforce. It is an important role for this House to look at the papers, to reassess them and to come up with better public policy and do things for the people of that district.

The DEPUTY PRESIDENT (The Hon. Wes Fang): To aid the debate in the House, I will call the Hon. Rod Roberts to allow him to move an amendment.

The Hon. ROD ROBERTS (22:07): I move:

That the question be amended by inserting in paragraph (1) "Energy Corporation of NSW" after "Treasury".

The Hon. PETER POULOS (22:08): The Government does not support this motion in its current form. Origin Energy raised with the Government a number of months ago the possibility of the closure of Eraring. During this period Origin shared information with the Government that is highly commercially sensitive in nature. To require the Government to disclose those documents could have material adverse consequences for an Australian Securities Exchange listed entity as they relate to commercial and competitive strategies in a dynamic and competitive market. It would also adversely affect the Government's ability to engage meaningfully with the private sector about its plans. That is at the very core of the effective conduct of government in these matters.

Agreeing to the proposed motion would destroy that confidence and effectiveness when it is needed most. The Government cannot effectively manage this State's significant interests in such important matters if decisions such as Origin's are taken without consultation or where vital details are withheld from the Government because the private sector entity is worried that its information will later become public due to the passing of an order like this one. Responding to this order will place a significant burden upon public resources in searching for, collating and preparing the documents to produce them. As such, it will divert resources from getting on with the job of delivering the response to the closure of Eraring and accelerating the road map.

The New South Wales Government's priorities are to maintain security of supply and put downward pressure on electricity prices. That is why the Government made a decision to accelerate the implementation of the Electricity Infrastructure Roadmap in response to Origin's approach. The response includes the procurement of the Waratah Super Battery, a giant 700-megawatt grid battery, which will release grid capacity to allow Sydney, Newcastle and Wollongong to access more existing generation from across the State and make better use of existing transmission lines. The Government is also focused on ensuring that the economic impacts of any decision to close coal-fired power stations are understood and appropriate measures are in place to create new jobs. That is also why, as part of the Government's response to Origin's procurement, we have released a comprehensive plan to support up to 3,700 jobs in future industries.

The Hon. PENNY SHARPE (22:10): I indicate that Labor will support the Standing Order 52 request and the amendment moved by the Hon. Rod Roberts. I listened carefully to the Parliamentary Secretary and familiar arguments have been made about other Standing Order 52 requests. I will make the following points. This Standing Order 52 request relating to Eraring Power Station is looking for information that the Government

has and what it has worked on to provide a reasonable package for the workers who will be displaced as a result of the Eraring Power Station closing. In budget estimates hearings, the answers from the Treasurer and the Minister were pretty woeful. It was very much "Nothing to see here. Yes, I've known, but I'm not telling you what we're doing," and, "Oh, we've got 3,000 jobs coming out of it." That is no guarantee for anyone who is losing their job seven years earlier than they thought they would.

People do not understand the incredible impact this announcement has had on families and workers in and around the power station in this part of the State. I argue with the Hon. Mark Latham about a lot of things—climate change and the way that we deal with it, renewable energy and all those sorts of things. But we are in absolute lock step about looking after the families and workers who are facing unemployment, through no fault of their own. I hope that the Government agrees on that too. We know other jobs will be created, and that is great, but it is not the same job and there is no guarantee. The Minister will not give a guarantee. What the Government is calling a package is what was already in place anyway. We must be honest about this. If we want to have a serious conversation with the communities that are affected by those changes as well as the structural adjustments that will occur in our economy as we move towards decarbonisation, we must accept that what is happening to families in Eraring is unreasonable.

The Government cannot brush it off and make nice speeches about how it cares. The Treasurer loves a good speech but he never follows through on what he says. He loves the headline but then he disappears when it comes to implementing what is needed. This Standing Order 52 request is important. I listened to the Hon. Peter Poulos in relation to his concerns about commercial-in-confidence. I again make the point that we have a system that deals with that. No-one in this Chamber is leaking privileged material into the public arena. Members take those matters very seriously. The minute members do not take them seriously is the minute it becomes a problem, but it is not a problem yet. The Government must stop using it as an excuse.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (22:13): I feel as though I must make a contribution to justify my position. I am going to amend the motion further, notwithstanding that I draw issue about whether the House has the ability to seek documents from Energy Corporation.

The Hon. Penny Sharpe: You will tell us when you bring it back.

The Hon. DAMIEN TUDEHOPE: Yes, we will tell you when we bring it back.

The Hon. Penny Sharpe: "Don't worry, we'll tell you." But you will say, "We're not providing it." We are used to that.

The Hon. DAMIEN TUDEHOPE: I move:

That the question be amended by omitting all words after "That" and inserting instead:

Under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents created since 1 January 2021 in the possession, custody or control of the Treasurer, Minister for Energy, Treasury or Department of Planning and Environment relating to the announced closure of the Eraring Power Station:

- (a) all Department of Planning and Environment or Australian Energy Market Operator reports or briefs to the Minister for Energy setting out the electricity impacts of:
 - (i) Origin Energy's announcement that it intends to close the Eraring Power Station in 2025 and the Government's announced response; and
 - (ii) any offer from the New South Wales Government or Origin Energy to provide financial assistance to extend the Eraring Power Station past its announced 2025 closure date.
- (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.

That is a more reasonable approach to the documents relating to the Eraring Power Station that the Hon. Mark Latham is seeking. The House ought to adopt the amendment rather than the all-embracing nature of the motion currently moved.

The Hon. MARK LATHAM (22:16): In reply: The Government's amendment is an attempt to gut the motion. All words after "That" will be deleted and instead we will listen to Matt Kean talking to Matt Kean. That is not an order for papers under Standing Order 52 and it should not be tolerated by the House. Those issues are very important, as the Hon. Penny Sharpe has pointed out. Regardless of energy policy, the big issue is having policies that relate to employment, training and reskilling of the Eraring workforce. The key moment in the budget estimates hearing was when I sought Treasury advice on how many members of the Eraring workforce would pick up the jobs that were announced in the package. Minister Matt Kean could not say. Then, under further questioning from the Hon. Penny Sharpe, Minister Kean could not provide any further detail. The Minister had a worryingly nonchalant, laissez-faire attitude about him like it did not really matter.

It is a different scene in Lake Macquarie, where there are working class people and there is no jobs surplus. That community will not have an easy transfer to other jobs. A lot more work and detail is needed than the Minister gave at the budget estimates hearing. It is perfectly appropriate for this Chamber to look at the work that was undertaken in the jobs package and other aspects around the Eraring closure—which was a shock—and put as much of that information on the table. Both major and minor parties of the Parliament must give that attention. Despite the rhetoric about low unemployment there is no other place where 450 jobs are going out the window. No other place—without thriving employment growth and a diminishing industrial base—is experiencing that level of relocation and restructuring. The retraining of the workforce should be an absolute priority for the Parliament. The fact that it was not a priority for the Treasurer effectively means that he has brought the order for papers upon himself and it should have the support of this Chamber.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The Hon. Mark Latham has moved a motion, to which the Hon. Rod Roberts and the Hon. Damien Tudehope have moved amendments. The question is that the amendment of the Hon. Damien Tudehope be agreed to.

The Hon. Rod Roberts: Put mine first. Do it in order.

The PRESIDENT: The Clerk has advised that the order of amendments is correct. The question is that the amendment of the Hon. Damien Tudehope be agreed to.

The House divided.

Ayes18
Noes19
Majority.....1

AYES

Amato	Farraway	Poulos
Barrett (teller)	Franklin	Rath
Boyd	Maclaren-Jones	Shoebridge
Faehrmann	Mallard	Taylor
Fang	Martin	Tudehope
Farlow (teller)	Mitchell	Ward

NOES

Banasiak	Jackson	Primrose
Borsak	Latham	Roberts
Buttigieg (teller)	Mookhey	Searle
D'Adam (teller)	Moriarty	Secord
Donnelly	Moselmane	Sharpe
Graham	Nile	Veitch
Hurst		

PAIRS

Cusack

Houssos

Amendment of the Hon. Damien Tudehope negatived.

The PRESIDENT: The question now is that the amendment of the Hon. Rod Roberts be agreed to.

Amendment of the Hon. Rod Roberts agreed to.

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

Leave granted.

The House divided.

Ayes22
Noes15
Majority.....7

AYES

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

Hurst
Jackson
Latham
Mookhey
Moriarty
Moselmane
Nile

Primrose
Roberts
Searle
Secord
Sharpe
Shoebridge
Veitch

NOES

Amato
Barrett (teller)
Fang
Farlow (teller)
Farraway

Franklin
Maclaren-Jones
Mallard
Martin
Mitchell

Poulos
Rath
Taylor
Tudehope
Ward

PAIRS

Houssos

Cusack

Motion as amended agreed to.

*Bills***PUBLIC HEALTH AMENDMENT (REGISTERED NURSES IN NURSING HOMES) BILL 2020****Second Reading Debate**

Debate resumed from 26 August 2020.

Ms CATE FAEHRMANN (22:35): I support this very sensible and compassionate Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2020.

The DEPUTY PRESIDENT (The Hon. Wes Fang): Order! While Ms Cate Faehrmann is speaking, members will refrain from engaging in conversations. Ms Cate Faehrmann has the call.

Ms CATE FAEHRMANN: Thank you, Mr Deputy President. After years of hearing reports that the New South Wales aged-care sector is failing residents and their families, COVID has forced this issue to the top of the policy agenda. Infections, inadequate care and spiking numbers of deaths have testified to the problem loud and clear. Much more support is needed for the aged-care workforce if we are to ensure that our State's elderly can live with safety and dignity. It is about time that we started taking concrete steps to address the problems. This bill begins to do just that. It offers a simple but absolutely fundamental proposition. We must ensure that every nursing home in New South Wales at all times has a registered nurse on duty. As we heard during an inquiry, that actually used to be the normal standard of care in New South Wales. It is only since 2014 that some aged-care facilities in New South Wales have been able to fall through the cracks.

The bill does not propose a new regulation or propose an improved standard: It only seeks to patch up a gap that has allowed New South Wales to slip below the basic standard of care outlined by the Federal regulations. I would also argue that it sets a standard that most people in New South Wales would expect to see when they enter an aged-care facility, or when they seek out care for an elderly parent or loved one. No-one wants the care in nursing homes to be anything short of comprehensive, professional and capable. However, over the last couple of decades there has been a steady but drastic decline in the number of qualified health professionals on staff in aged-care facilities. Between 2003 and 2016, the number of registered nurses [RNs] in nursing homes decreased by almost a third—from 21 per cent to 14.6 per cent—despite the fact that the Health Services Union reported that an increasing number of residents have high-care needs and that staffing levels overall are falling behind what is required.

I was a member of the select committee tasked with inquiring into the bill before the House. In that role I heard the submissions and witness statements from those who are deeply concerned about the gaps in expertise where registered nurses should be on duty and on staff. RNs are included in the nursing home staffing mix because they provide skilled clinical care that personal care workers cannot. During that inquiry we heard repeatedly that

aged-care facilities are not a type of retirement living. They are a medical setting that necessarily requires trained medical staff. As Anita Westera from the Australian Health Services Research Institute told the committee:

... people do not go into residential aged care because they are old ... the fact is that people go into aged care because they have health issues. They have complex health conditions, functional as well as cognitive limitations that mean they can no longer live at home independently.

The health needs of this population of older people are not stable day to day. They are complicated and they can deteriorate at any moment, and there are not usually doctors on staff in these facilities. That means that having an RN in the building at all times makes a huge difference to residents' safety. It is someone who has been trained in clinical judgements to support holistic care and who can use preventative measures to stop issues from reaching crisis point. It is someone who is trained to identify an emerging problem, who can assess the issue, offer quicker treatment and escalate it to ensure an appropriate and timely response. They are trained to identify an emerging problem and can assess the issue, offer quick treatment and escalate to ensure an appropriate and timely response. On the other hand, the Nurses and Midwives' Association told the committee that having no registered nurses in a residential aged-care facility can lead to care being overlooked or provided in error. When no qualified person is present, there can be inadequate pain management, missed wound care, and a failure to monitor vital signs and blood glucose levels.

Maree Bernoth, who is a registered nurse and associate professor at Charles Sturt University, used the example of changed cognitive capacity to highlight how a trained professional can identify critical health concerns that untrained workers might miss. She told the committee:

... it takes a skilled registered nurse to be able to assess an older person and see if they have a delirium, which is treatable, or dementia. The issue there is that failing to identify and address a delirium can lead to serious illness—sepsis, for example—and death. An untrained person will have difficulty with differentiating between delirium and dementia.

Dr Lyndal Newton, the head of the Department of Geriatric Medicine at Northern Beaches Hospital, also pointed out that registered nurses have been trained to recognise subtle signs of increased pain or anxiety associated with end-of-life care, particularly in dementia patients, who may not be able to express themselves effectively. Several witnesses also pointed out that registered nurses are best placed to make assessments relating to medication issues, and that incorrect administration of medication has the potential to do serious harm.

With numbers of registered nurses in nursing homes continuing to decline, this is a really serious issue. Registered nurse Ms Catherine Sharp shared an example of that. She witnessed incorrect medication administration in a nursing home even after she had reported the matter to the facility's director of nursing. Ms Sharp pointed out that not only do registered nurses have the skills to adequately manage and administer medication, they also have the ability to quickly identify an error and escalate immediately without having to wait to identify an adverse outcome. That is just one person's experience, but the fact that she has witnessed multiple examples of the problem shows that it is not an isolated issue.

The presence of registered nurses can mean the difference between life and death in aged-care facilities. Having them on site also allows people to access treatment in their own place of residence, a place which has become their home. Deputy Secretary of NSW Health Dr Nigel Lyons, whom many members have asked questions many times at these inquiries, acknowledged this. He said:

Transferring somebody to a hospital emergency department when the care could actually be delivered effectively in the home we feel is a significant inconvenience to the resident and should be avoided wherever possible.

The committee heard from multiple specialists who pointed out how those transfers can be particularly distressing for people with cognitive impairment or a terminal illness. For some who have made end-of-life plans with their carers, it can be in express contradiction of their wishes. It can be, and often is, an unnecessary and unkind process, but it is one that we can easily avoid if members support the bill. Some members in this House might cry poor, claiming that this is an unaffordable burden to place on nursing homes. However, the report shows the exact opposite: Having a registered nurse on duty at all times is actually a cost-saving measure.

Costs would be saved in two ways. Hospital stays would be shortened as residents might be transferred back to the aged-care facility faster if there is a registered nurse available to treat them; and hospital treatments, including ambulance services, could be avoided completely in the case of acute care that could be handled by a registered nurse. However, those gains pale in comparison to the gains to be made for nursing home residents and their families. Every person in a nursing home should have access to on-hand medical care. They should have pain relief. They should have someone who can assess their changing symptoms and seek appropriate escalation. They should be able to be treated in their nursing home. They should be able to seek care from a full-time mandated registered nurse. That is why The Greens are very happy to support the bill.

The Hon. WALT SECORD (22:43): I lead for Labor on the Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2020, introduced by the Hon. Mark Banasiak of the Shooters, Fishers and Farmers

Party. Labor supports the bill, but my colleague the Hon. Courtney Houssos will propose an amendment to replace the current requirement for a single registered nurse to be on duty at all times with the requirement for a registered nurse to be on duty at all times at the appropriate level for the number of residents. I pay tribute to the Hon. Courtney Houssos for her work chairing the Select Committee on the provisions of the Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2020. I also pay tribute to Ms Cate Faehrmann, the Hon. Mark Banasiak and the Hon. Robert Borsak for their interest in improving the quality of care for people in nursing homes.

I will make a declaration, which is important for members of Parliament to do. My elderly mother-in-law receives in-home care through the Federal community Home Care Packages scheme through JewishCare NSW, with assistance from the Conference on Jewish Material Claims Against Germany. This is due to her experience as a child in the Ukraine during World War II. It is important to declare that I am in the area of aged care and I have a family member who receives a package. As background, one million people receive some form of aged or community care run by the Federal Government. By 2050 that figure will explode to more than 3.5 million. The long title of the bill is:

An Act to amend the Public Health Act 2020 to bring the definition of a nursing home into line with relevant Commonwealth legislation so as to ensure that the requirement for a registered nurse to be on duty at all times at a nursing home is continued.

The overview of the bill states:

At present under section 104 of the Public Health Act 2010, a registered nurse is required to be on duty in a nursing home at all times. The object of this Bill is to ensure that this requirement is continued by updating the definition of nursing home so that it is consistent with the terminology relating to aged care facilities under the Aged Care Act 1997 of the Commonwealth.

I will be brief, as Labor has long advocated for improvements in aged care at a State and Federal level. In fact, having registered nurses in aged care 24/7 was Labor Party policy at the 2015 and 2019 State elections. It has been the subject of repeated parliamentary inquiries, including the one chaired most recently by the Hon. Courtney Houssos, and attempts at legislation in this Parliament. As well as registered nurses in aged care, the Opposition also wants to see staffing increases in all other areas of aged care, including administrative, support, canteen and cleaning staff, as well as various other workers in addition to the registered nurses.

Members are aware that I have a special interest in aged care as I served as chief of staff to the Federal Minister for Ageing during the Rudd Government from 2007 to 2009. I saw the best and the worst in aged care during that time. My time with the Federal Minister opened my eyes to the need for a comprehensive plan for our nation's aging population. Australia ranks alongside Iceland and Japan as having the longest life expectancies in the world. While this should be a source of pride, it also places an onus on all of us. We must ensure that the final years of older Australians are lived in dignity. Within 40 years the number of Australians over 65 will almost treble to 7.2 million. This will affect every family in every street in every community.

As all changes do, changing demographics present challenges. But managing change—and, indeed, embracing it—is an attitude that has helped Australia become one of the most successful societies in the world. That is why we must ensure that the elderly in our community have the best care possible. We need to keep them in their homes for as long as possible and then allow them into quality aged care when they require it. I have been advised by the shadow Minister for Health that he has consulted with the Health Services Union and the NSW Nurses and Midwives' Association regarding the Opposition amendments to the bill.

The case for registered nurses in aged care is clear: They are highly trained. A registered nurse must complete a three-year bachelor of nursing degree with a minimum of 800 hours of clinical placement, apply to the Nursing and Midwifery Board of Australia, and undertake at least 20 hours of professional development each year. Registered nurses administer schedule 8 drugs; oversee medications, including managing side effects; undertake nursing procedures such as wound care and the insertion of urinary catheters; provide palliative care; and support and supervise enrolled nurses and assistants in nursing. In short, they can carry out procedures in an aged-care facility that would otherwise take place in a hospital setting or in an emergency department.

There are more than 80 emergency departments in New South Wales. Evidence from various parliamentary inquiries has shown that registered nurses in aged-care facilities prevent unnecessary admissions to emergency departments. Anyone who understands aged care will know that registered nurses in aged care save lives, and reduce the suffering of elderly patients and unnecessary visits to emergency departments.

We know that this Government has a very poor record on aged care. For the record, it was the Liberal-Nationals Government and its then health Minister, Jillian Skinner, that removed the requirement for registered nurses in aged care. They dropped the news late on the Friday afternoon of 29 April 2016 to avoid scrutiny, hoping that no-one would notice—but everyone noticed. That requirement had been in place for almost 30 years. The only people who spoke in favour of lowering standards and removing registered nurses from aged care were commercial aged-care providers. These are people who make profits out of aged care. I have seen the

best in aged care, and I have seen the worst. I have seen the faith-based sector, particularly the Baptists and the Jewish community, provide the best aged care. I have seen the worst aspects of aged care, and that is from the commercial providers.

It was very disappointing that the then health Minister, Jillian Skinner, was listening to the commercial aged-care sector. In fact, there were faith-based providers that expressed concern. I do not want to see a repeat of that. Having at least one registered nurse on staff is not an onerous requirement, especially given the size of some nursing homes. On that note, the pandemic has shown and emphasised the need for more staff at all levels in aged care. As well as registered nurses, there are many other health workers, including allied health professionals and personal care staff, who do a large amount of the day-to-day work in nursing homes. While the Opposition supports registered nurses in aged care, it would be a simplistic view without addressing the need for increased funding to pay for it and for the overall needs of aged-care residents, and without increasing support for personal carers and allied health professionals.

I conclude by saying again that having at least one registered nurse on staff is not an onerous requirement, especially given the size of some aged-care facilities. The requirement to have a registered nurse on staff at all times in aged-care facilities has been standard practice in this State for more than 30 years, arguably since 1971. That said, Labor will support the Public Health Amendment (Registered Nurses in Nursing homes) Bill 2020. The Hon. Courtney Houssos will be moving amendments to the bill. I commend the bill to the House.

The Hon. PETER POULOS (22:51): On behalf of the Government, I oppose the Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2020, which was first introduced by the Hon. Mark Banasiak on 26 August 2020. Section 104 of the Public Health Act 2010 currently requires a registered nurse to be in a nursing home at all times in facilities offering high-care placements. In 2014 amendments were made to the Commonwealth's Aged Care Act 1997 that removed the distinction between high-care and low-care placements, making section 104 of the Public Health Act 2010 temporarily inoperable. From 29 August 2014, the Public Health (Nursing Homes) Regulation 2014 retained the requirement for a registered nurse, but only for a facility that was a nursing home for the purposes of the Public Health Act 2010 immediately before 1 July 2014—that is, a facility that provided high care. New South Wales is the only State in Australia that has retained such a provision.

The Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2020 inserts a new definition of "nursing home" into the Public Health Act 2010 that will extend to all New South Wales aged-care facilities the requirement for a registered nurse to be on site at all times. A select committee was established on 21 October 2020 to inquire into and report on the provisions of this bill. The select committee delivered its report on 10 June 2021 and the Government provided a response on 10 December 2021. The report made seven recommendations. I note that recommendation 2 had two parts. The report recommended, among other things, that the Legislative Council proceed to debate this bill and amend the bill during Committee of the Whole to incorporate a requirement for registered nurses to be on duty at all times in nursing homes, at the appropriate level for the number of residents. However, the position of the Government has not changed: We will not be supporting the bill.

The Federal Government has full policy, funding, and regulatory responsibility for the aged-care system. It regulates the standards, staffing and quality of care in this sector. Any expansion of the New South Wales legislation will duplicate the Australian Government's regulatory responsibility, but without the same capacity to fund and enforce the requirements. Not only is this a matter for the Federal Government, but the Federal Government is actually addressing the issue. The Royal Commission into Aged Care Quality and Safety was established on 8 October 2018. It examined all elements of the aged-care system, from care in the community through to residential aged care. The final report of the royal commission was tabled on 1 March 2021. In the 148 recommendations contained in the final report, there are specific recommendations focused on staffing and the quality of care provided in residential aged-care facilities, which intersect with the issues that this bill seeks to address.

Specifically, recommendation 86 of the final report details an incremental approach to a minimum staff time standard for registered nurses and personal care workers within residential aged-care facilities, including at least one registered nurse on site at all times by 1 July 2024. The Federal Government has accepted this recommendation. The staged approach recommended by the royal commission and supported by the Federal Government reflects a sensible approach to this issue, assuming the allocation of sufficient Federal funding. Naturally, it is important to ensure the sustainability of small aged-care operators, largely in regional and rural areas. Many of these facilities are running at a financial loss. These smaller facilities provide vital support that enables residents to remain in their community, close to family and friends. The approach adopted in this bill will put an additional and potentially unsustainable financial impost on providers who are already under stress.

There needs to be a sensible approach to the regulation of the aged-care sector by the level of government that is actually responsible for its regulation and funding. In conjunction with its response to the royal commission,

the Federal Government announced an additional \$17.7 billion in aged-care funding, which will improve the quality of care, increase the viability of the sector, and deliver services that respect the needs and choices of senior Australians. This represents the largest investment the Federal Government has made in aged care. The Federal Government's acceptance of the relevant recommendations of the royal commission and the provision of additional funding indicates that this issue is being addressed.

Another recommendation of the select committee was that the New South Wales Government undertake detailed analysis of the cost-shifting that occurs in the New South Wales public health system. The Government is a party to the Addendum to the National Health Reform Agreement 2020-25 and is working to implement its commitments. The interface between health, disability, and aged-care systems reform aims to ensure a person's experience of transferring and navigating between these systems is timely, well-coordinated and streamlined, particularly for those with complex or chronic conditions or disabilities. Key activities under the interface reform that are relevant to aged care include establishing health, primary-care, aged-care and disability interface performance indicators; monitoring and analysing interface performance and effectiveness of system and interface improvement strategies; and monitoring, reporting on and addressing service gaps and the effect of policy or service changes across systems.

Through these reforms, the New South Wales Government will continue to advocate and to improve how people move between the acute hospital, primary-care and aged-care systems to access the care they need in the right environment at the right time. The agreement subjects parties to a mid-term review of any unintended consequences of policy changes resulting in cost-shifting. NSW Health will argue against any consequential cost-shifting, especially in relation to appropriate clinical care in residential aged-care facilities. The New South Wales Government has reviewed all the recommendations put forward by the select committee and has provided its response, which is available on the New South Wales Parliament website.

I further note that this bill is inconsistent with the conclusions of the 2015 parliamentary inquiry into registered nurses in New South Wales nursing homes conducted by the Legislative Council's General Purpose Standing Committee No. 3. This inquiry concluded that it did not believe the relevant requirement for the presence of a registered nurse should be expanded to all aged-care facilities. It concluded that some extension was warranted, but with a provision for exemptions that could be obtained by facilities that could demonstrate they provide a "high level of quality care". While the exemption regime was impractical, as it would have established a State-based accreditation process—effectively duplicating existing national processes—it did at least attempt to address the special needs of rural communities.

The New South Wales Government's response to the inquiry's recommendations indicated that aged-care facilities are regulated under a national system operating under Commonwealth legislation; retention and expansion of the New South Wales legislation would duplicate regulation of the industry; and that the recommendations would extend the requirement for a 24/7 registered nurse to facilities not previously caught by the requirement. Subsequently the Hon. Robert Brown, MLC, introduced the Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2016 on 12 May 2016, which passed the Legislative Council but did not pass the Legislative Assembly.

I stress that NSW Health will continue to work with the Federal Government, where appropriate, to ensure that the safety and dignity of aged-care residents is maintained at all times. It is not appropriate for the New South Wales Parliament to legislate in this area, given that it is a Federal responsibility and the Federal Government is sensibly addressing the concerns that this bill aims to address. For those reasons, the Government opposes the bill.

The Hon. COURTNEY HOUSSOS (23:02): I make a brief contribution to debate on the Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2020. I do so as Chair of the select committee that inquired into this bill. At the outset I pay tribute to the Hon. Mark Banasiak who brought this bill—an important issue—before the House. I also commend the Hon. Walt Secord who was my parliamentary colleague on the 2015 inquiry into registered nurses in aged-care facilities. It was the first inquiry in which I participated in this place. I also commend the shadow health Minister, Ryan Park, and the then shadow ageing Minister, Jo Haylen, with whom I worked closely in formulating the Opposition's response to this issue.

I pay tribute to the registered nurses, personal care workers, the health professionals, the cleaners and all those people who work in aged care each and every day in incredibly difficult circumstances for significantly lower pay than they should receive. They show our elderly the care, the love and the respect that they need in their final years. I especially thank the NSW Nurses and Midwives' Association—its secretary Brett Holmes and its whole team—and Gerard Hayes and the Health Services Union team. They all engaged with our inquiry so productively, proactively and professionally. It is worth noting that aged-care workers rallied in Canberra today for a 25 per cent increase. As we heard during the inquiry, we have people leaving our aged-care sector to stack supermarket shelves because they will be paid more. The people who care for our parents and grandparents are

being paid less than the people who are stacking our supermarket shelves, which shows we have our priorities totally wrong.

I do not need to tell members about the shocking conditions in residential aged-care facilities. Those conditions are not a result of the incredibly dedicated workers in our aged-care system but of chronic underfunding. I accept the point made by the Hon. Peter Poulos that the Federal Government has primary responsibility. It provides the funding and the primary regulation of aged care. That was set up legislatively years ago. But there is one remaining legislative power that the New South Wales Government has: to require registered nurses in nursing homes. At the moment, it requires one registered nurse whether there are 10 residents, 20 residents or 200 residents. Clearly that is inappropriate.

The Hon. Peter Poulos referred to a 2015 Legislative Council inquiry in which a number of members in this Chamber participated, including the Hon. Walt Secord. But I say to members that things have moved on significantly since 2015. I wholeheartedly supported the special provisions and exemptions for rural and regional centres in 2015 as they were appropriate then. However, the conditions exposed in aged-care facilities, initially through the *Four Corners* report in September 2018 and then the Royal Commission into Aged Care Quality and Safety that followed, were absolutely tragic. I note in particular the circumstances that occurred at Newmarch House in Sydney that led to 71 COVID cases in staff and residents, with 19 deaths. At the point when the inquiry was conducted, one in five deaths from COVID-19 in New South Wales occurred in Newmarch House. Things have moved on.

The campaign for safe staffing levels applies not just to registered nurses but also to personal care workers and allied health professionals. It is so important that in our final years we have access to not only that immediate care delivered by personal care workers each and every day, and the clinical care delivered by registered nurses, but also that incredibly important care delivered by the host of allied healthcare professionals who work closely and professionally with our aged-care residents. That is the thing that has been most drastically cut in recent years. Times have moved on.

As foreshadowed by the Hon. Walt Secord, who led for Labor on this bill, I will move amendments to make sure that there are proportionate numbers of registered nurses in aged-care facilities. If we are going to have safe staffing levels at a Federal level then we need to have safe staffing levels at a State level. Those regulations should mirror each other. We recommended that if the Federal Government does not step in to implement safe staffing levels within four years—the time frame recommended by the royal commission—then it is time for the New South Wales Government to investigate how it can be implemented.

We must improve aged care. There has to be a new approach. I say this as a proud member of the Labor Party, but the only way that this will be addressed is by electing a Federal Labor government. I am so thankful for those in our aged-care sector who will have that opportunity in May because we can make important changes. We do have some regulatory power in New South Wales but fundamentally these issues will be solved by implementing safe staffing levels right across the board in aged care. It will only happen by increasing the funding, increasing the transparency and making that happen under an Albanese Labor government.

Debate adjourned.

CHILDREN (CRIMINAL PROCEEDINGS) AMENDMENT (AGE OF CRIMINAL RESPONSIBILITY) BILL 2021

Second Reading Debate

Debate resumed from 24 November 2021.

Mr DAVID SHOEBRIDGE (23:10): In reply: I thank all members for their contribution to debate on the Children (Criminal Proceedings) Amendment (Age of Criminal Responsibility) Bill 2021. It is unfortunate that both the Government and the Opposition have made it clear that they do not support raising the age of criminal responsibility. Indeed, the arguments against the bill were mirrored in the contributions from the Labor Opposition and the Coalition Government to this debate. Speaking first to the contribution from the Hon. Ben Franklin, who led for the Government in response, the essential position adopted by the Government was that there was no need to take a position yet; that the matter, which is now being led out of Western Australia in the hands of a Federal process, should continue on in a never-ending Federal process aimed at trying to get unanimity across the States. That position was reasserted by the New South Wales Government to all State Attorneys-General in November of last year.

There is no prospect of unanimity amongst the States and Territories. The Australian Capital Territory [ACT] is moving towards a minimum age of criminal responsibility of 14. Queensland has rejected lifting it above 10. The Queensland Government is still committed to putting 10- and 11-year-old children into jail

indefinitely into the future. A number of other State jurisdictions have indicated they are likely to move it to 12. There will be no unanimous national position, and both the New South Wales Government and the Labor Opposition are simply kicking it down the hall, saying they will keep waiting until there is a unanimous national decision. Effectively, they do not want to make a decision on it. It is all too hard, and they are going to leave the minimum age of criminal responsibility at 10.

I accept that if the bill passes in this House, significant work will be required in finding alternatives to imprisonment. In that regard, I endorse the work of the ACT Government, which is already doing that and taking lessons from multiple other jurisdictions around the world, including States in the United States and pretty much every State in Europe, which all have ages of criminal responsibilities significantly higher than New South Wales and Australia. Again, all we are getting from the Government is the argument that we do not need to address raising the age because the criminal justice system already has a series of programs that deal with young offenders, such as Youth on Track or bail diversion processes.

What that fundamentally misunderstands is the underpinning demand of the Raise The Age campaign. The underpinning demand of the Raise The Age campaign driven by law reform groups, unions and legal academics across the country says that it is wrong at first principle to put 10-, 11-, 12- and 13-year-old kids into the criminal justice system in the first place. If we start in the criminal justice system, we are only going to find the wrong answer for those young people. That is almost certainly guaranteed.

Particularly distressing in the Government's contribution, which was mirrored in the contribution from the shadow Minister, the Hon. Tara Moriarty, was its complete failure to engage with the uncontradicted science that says the mental capacity of 10-, 11-, 12- and 13-year-olds is not sufficient to fully comprehend right from wrong within a criminal justice system. That is not in contest. Not a single neuroscientist would disagree with that. Indeed, most would say that the kind of developmental maturity to really comprehend the complex understanding of criminal law, right and wrong, does not develop for most young people until 17 or 18 years of age. It can be even later than that, particularly for young men. Why is there no reference to any of that from either the Government or the Opposition? That is because it is an inconvenient truth that they just want to ignore.

Perhaps the most disappointing aspect of the contribution from the Australian Labor Party [ALP] was that, out of all the stakeholders in the Raise The Age campaign—the Law Society, the Public Interest Advocacy Centre [PIAC], one of dozens and dozens of law reform bodies, legal bodies, youth advocacy groups—that are 100 per cent behind the campaign and sent bucketloads of material to the shadow Minister and to the Opposition about why we need to raise the age of criminal responsibility, the only stakeholder that the Opposition referred to was the Police Association of New South Wales. All we heard from the ALP was the position of the Police Association of New South Wales. The ALP abdicated its responsibility as a genuine Opposition that engages genuinely in debate on an issue where there has been a national campaign, like Raise The Age, when it came into this Chamber and only referenced the police association in its contribution. We could not have seen a better demonstration of how much the ALP has lost its moral compass in that regard than the contribution from the shadow Minister in this debate.

I thank my colleague Ms Abigail Boyd for her contribution. She gets the history of why we are here. She understands the basic demand for justice. She also understands, as did the Government and the Opposition in their contributions, that for the past decades almost a majority of kids in New South Wales jails have been First Nations kids. It got slightly less worse in the past few years—about 45 per cent of the kids in New South Wales jails are First Nations kids. But it is a national campaign. If I went into a youth detention centre in the Northern Territory and I looked in every single cell tonight, every single kid in jail would be a First Nations kid. Failing to raise the age fails comprehensively in our collective obligation to close the gap and reduce the systemic racist disadvantage faced by First Nations kids. Failing to engage in a serious way with this debate, as the Opposition did in its contribution, is fundamentally failing those First Nations kids.

I acknowledge the contribution of the Hon. Trevor Khan. His contribution grappled with some of the hard policy decisions. I do not pretend they are not hard policy decisions; they really are. He made it clear that if we go down the path of raising the age of criminal responsibility—and he put on the record that he earnestly hopes it happens—it needs to come in parallel with providing the support services such as additional mental health services and social support for families and young kids. They need to happen in parallel. I accept that, and The Greens accept that. But we are not even getting to first base here.

At the moment there is no program, statutory referral, working party or task force anywhere in the Government looking at what those options would be, and Opposition members did not propose a single solution either in their contributions. If we are not doing that work now, when will we do it? If the argument is that until that work is done we cannot raise the age, and both the Government and the Opposition are refusing to commence that work, we will never get to the point of raising the age. We will keep having this circular argument of, "Until such time as the options are there, we cannot consider doing that", and, "We are not looking at the options because

we have not committed to raising the age." We will keep going back to the Police Association and they will say no, and we will keep betraying 10-year-old, 11-year-old, 12-year-old and 13-year-old kids and keep putting them into jail.

The Hon. Trevor Khan understood that complexity and called for that work to be done. I acknowledge his contribution in that regard. I note the contribution of the Hon. Walt Secord. He told the House of his personal background. His father was a First Nations Mohawk-Ojibway person and he noted from his life experience how First Nations peoples are prejudiced in the criminal justice system. That is a common experience in settler colonial countries, whether it is Canada or Australia. He said that something must be done in that regard. I acknowledge his life experience and contribution, and I acknowledge the genuineness of his concerns.

Finally, the Hon. Rod Roberts also acknowledged that many of the kids in jails come from disadvantaged families; they come from First Nations families. He acknowledged that if the State wants to go down the path of raising the age of criminal responsibility, we need to do that other work as well. Again I ask the Hon. Rod Roberts: Where is the commitment to do that work? Where is the commitment from any member in this Chamber to do that work? That is the work that needs to be done. I accept that we are not going to get a majority on the bill, but what I am grossly disappointed by is the lack of quality in the debate and the engagement with the real issues behind the bill and a collective commitment to do better. That is what is missing in the debate. I commend the bill to the House. I urge all members to do better.

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

The House divided.

Ayes4
Noes33
Majority.....29

AYES

Boyd (teller)
Faehrmann

Hurst

Shoebridge (teller)

NOES

Amato
Banasiak
Barrett (teller)
Borsak
Buttigieg
D'Adam
Donnelly
Fang
Farlow (teller)
Farraway
Franklin

Houssos
Jackson
Latham
Maclaren-Jones
Mallard
Martin
Mitchell
Mookhey
Moriarty
Moselmane
Nile

Poulos
Primrose
Rath
Roberts
Searle
Secord
Sharpe
Taylor
Tudehope
Veitch
Ward

Motion negatived.

Documents

TRANSPORT FOR NSW ASSET MANAGEMENT PLANS

Production of Documents: Order

The Hon. DANIEL MOOKHEY: On behalf of the Hon. John Graham: I move:

That private members' business item No. 1686 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. DANIEL MOOKHEY (23:32): On behalf of the Hon. John Graham: I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, created since 1 January 2021 in the possession, custody or control of the Department of Customer Service, Treasury, Transport for NSW, Sydney Trains, the Minister for Transport and Minister for Veterans, or Minister for Metropolitan Roads and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence relating to asset management plans for Transport for NSW:

- (a) all current asset management policies, asset management plans, strategic asset management plans, asset utilisation and recycling plans, and asset registers for Transport for NSW and each of its organisational units, including:
 - (i) the 10-year capital-investment plan or similar document by another name;
 - (ii) the most recent version of the asset and services plan or similar document by another name; and
- (b) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

This is a call for papers that relate to current asset management policies, asset management plans, strategic asset management plans, asset utilisation and recycling plans and asset registers for Transport for NSW and each of its organisational units, which include the 10-year capital investment plan or similar document by another name, and the most recent version of the asset and services plan or similar document by another name.

This is remarkably similar to some previous Standing Order 52 calls for papers that have been endorsed by this House. It again arises in respect of a department that is responsible for the most amount of capital expenditure over the next 10 years; equally, a department that is responsible for the management of the most amount of the State's assets as recorded in our balance sheet with a recent record of some controversy as to how those assets have been managed, particularly the transfers that arose to the Transport Asset Holding Entity; and, equally, including at a time when there is much scrutiny about whether or not the Government can indeed afford to pay for all the projects that it has promised. For those reasons and for the reasons that I gave earlier, and I am sure the Hon. John Graham would associate himself with my remarks in respect to these matters, I commend this motion to the House. I feel that I have done the Hon. John Graham well by moving this.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (23:34): I give notice that I will be seeking to amend this motion. This motion is similar to many other motions designed specifically to take up the time of Transport officials in respect of their obligations to provide proper customer service to the people of New South Wales. I reiterate, as I have done on a number of occasions, in respect of the number of Standing Order 52 calls for papers directed to Transport for NSW, it has spent approximately 15,500 hours exclusively, or nearly 2,218 seven-hour working days, on cluster responses when we talk about the use of taxpayer funds. Surely this time could be better spent? We will meet the same argument that this is about transparency and this is about making sure that we have good, proper eyesight in relation to the manner in which government works. Multiple asset management plans have been provided to this House under standing orders, both in 2020 and 2021, and this is just another one.

It begs the question: How can there be any value in giving the green light for a further order for papers on such a well-worn issue? Those opposite will say that a different asset plan is produced every year. But it is not much different, and they know it, and they keep doing this because they say, in their wisdom, this is an appropriate use of government time. I move:

That the question be amended by omitting "21 days" and instead inserting "28 days".

The Hon. JOHN GRAHAM (23:37): In reply: I thank my colleague the Hon. Daniel Mookhey for moving this motion on my behalf. We are amenable to the extension of time. We have requested and we have been delivered these plans in the previous years, and I thank the Transport department for that, and the Opposition has used them responsibly. This is no great work. These are produced routinely for the Transport department. They are integral to knowing what is the status of assets, what is the maintenance that has been applied and how those things change slowly over time.

All those observations are correct. We are just simply seeking the next edition of that. It has been completed by Transport and we will use it responsibly once again. I indicate that we expect it to be returned. Once again, other agencies have been less cooperative and we are asking for this in relation to all the divisions of Transport, as has been supplied in the past. We have sometimes been critical of the Transport department for the way it has engaged with requests from the House or with questions on notice. I am not critical at all of the way in which it has dealt with this issue. We have tried to deal with it respectfully in the way we have used this information.

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

Amendment agreed to.

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

Motion as amended agreed to.

ASSET MANAGEMENT POLICIES**Production of Documents: Order**

The Hon. WALT SECORD: I move:

That private members' business item No. 1703 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. WALT SECORD (23:40): I seek leave to amend private members' business item No. 1703 outside the order of precedence for today of which I have given notice by omitting "21 days" and inserting instead "35 days".

Leave granted.

The Hon. WALT SECORD: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 35 days of the date of passing of this motion the following documents, created since 1 January 2020, in the possession, custody or control of the Department of Communities and Justice, NSW Police Force, the Treasurer and Minister for Energy, the Attorney-General, or the Deputy Premier, Minister for Regional New South Wales, and Minister for Police, relating to 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) the Department of Communities and Justice; and
 - (ii) NSW Police Force.
- (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 Deputy Premier, Minister for Regional New South Wales and Minister for Police;
 - (iv) the Attorney-General; and
 - (v) the Secretary of the Department of Communities and Justice.
- (c) any legal or other advice regarding the scope or validity of this order of the House created as a result of this order of the House.

I thank government officials for the lengthy discussions we have had on the motion and their desire to reach an agreement with me. The extension to 35 days is appropriate. The motion is a request under Standing Order 52 for documents on asset management policy from the Department of Communities and Justice, the NSW Police Force, the Treasurer, the Minister for Energy and Environment, the Attorney-General, the Deputy Premier, the Minister for Regional New South Wales and the Minister for Police. The purpose of the motion is to find out about asset management, including how the Government is spending, and whether it is on track or behind. Keeping in mind that the Government has agreed to 35 days, I end my comments there.

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

Motion agreed to.

*Motions***OPERATION OF STANDING ORDER 53**

The Hon. ROD ROBERTS (23:42): I move:

- (1) That this House notes that:
 - (a) on 24 November 2021, this House ordered that 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 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";
 - (c) the Crown Solicitor's advice asserts that the documents should have been sought under Standing Order 53, rather than ordered under Standing Order 52 as they "concern the administration of justice"; and
 - (d) the Crown Solicitor's advice is not based on an assessment of the content of the relevant documents but instead on whether documents relating to the arrest, charge and detention of a person with a criminal offence would prima facie touch on or concern court proceedings.

- (2) That this House:
 - (a) rejects the broad interpretation of the administration of justice preferred in the Crown Solicitor's advice;
 - (b) notes that, as ruled by President Ajaka on 24 March 2020, the distinction between the standing orders is that Standing Order 53 applies to matters that fall within the purview of the Crown and the courts whereas Standing Order 52 applies to matters that fall within the purview of the Executive Government, and that, as held in *The Queen v Rogerson* [1992] 174 CLR 268, police investigations are not part of the course of justice as the police do not administer justice;
 - (c) notes that the documents ordered do not fall into the categories previously recognised as within the scope of "administration of justice" for the purpose of Standing Order 53 which, as noted by former President Ajaka on 15 September 2020, "include documents that make reference to actual court proceedings; touch on or concern court proceedings' concern or relate to the administration of a sentence on conviction and the orders made; concern conditions of custody that could be seen as giving effect to or being closely connected with a court-imposed sentence; and documents relating to legal action";
 - (d) notes that previous rulings on the scope of Standing Order 52 have tended to take a broader view of the standing order and the power of this House; and
 - (e) asserts that the documents ordered to be produced on 24 November 2021 are not sufficiently concerned with the administration of justice to fall within the scope of Standing Order 53 and were therefore validly ordered under Standing Order 52.
- (3) That this House notes that the interpretation of Legislative Council standing orders is a matter solely for the Legislative Council, and that by failing to produce the documents the New South Wales Government has not complied with a valid order of the House.
- (4) That this House calls on the New South Wales Government to:
 - (a) take note of the rulings of President Ajaka noted above;
 - (b) cease relying on an unduly expansive interpretation of the "administration of justice" which restricts the powers of the House; and
 - (c) cease declining to return documents ordered by the Legislative Council on the basis of this overly expansive interpretation of Standing Order 53.

The crux of the motion goes to determining the application of Standing Order 52 against the application of Standing Order 53. I will refresh members' memories of the circumstances of this particular matter. On 24 November 2021 the House ordered the production of documents relating to the arrest, charging and detention of Luke Moore by the NSW Police Force on 25 February 2021 under Standing Order 52. Mr Moore was arrested, charged and subsequently spent three weeks in prison without bail. However, all charges were withdrawn after three weeks and Mr Moore was released. I remind members that the order that this House passed also required the return of any legal or other advice regarding the scope or validity of this order as a result of this order of the House.

On 11 February this year the Clerk received a return consisting of correspondence from the General Counsel of the NSW Police Force that advised 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. That advice was an assertion that the matter should have been, according to the Crown Solicitor, dealt with under Standing Order 53 and not Standing Order 52. Their position is that it is a matter that concerns the administration of justice.

I suggest that the Crown Solicitor's advice is open to challenge on this occasion. The Crown Solicitor's advice is not based on relevant documents unique to this case, but an advising that documents relating to the arrest, charge and detention of any person with a criminal offence would prima facie touch on or concern court proceedings. Paragraph 13 of the Crown Solicitor's advice states, "In preparing this advice I have not reviewed the documents in the possession, custody or control of New South Wales police which are referred to in the order. However, I have considered the terms of the order and the background to the order given by the Hon. Rod Roberts and referred to at 8 above." Further, at paragraph 14 the advice states, "On its face the order is confined to the documents relating to the arrest, charging and detention of Luke Moore on 25 February 2021."

It is a well-known, well-observed and well-adhered-to position that documents concerning the administration of justice should be requested from the Governor under Standing Order 53. This is not a shadowy attempt to deviate from that course. It is my assertion and position that this matter goes nowhere near the administration of justice. I suggest that the Crown Solicitor has placed too broad an interpretation on the "administration of justice". I refer the House to recent rulings of former President Ajaka on the distinction between standing orders 52 and 53. On 24 March 2020, former President Ajaka ruled that Standing Order 53 applies to matters that fall within the purview of the Crown and the courts, whereas Standing Order 52 applies to matters that fall within the purview of the Executive Government. Former President Ajaka referred to the 1992 High Court case of *The Queen v Rogerson* (1992) 174 CLR 268.

In summary, the court found that police investigations are not part of the course of justice as the police do not administer justice. I could mention the numerous cases that the court cited in coming to its conclusion that police investigations are not of themselves related to the administration of justice. However, I believe that they are well known. On 15 September 2020 former President Ajaka made a further ruling on the same distinction between standing orders 52 and 53. He indicated that documents, for the purpose of Standing Order 53, include:

... documents that make reference to actual court proceedings; touch on or concern court proceedings; concern or relate to the administration of a sentence on conviction and the orders made; concern conditions of custody that could be seen as giving effect to or being closely connected with a court-imposed sentence; and documents relating to legal action.

The separation of the powers of the courts and the Executive Government is well established, and with good reason. Certainly it is not sought to be challenged here. This order does not seek court documents in any form, nor does it intend to review or interrogate any decision of any court. Clearly, if it did it should have been sought under Standing Order 53. That is not disputed. On this occasion there has been no court hearing, no determination of guilt or innocence, and no sentencing. The prosecution withdrew this matter from the court's domain and determination.

The courts' and judicial officers' decisions are, and should always be, independent of the Parliament. The separation of the judiciary from the legislature and the Executive is fundamental and an essential part of democracy. With this motion, I do not intend to challenge the status quo. I reiterate that I do not, or did not, seek any court-related documents. In reality, the original order for papers, whilst indicating the arrest and charging of Luke Moore, relates to two separate police investigations: one, the circumstances of the arrest of Luke Moore, and, two, the subsequent internal police investigation arising out of the actions of Constable Daniel Keneally that led to the arrest of Moore.

The internal investigation of Constable Keneally does not get within a bull's roar of the administration of justice. After the conclusion of the internal police investigation, police advised complainant Mr Moore that no criminal action would be taken and that the matter would be dealt with as an internal police disciplinary action. How could anybody seriously assert that that falls within the administration of justice? Clearly, the argument on the distinction between Standing Order 52 and Standing Order 53 has not been settled, and there is an ongoing difference of opinion. In the Crown Solicitor's advice at paragraph 11, she refers to a previous advice. She said, *inter alia*:

As set out in that advice, the precise scope of SO53 has not been settled, and it may be that it is not possible or desirable to fix the exact scope of the meaning of "concerning the administration of justice".

Members should reflect upon the words of the Crown Solicitor, which are, "... the precise scope of SO53 has not been settled." Further on in that advice at paragraph 12 she said, *inter alia*:

As my predecessor has advised, documents that consider issues directly related to identifiable court proceedings, whether past, current or pending may be documents concerning the administration of justice for the purpose of SO53.

I note that she does not say "must", "will" or anything similar to those words; she chooses the word "may". The matter must be dealt with objectively; the particular and unique circumstances must be examined. Further, the Crown Solicitor in her advice to the NSW Police Force suggested that some of the documents may also touch upon prospective civil proceedings that may arise in relation to the lawfulness of Mr Moore's arrest. I understand the State of New South Wales has instructed Makinson d'Apice Lawyers to act on its behalf and to offer Mr Moore a compensation payout to avoid litigation and civil proceedings before a court. I also suggest that the matter has been ventilated and made public via the media.

In closing, I restate that the documents ordered to be produced on 24 November 2021 are not sufficiently concerned about or connected with the administration of justice to fall within the scope of Standing Order 53; therefore, they were validly ordered under Standing Order 52. I assert that the Crown Solicitor has taken to the matter with a broad-brush approach. The order for papers and potentially future orders for papers under the standing order require a bespoke approach that takes into account the unique circumstances of each particular matter. For the transparency of Executive Government, I urge fellow members to support the motion.

Mr DAVID SHOEBRIDGE (23:52): On behalf of The Greens, I support the motion moved by the Hon. Rod Roberts. Indeed, we not only support the motion, but we also encourage the member, if he so chooses, to consider—depending on the Government's response to the motion—whether a censure motion is required because of the Government's failure to produce documents under the original motion. Failing that, perhaps a more refined order for papers under Standing Order 52 could be directed to the Government in order to obtain the relevant documents. The scope of Standing Order 53 has not been fully determined. It states:

The production of documents concerning ...

(c) the administration of justice,

will be in the form of an address presented to the Governor requesting that the document be laid before the House.

Want and Moore's *Annotated Standing Orders of the New South Wales Legislative Council* make clear that, whilst there was cooperation between the Governor and the Executive the better part of a century ago under the equivalent standing order at the time, for the past few decades every time the House has made an order under Standing Order 53 it has been rejected by the Governor on the advice of the Executive. In effect, if a matter is found to fall within the terms of Standing Order 53, it effectively kills the order for production. That is the effect of it under the practice that has developed over the past few decades.

The Hon. Rod Roberts made clear in his contribution that the NSW Police Force is not and never has been a part of the administration of justice. The NSW Police Force is an extremely well-resourced extension of the Executive. It may well be that there are circumstances where the police are in the middle of an investigation, about to commence criminal proceedings and, therefore, to protect the criminal proceedings, Standing Order 53 would cover the production of those documents. Let us look, academically, to see if there are any cases like that.

Yes, there was, when the police were lining up to prosecute me for alleged noncompliance with a move-on order—which of course they had wrong and the case was thrown out—and the Government brought an SO 52 trying to have the police documents produced. I was all for that, of course, because it is the best way of getting the police brief and I would have liked to get all the documents. In fact, the Government's order went well beyond what you would normally get in a brief of evidence and I was looking forward to it. But I had to accept that in those circumstances it fell within SO 53. Of course, the President ruled in that matter and the Government's attempted political hatchet job failed. But I do wish it had succeeded because I would have got the police brief early and I would have had more material. It would have been good. But that is an example of SO 53.

In this case, the proceedings have been withdrawn. They are concluded. There can be no interference with the administration of justice and no concerns about interfering with the administration of justice. There are, in fact, two aspects of this case. One is the criminal proceedings themselves, which on the face of it should never have been commenced and could at best be described as a stitch-up and perhaps be better described than that. It is pretty clear that the police did not like Mr Moore, they had a target on him and by hook or by crook they were going to do what they could to slot him—so there is that. But then there is also, one would hope, an investigation into those police themselves entirely within the police force. That cannot touch upon SO 53. Maybe it is that the Government is saying there has never been an investigation of the pretty obvious wrongdoing of the police in this regard—nothing has ever been looked at, there is no investigation, no records, no nothing. If that is the case, the Government should tell us. I doubt that it is.

Almost certainly what we have got here is a grossly insupportable, expansive use of SO 53 to avoid producing the embarrassing documents about what bloody well went on in the case involving Mr Luke Moore, because there needs to be accountability. Do any members think that police investigating police in this regard is going to produce the accountability and outcome? I do not and if it does, it would more be by accident than by design. The original motion was designed to shine light upon that. This motion is, I believe, entirely in order and directing the House, and hopefully the Government, to what should be the true scope of SO 53. I say again to the mover of the motion: Depending on the Government's attitude to this, one obvious option is to bring a censure motion for the original noncompliance or, if choosing not to do that, a more refined SO 52 focused entirely upon the Executive investigating the Executive in relation to potential wrongdoing. I commend the motion.

The Hon. WALT SECORD (23:58): Labor will support the motion.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (23:58): It is late at night and it is unlikely that I will finish within the time allotted.

Debate adjourned.

Adjournment Debate

ADJOURNMENT

The Hon. DAMIEN TUDEHOPE: I move:

That this House do now adjourn.

WESTERN SYDNEY INVESTMENT

The Hon. SHAYNE MALLARD (23:59): Yesterday in this place the Leader of the Opposition made the claim that the New South Wales Government is not delivering infrastructure west of Parramatta. I corrected her at the time but it is my great pleasure to inform the House in more detail that the Hon. Penny Sharpe is mistaken. I will begin with roads and this is by no means an exhaustive list. Firstly, the recently completed upgrade to the M4 created the first smart motorway in New South Wales. This \$600 million investment from the New South

Wales Government is already reducing travel times, easing congestion and improving safety between Penrith and Parramatta. In other words, it is making it easier for people travelling west of Parramatta in the great western areas of Sydney.

The new M12 Motorway currently under construction between Cecil Hills and Luddenham is a 16-kilometre motorway that will connect the Western Sydney International (Nancy-Bird Walton) Airport to the rest of Sydney and reduce travel times for commuters and freight operators. The Government has committed over \$400 million to this vital transport link. In order to connect the new M12 Motorway to the Nancy-Bird Walton Airport, the Government is upgrading The Northern Road as part of the \$4.1 billion Western Sydney Infrastructure Plan. This upgrade is increasing capacity and safety to facilitate the rapid growth expected in western Sydney—thanks to the New South Wales Government's investments in this region.

Another road investment of particular interest to me as a local resident of the Blue Mountains is Australia's longest road tunnel between Blackheath and Little Hartley. I acknowledge the presence in the Chamber of the Minister for Regional Transport and Roads, who is working on this project as I speak. This 11-kilometre tunnel will provide a safer and faster connection between the Central West and western Sydney. The tunnel forms part of the \$4.5 billion jointly funded upgrade of the Great Western Highway between Katoomba and Lithgow. This upgrade completes the final 34-kilometre connection of a modern dual carriageway link right across the Blue Mountains.

The Sydney Metro Western Sydney Airport line will connect the Nancy-Bird Walton Airport and surrounding aerotropolis to Greater Sydney via the St Marys station. The line initially will run for 23 kilometres and contain six stations with plans to expand the line south and north. The approximately \$11 billion committed by the New South Wales and Federal governments to this project will support more than 14,000 jobs during construction. The \$2.4 billion Parramatta Light Rail will connect Westmead to Carlingford via the Parramatta CBD. The line spans 12 kilometres and is expected to transport 28,000 people every day by 2026. The provision of a safe, easy and fast transport route throughout the Parramatta area will kickstart investment and encourage more local patronage of small businesses in the area.

The Parramatta Light Rail is expected to create almost 5,000 jobs. The line will be complemented by a parallel Active Transport Link to further improve liveability in the area. But there is more to infrastructure than just roads and rail: This Government is investing in crucial livability infrastructure across western Sydney. The Powerhouse Parramatta project is the largest cultural infrastructure project in New South Wales since the Sydney Opera House and will be the first State cultural institution located in greater western Sydney. This destination—because that is what it will become—will have capacity to host world-leading exhibitions, bringing world-class artists, arts and culture to western Sydney. Construction of the Powerhouse Parramatta is supporting over 4,000 jobs, including 300 trainees and apprentices.

Already the western Sydney CommBank Stadium is becoming a beloved feature of the Parramatta community and fans of sport across western Sydney. The stadium created 1,200 jobs during construction and supports 600 to 900 ongoing operational jobs. The stadium provides undercover seating for 30,000 people to enable them to enjoy various sporting matches and other live events at Parramatta. Building off the back of the successful Western Sydney Stadium, late last year the New South Wales Government announced its commitment to redevelop the Penrith stadium over two years from 2023. While this project is in its infancy, if it is anything like the stadium in Parramatta I have no doubt it will be a sport, entertainment and tourism destination in the not-too-distant future. When completed, the Penrith stadium will be an attractive place for world-famous acts and sporting teams to perform and compete in western Sydney.

I turn now to hospitals, which is a good news story on investment and infrastructure. I could have exhausted my time just speaking on new and upgraded hospitals in western Sydney. The Liverpool Health and Academic Precinct, which I visited recently, is undergoing a \$790 million upgrade. The \$134 million first stage of the Campbelltown Hospital upgrade is complete and the \$632 million second stage is underway. The Nepean Hospital is the beneficiary of a billion-dollar redevelopment commitment. Over \$700 million has been invested in the redevelopment of the Blacktown Hospital and the Mount Druitt Hospital. The Government is investing over \$1 billion in the redevelopment of NSW Health's Westmead Hospital Precinct and \$300 million has been invested in the Rouse Hill Hospital.

Those upgrades ensure that western Sydney residents have access to world-class health care and world-class facilities in their own backyard. Finally, truly a once-in-a-generation infrastructure investment is Western Sydney International (Nancy-Bird Walton) Airport and surrounding aerotropolis. As members know, I have spoken about this before. Those two projects have already been the catalyst for so many other investments beyond being investment generating and job creators in their own right. I hope that clarifies for the Leader of the Opposition in this Chamber just how much this Government is investing in the infrastructure west of Parramatta and the tens of thousands of jobs and job creation those projects are supporting.

NSW WOMEN OF THE YEAR AWARDS

The Hon. GREG DONNELLY (00:04): In the last fortnight some honourable members in the House have acknowledged and congratulated the winners of this year's NSW Women of the Year Awards. I add my name to that list of members. The awards commenced in 2012 and are held annually. Over that period a number of outstanding women from across New South Wales have participated in the awards and have been recognised for their enormous contributions and achievements across a range of categories. What strikes me year after year is seeing the enormous drive and commitment of the nominees to advance and improve the welfare and wellbeing of their own communities and well beyond.

Honourable members may not be aware that, with respect to the award categories, including the most prestigious, the NSW Woman of the Year, you do not have to be a biological woman—that is, a person born as a female—to be able to participate. If one examines the eligibility criteria for the awards, the first listed criteria is that the individual "identifies as a woman". I will repeat that—"identifies as a woman". I note that the third listed criteria provides that self-nominations may be accepted. If I am reading and understanding the eligibility criteria correctly, it appears to me that a biological man—that is, a person born as a male—can nominate himself for one of the NSW Women of the Year Awards. If I am not correct, I welcome any honourable member to point out where I am wrong.

I draw this matter to the attention of the House not because I am being frivolous or looking to make some cheap joke at the expense of someone. That is certainly not the case. The purpose of raising it is that, as we all well know, it is not just actions but ideas that have consequences. I expect that some honourable members will have seen recently in the United States the enormous public reaction to permitting a transwoman, Lisa Thomas, compete head to head with females in a women's college swimming championship. For members not familiar with the controversy, I invite them to watch the races on YouTube and ask themselves the questions, what is going on, and how did we get here? As members reflect on the matter, they should ask themselves the further questions, is it right and fair that women should have victories stolen from them, be denied competition places and forego other opportunities because sporting clubs, bodies and organisations are mandating that they have to compete against transwomen—that is, biological males?

So that we are not caught up in some theoretical exercise, I ask honourable members to consider whether that is right or fair for their wives, daughters, mothers, sisters, girlfriends, nieces, grandmothers, mothers-in-law, aunts—and I could go on. The issue I have raised is elevated to another level of consideration when one examines the issue of contact and high-impact sport, including but not limited to rugby union, rugby league and Australian rules football. In addition to the considerations already outlined, a new and significant focus comes into play—that is, the health, safety and wellbeing of female athletes. We all know from either our lived experiences, those of our family members or just observing contact and high-impact sports the types of injuries that commonly occur. They include head and neck injuries, broken bones, concussion, torn muscles and catastrophic knee and ankle injuries, just to name a few.

The obvious clear and present danger to females of permitting transwomen to go head to head with them in such sports would, I would think, be debated and contested. However, that is not the case. Over the past 12 to 18 months I have had several women raise with me, on their own behalf or that of other women, serious concerns that they have about having to go head to head against transwomen in their favourite code, be it rugby union, rugby league or Australian rules football. They, for good reason, have serious and well-founded concerns about what World Rugby in October 2020 laid out so clearly in the guidelines it released, which regulate against transwomen's inclusion in the female game based on injury prediction. In support of its decision it produced 49 studies showing that drugs to suppress testosterone have only a limited effect in decreasing the physical advantages of the male body in terms of muscle mass, strength and power.

World Rugby's modelling explored the risk factors in a situation where a typical player with male characteristics tackles a typical player with female characteristics. It found that there was a minimum 20 per cent to 30 per cent greater risk for female players. The time allowed only permits me to raise these matters in a general sense, but they are very serious. I invite honourable members to examine these matters very carefully. We must ensure that in future girls and women in this State are able to play in a fair and competitive way.

FEDERAL BUDGET

Ms ABIGAIL BOYD (00:09): Budgets are about choices. Put simply, they tell us what the government of the day chooses as worthy of funding and what it doesn't. The impact of those choices on us, and on future generations, is the result of very deliberate political decisions. Government politicians do not like it when they are told that it is their fault that we are in the mess we are in. The other day I told Government members in this House that I blame them for our lack of preparedness for the floods. They have had the power to change things—to take

strong action to curb carbon emissions and to prepare our State properly for extreme weather events—but they have chosen not to. If they are not to blame for that inaction, who is?

Yesterday the Federal Government handed down its garish pre-election budget. The Morrison Government has again chosen to value big business and the wealthy over those doing it tough, the profits of fossil fuel companies over the climate and the environment, the fortunes of the wealthy over the needs of the poor, and their own chances of winning votes in marginal electorates over the real and pressing needs of the people they were elected to serve. Nothing dictated those choices for the Federal Government. No magical economic rules dictated a budget of this kind, as much as it is at pains to make you think that they did. These budgetary choices to favour one thing over another are purely political.

Take the Federal Government's mischievous move to throw a few hundred dollars at voters before the May election while entrenching a larger tax hike from 1 July with the decision not to continue the low and middle income tax offset in the coming years. That is despite its rhetoric about wanting to ease the cost of living, while failing to raise income support payments to a level that would ensure that people no longer live in poverty. Let us be clear: Having people live in poverty is a choice made by governments. Take the fact that there has been no real increase in rental assistance payments in over 20 years while property investors continue to be given the benefit of nonsensical tax subsidies in their housing stock, contributing to the dire lack of affordable housing that pushes ever more people into housing insecurity. Or take the decision to double the number of places under the first home loan guarantee, which helps only those people already close to attaining homeownership, while failing to reverse the decades of underfunding of the social housing sector. Do not even get me started on Scott Morrison's comments that the best way to help renters is to help them to buy a house. How out of touch is that man?

Looking at the Federal budget as a whole and the choices that the Federal Government made in it, we see a government that is intent on choosing to paint society as a series of individuals who are trying to get ahead of each other, vying for a piece of the mythical prosperity pie, and not wanting to succeed or share the fruits of their successes. However, that is not the society that I see around me. When I look around this State and across Australia I see people who, despite everything that has been thrown at them in the past three years—from bushfires to pandemics to floods—have banded together to help one another. You only have to look at the stories that we are hearing from the floods in Lismore of people risking life and limb to ensure that no-one is left behind. We are an inherently cooperative and collaborative bunch, and when faced with adversity we find ways to survive and get by as best we can despite the obstacles.

We need a Federal Government that recognises the hardships that are being experienced and chooses to offer support that meets people where they are now. It must recognise the efforts that people are already making to help one another. We need a Federal Government that joins with us and helps out too. We needed a Federal budget for our fatigued and exhausted health and aged-care workers, and for those who have lost everything in the floods and the bushfires. We need a Federal budget that takes meaningful action to reduce the chances of these disasters happening again and again, and which shows that the Federal Government recognises the absolute hell that people have been going through and seeks to ease their burden, as those people have sought to relieve the burden of others.

We need a Federal budget that recognises us as the complex, caring and capable human beings that we are. But we did not get that budget from the Morrison Government. We instead got a budget that reduces us to individuals, to the mere productive units of a neoliberal's wet dream. That was their choice. I hope the New South Wales Government chooses differently for this year's budget in May.

FLOODS AND COMMUNITY SUPPORT

The Hon. SCOTT BARRETT (00:14): Late in 2018 I was sitting on a balcony with a farming couple from near Narrabri. While things are looking pretty good around the place now, back then it was a very different story. The land was a moonscape, with bare ground dotted with hungry sheep and cattle, empty dams and distant dust caused by a slow-moving vehicle as a hardworking farmer went about the daily routine of feeding stock. I was working on drought relief at the time with a charity called GIVIT. We had provided locally bought dog biscuits and vouchers to local shops, all of which this farmer was embarrassed to receive. While sharing a cup of tea and a homemade cake, he said to me, "I guess it's our turn now, but there'll come a time when it's someone else's, and we'll look to help out then." That time has certainly come.

As we watched floodwaters bully their way through houses and businesses of the Northern Rivers, the hearts of the people of western New South Wales bled with genuine concern and empathy. This did not stop at concern. We saw an outpouring of generosity from across Australia, including from communities that were not long ago on their knees themselves as a result of drought. In Molong, in the Central West, a young mother, Jac Ewin, answered a call to help restock the Lismore Library. She spread the word throughout the Molong community, which has now collected pallets of books to be sent to the flood-affected areas when they are ready.

The kids at Trundle Central School are unfortunately far too familiar with difficult times. These kids have spent most of their lives in drought and have then lived through the recent mouse plague. They held a mufti day as a fundraiser. They dressed in bright colours in defiance of the tough times they had been through and the tough times of those in the Northern Rivers. The funds will go towards welfare and wellbeing activities for their fellow students in flood-affected areas. At Cummoock Public School the kids remember well the generosity provided to them as they battled through drought. They held a pancake day in conjunction with the local Australian Red Cross to support their efforts in the Northern Rivers. There is also the local rotary in Cobar, which did a power of work through the drought, delivering vouchers to those in need. They are now raising funds and working with their colleagues in Kyogle to provide flood assistance.

A big shout-out must also go to the Country Women's Association, which was critical in the support it provided to families and communities throughout the drought. These same CWA branches that worked so tirelessly on drought relief efforts have turned their attention to flood victims, providing the warm and welcome support they are renowned for. These are just a few examples of the spirit and generosity of the people of regional New South Wales who time and time again have shown they will dig deep and help those in need, whatever their own personal circumstances may be. They should be proud of this, as I know I am. In fact, all of us in this place should be immensely proud of these people. They do a great credit to our State.

As we see the upsetting photos coming from Lismore of the latest rain and flooding event, I am sure that we will again see the generosity pour. To those planning to give, I encourage them to donate cash. It is by far the most effective way of assisting those in need. Donate cash to reputable charities with real and proper links into the affected communities, with the local knowledge and networks to identify what is needed and by whom. I note with pride that there are arrangements between the New South Wales Government and GIVIT to provide this service. Donations can also be made through the Australian Red Cross. Charities such as GIVIT and the Australian Red Cross can take the donated money and use it within the affected communities, ensuring that not only are they providing the items that are needed but they are purchasing these items, as much as possible, from businesses in the affected areas. It is a double win. I give a huge thank you to the people donating to those affected by the floods, especially those who have been through their own trying times in recent years. Their contributions deserve the highest praise.

FEDERAL ELECTION

The Hon. ROSE JACKSON (00:19): The Federal election is imminent; that is not news to anyone in this Chamber or in Australia. We always hear about how consequential elections are. It is such a common refrain. Before every election we hear, "This one is really important. This is the one that really matters." Well, this time, it is true. This one really matters, and not for the reasons that members might think. It is not about pandemics, vaccines, rapid antigen tests, bushfire responses or floods, although those are all very valid things to think about in the context of an election. To a certain extent, they are done. They are in the past. They were already stuffed up. They signal that the Government's approach to managing those catastrophic things is not much to write home about. It is not a very flashy record, and we know that we are going to see more catastrophic events in the future. But that is not why I think this election really matters.

I think this election really matters because we are on the cusp of giving up on something that is really important to Australians, and that is fairness. Now, I know that is also very hackneyed and that every politician from every political party stands up and says, "Don't listen to those other guys. I'm the one that really cares about the fair go." I appreciate that everyone says it, but I think that the concept is genuinely under threat, and I will tell the House why. In 2015 former Treasurer Joe Hockey told Australians who were worried about being able to afford a house to "get a good job that pays good money". Today, in response to questions about support for renters dealing with skyrocketing rent increases, Prime Minister Scott Morrison said that they should just go and buy a house.

Comments like that are a pretty obvious imputation that if people are stressed out because they cannot afford housing, it is on them. It is kind of their own fault. Obviously they are not going to get a house if they are sitting around bludging and not working—except that is not what is happening in Australia right now. It is not your fault if you are working two jobs and live with your parents because you cannot afford housing. It is not your fault if you are a teacher working in regional New South Wales who is living in a tent or a caravan because there is nowhere to rent. It is not your fault if you are holding down a job, looking after your kids and paying the bills and the landlord increases the rent by \$200, and now you are on the brink of homelessness.

The Government's attitude is that those things are happening to you because of decisions you made and that there is some better paying job available to you, if you would just bother to take it. But there is not. Even if you decided to upskill, re-skill or fork out the substantial up-front costs of education, the better paying job is not there. Wages have been flat or falling for decades. What kind of message does it send to workers in low- and middle-income areas like child care, aged care, cleaning or allied health? They are essential workers, key workers,

people we have relied on for the past two years. There literally is not a local government area in Sydney with a house they can afford to buy. There literally is not a two-bedroom apartment that they can afford to rent—but they should just go and get another job. Who is going to look after our kids? Who is going to look after our elderly parents?

The Government's attitude is that if you are sick of renting, worried about rent increases and can work hard, then you should just make the effort and simply buy a house. Well, that is a load of nonsense, isn't it? If the thought of dealing with the 20 per cent rental increases that have happened in the past 12 months is hard, wait until you get a load of the 30 per cent house price increases! The Government is eroding the concept of contributory fairness—that if you put the work in, you will get a fair outcome. It does not work like that anymore. People are working hard. They are working harder than ever. They are working so hard, and they are not getting fair reward for that. That is why this election really matters, because that concept is critical to what it means to be an Australian. If you work hard, you will get a fair go. The Government is eroding and undermining that concept. It is saying, "If you can't afford the rent, that's your fault. Go and buy a house." That is a question that is going to be called. It is a chance to vote for a different government in two months' time.

NORTHERN RIVERS FLOODS

Ms CATE FAEHRMANN (00:24): Today at about 10.00 a.m. the Wilsons River in Lismore overtopped the 10.65-metre levee and flooded the CBD after the region experienced a hybrid cyclone overnight. The NSW State Emergency Service issued an evacuation order on Tuesday afternoon but lifted the order at 5.00 p.m., telling residents it was safe to return home. A new evacuation order was issued at 3.20 this morning in response to a "water bomb" rain event, according to the Bureau of Meteorology. This is just beyond devastating for a community that had only just begun to recover, if at all, after February's record flood, which reached 14.4 metres and was caused by an atmospheric river.

Lismore MP Janelle Saffin said the SES's decision to lift and later reinstate the evacuation order was made "from the SES at the top level" rather than as the result of local assessment, and that there was "discord" between emergency services and the Bureau of Meteorology. Naomi Moran, the general manager at Australia's only First Nations print newspaper, the *Koori Mail*, told the media that communication had been inconsistent and residents had joked that orders came from another part of the State. She stated:

Are they not seeing what we're seeing or feeling what we're feeling?

How bad does it have to get before we hear anything from them?

There's a lot of anxiety, there's a lot of frustration. We rely on leadership [and] we need our local politicians and leaders to be right here in this moment right now. I think that's what leadership looks like."

To add insult to injury, both the flood gauges and evacuation siren in Lismore were broken. In last month's flood many Lismore locals who called 000 were met with a pre-recorded message explaining the line was extremely busy and that they should contact the SES, only to call the SES and be met with another pre-recorded message saying they would get a call back. Most did not get a call back for hours, if not days. Incoming Greens MP to this place, Sue Higgins, tweeted today:

Spoke to my friend he said his house feels unstable water about to enter I called 000 they told me to call SES I called SES the message said if emergency call 000 20 mins later still on hold. This is the climate emergency. We are not treating as the emergency it is.

Byron Bay and Ballina also flooded this morning but no evacuation orders were issued. Locals and businesses woke up to knee-deep water. Today the Mayor of Byron Shire Council said he was still awaiting advice from the SES even as Byron Bay's main street was under water. Once again, it is up to members of the community to rely upon each other because the Government has failed to ensure our emergency support services have the necessary resources needed to support communities in the face of increasingly severe and more frequent natural disasters.

This is despite the Royal Commission into National Natural Disaster Arrangements, which was formed in response to the 2019-20 Black Summer fires, making a number of recommendations for governments to prepare for natural disasters. The royal commission recommended that Australian, State and Territory governments should expedite the delivery of a public safety mobile broadband capability. It has been 518 days since the royal commission presented its report to the Federal Government but there does not appear to be any public safety mobile broadband capability provided to the Northern Rivers community, where flood-affected residents went days without phone reception or internet access in the aftermath of the February floods and once again in the last 24 hours.

The royal commission also recommended that State and Territory governments urgently deliver and implement the all-hazard Australian Warning System, as did the NSW Bushfire Inquiry, which recommended that the finalisation of the Australian Warning System be prioritised to provide greater consistency in public information during emergencies. However, any progress made in getting an Australian Warning System in place

certainly did not reach the Northern Rivers for these floods. The royal commission and the bushfire inquiry were established to make recommendations to governments to ensure that communities are much better prepared for the inevitable increase in climate-change-fuelled extreme weather events. Both the State and Federal Liberal-Nationals governments have failed to urgently prioritise implementing and resourcing these recommendations, which were made to keep people safe. Just like their approach to taking action to address the climate crisis, they are asleep at the wheel.

The PRESIDENT: The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 00:29 until Thursday 31 March 2022 at 10:00.