



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Tuesday 10 May 2022

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Tuesday 10 May 2022

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

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

Bills

ROADS AND CRIMES LEGISLATION AMENDMENT BILL 2022

GREATER CITIES COMMISSION BILL 2022

GREATER SYDNEY PARKLANDS TRUST BILL 2021

TATTOO PARLOURS AMENDMENT (STATUTORY REVIEW) BILL 2021

MOTOR SPORTS BILL 2022

MAJOR EVENTS AMENDMENT BILL 2022

HOME BUILDING AMENDMENT (MEDICAL GAS LICENSING) BILL 2022

PUBLIC INTEREST DISCLOSURES BILL 2021

CONSTITUTION AMENDMENT (VIRTUAL ATTENDANCE) BILL 2021

Assent

The PRESIDENT: I report receipt of messages from the Governor notifying Her Excellency's assent to the bills.

Announcements

DEATH OF THE HON. JOHN HUGHES JOBLING, A FORMER MEMBER OF THE LEGISLATIVE COUNCIL

The PRESIDENT (14:32): I announce the death on 7 April 2022 of the Hon. John Hughes Jobling, AM, aged 84 years, a member of this House from 1984 to 2003. On behalf of the House, I have extended to his family the deep sympathy of the Legislative Council in the loss sustained.

Members and officers of the House stood in their places as a mark of respect.

Members

LEGISLATIVE COUNCIL VACANCY

The PRESIDENT: I report receipt of a communication from the Official Secretary to His Excellency the Governor following the resignation of Mr David Shoebridge. I inform the House that the Official Secretary's communication has been acknowledged and that an entry regarding the resignation of Mr David Shoebridge has been made in the Register of Members of the Legislative Council.

LEGISLATIVE COUNCIL VACANCY

The PRESIDENT: I report receipt of a message from Her Excellency the Governor convening a joint sitting of the members of the Legislative Council and the Legislative Assembly for the purpose of the election of a person to fill the seat in the Legislative Council vacated by Mr David Shoebridge. I announce that members shall assemble for such purpose on Thursday 12 May 2022 at 10:30 a.m.

Documents

LAW ENFORCEMENT CONDUCT COMMISSION

Reports

The PRESIDENT: According to the Law Enforcement Conduct Commission Act 2016, I table a report of the Law Enforcement Conduct Commission entitled *Operation Kimbla: Report to Parliament pursuant to*

section 132 (3) of the Law Enforcement Conduct Commission Act 2016, dated April 2022, received out of session and authorised to be made public on 5 April 2022.

The Hon. DAMIEN TUDEHOPE: I move:

That the report be printed.

Motion agreed to.

NSW OMBUDSMAN

Reports

The PRESIDENT: According to the Ombudsman Act 1974, I table a special report of the NSW Ombudsman entitled *The Ombudsman's jurisdiction to investigate when there are related court proceedings*, dated 4 May 2022, received out of session and authorised to be made public on 4 May 2022.

The Hon. DAMIEN TUDEHOPE: I move:

That the report be printed.

Motion agreed to.

REGISTER OF DISCLOSURES

The PRESIDENT: In accordance with the Constitution (Disclosures by Members) Regulation 1983, I table a copy of the Register of Disclosures by Members of the Legislative Council: Supplementary Ordinary Returns for the period 1 July 2021 to 31 December 2021, and the Discretionary Returns submitted since October 2021, furnished to me by the Clerk.

The Hon. DAMIEN TUDEHOPE: I move:

That the document be printed.

Motion agreed to.

Bills

STATE REVENUE AND FINES LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2022

RACING AND GAMBLING LEGISLATION AMENDMENT BILL 2022

First Reading

Bills received from the Legislative Assembly, and read a first time and ordered to be printed on motion by the Hon. Damien Tudehope.

The Hon. DAMIEN TUDEHOPE: I move:

That the bills be read a first time and printed, standing orders be suspended according to sessional order for remaining stages and the second readings of the bills be set down as orders of the day for a later hour.

Motion agreed to.

ROADS AND CRIMES LEGISLATION AMENDMENT BILL 2022

Messages

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

Commemorations

BICENTENARY OF THE LEGISLATIVE COUNCIL

The PRESIDENT (14:38): I am pleased to advise that on 30 April 2022 the Legislative Council hosted a very special event which critically examined the legacy of Major General Lachlan Macquarie, CB, who served as the fifth Governor of New South Wales. The event comprised a full day of re-enactments of Parliamentary debates, a mock trial of Governor Macquarie and a dinner book launch of *Judging the Macquaries* by acclaimed author Reverend Dr John Harris. I inform the House that the event was the first of a number of formal events scheduled to celebrate the bicentenary of the Legislative Council of New South Wales, marking 200 years since the council was established in 1823 and first sat in 1824.

As members will be aware, Governor Macquarie was a central and influential figure in our early colonial history and his 12-year reign as Governor was the subject of the big report which directly led to the establishment

of the Legislative Council through the passage of the New South Wales Act through the United Kingdom Parliament in 1823. I congratulate and commend the staff and students from Alphacrucis College, Campion College, the Lachlan Macquarie Institute and Burrundi Theatre for Performing Arts for a powerful theatrical performance and a stunning, innovative and unique educational event.

Committees

LEGISLATION REVIEW COMMITTEE

Reports

Ms ABIGAIL BOYD: I table a report of the Legislation Review Committee entitled *Legislation Review Digest No. 42/57*, dated 10 May 2022. I move:

That the report be printed.

Motion agreed to.

SELECTION OF BILLS COMMITTEE

Reports

The Hon. SCOTT FARLOW: I table report No. 58 of the Selection of Bills Committee, dated 10 May 2022. I move:

That the report be printed.

Motion agreed to.

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

That the following bills not be referred to a standing committee for inquiry and report this day:

- (a) Racing and Gambling Legislation Amendment Bill 2022;
- (b) State Insurance and Care Legislation Amendment Bill 2022;
- (c) Water Management Amendment (No Compensation for Floodplain Harvesting Licences) Bill 2022; and
- (d) Work Health and Safety (Mines and Petroleum Sites) Amendment Bill 2022.

Motion agreed to.

PRIVILEGES COMMITTEE

Reports

The Hon. PETER PRIMROSE: I table report No. 87 of the Privileges Committee entitled *Consideration of disputed claims of privilege as referred by the House*, dated May 2022. I move:

That the report be printed.

Motion agreed to.

Documents

AUDITOR-GENERAL

Reports

The CLERK: According to the Government Sector Audit Act 1983, I announce receipt of the following reports of the Auditor-General:

- (1) Financial Audit Report entitled *Treasury 2021*, dated 20 April 2022, received out of session and authorised to be printed on 20 April 2022.
- (2) Financial Audit Report entitled *Transport 2021*, dated 6 May 2022, received out of session and authorised to be printed on 6 May 2022.
- (3) Performance Audit Report entitled *Building regulation: combustible external cladding*, dated 13 April 2022, received out of session and authorised to be printed on 13 April 2022.
- (4) Performance Audit Report entitled *Facilitating and administering Aboriginal land claim processes*, dated 28 April 2022, received out of session and authorised to be printed on 28 April 2022.
- (5) Performance Audit Report entitled *Police responses to domestic and family violence*, dated 4 April 2022, received out of session and authorised to be printed on 4 April 2022.

*Committees***SELECT COMMITTEE ON THE IMPACT OF TECHNOLOGICAL AND OTHER CHANGE ON THE FUTURE OF WORK AND WORKERS IN NEW SOUTH WALES****Reports**

The CLERK: According to standing order, I announce receipt of report No. 1 of the Select Committee on the Impact of Technological and Other Change on the Future of Work and Workers in New South Wales entitled *Impact of technological and other change on the future of work and workers in New South Wales: First report – The gig economy*, dated April 2022, together with transcripts of evidence, submissions, tabled documents, minutes of proceedings, a discussion paper, correspondence and answers to questions on notice and supplementary questions, received out of session and authorised to be printed on 6 April 2022.

The Hon. DANIEL MOOKHEY (14:43): I move:

That the House take note of the report.

Debate adjourned.

PORTFOLIO COMMITTEE NO. 4 - CUSTOMER SERVICE AND NATURAL RESOURCES**Reports**

The CLERK: According to standing order, I announce receipt of report No. 51 of Portfolio Committee No. 4 – Customer Service and Natural Resources entitled *Electronic Conveyancing (Adoption of National Law) Amendment Bill 2022*, dated April 2022, together with transcripts of evidence, submissions, online questionnaire responses, tabled documents, correspondence and answers to questions on notice, received out of session and authorised to be printed on 8 April 2022.

*Bills***ELECTRONIC CONVEYANCING (ADOPTION OF NATIONAL LAW) AMENDMENT BILL 2022****First Reading**

According to the resolution of the House of 22 February 2022, bill read a first time and ordered to be printed on motion by the Hon. Damien Tudehope.

The Hon. DAMIEN TUDEHOPE: I move:

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

Motion agreed to.

The Hon. DAMIEN TUDEHOPE: I move:

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

Motion agreed to.

*Committees***PUBLIC ACCOUNTABILITY COMMITTEE****Reports**

The CLERK: According to standing order, I announce receipt of report No. 13 of the Public Accountability Committee entitled *Transport Asset Holding Entity*, dated April 2022, together with transcripts of evidence, submissions, tabled documents, correspondence and answers to questions taken on notice, received out of session and authorised to be printed on 8 April 2022.

The Hon. DANIEL MOOKHEY (14:46): I move:

That the House take note of the report.

Debate adjourned.

SELECT COMMITTEE ON THE CORONIAL JURISDICTION IN NEW SOUTH WALES**Reports**

The CLERK: According to standing order, I announce receipt of report No. 1 of the Select Committee on the Coronial Jurisdiction in New South Wales entitled *Coronial Jurisdiction in New South Wales*, dated April

2022, together with transcripts of evidence, submissions, tabled documents, correspondence and answers to questions taken on notice, received out of session and authorised to be printed on 29 April 2022.

The Hon. ADAM SEARLE (14:47): I move:

That the House take note of the report.

Debate adjourned.

PORTFOLIO COMMITTEE NO. 2 - HEALTH

Reports

The CLERK: According to standing order, I announce receipt of report No. 57 of Portfolio Committee No. 2 - Health entitled *Health outcomes and access to health and hospital services in rural, regional and remote New South Wales*, dated May 2022, together with transcripts of evidence, submissions, tabled documents, correspondence, answers to questions taken on notice and supplementary questions, received out of session and authorised to be printed on 5 May 2022.

The Hon. GREG DONNELLY (14:48): I move:

That the House take note of the report.

Debate adjourned.

PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT

Government Response

The CLERK: According to standing order, I announce receipt of the Government response to report No. 11 of Portfolio Committee No. 7 – Planning and Environment entitled *Health and Wellbeing of Kangaroos and Other Macropods in New South Wales*, tabled on 15 October 2021, received out of session and authorised to be printed on 12 April 2022.

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Government Response

The CLERK: According to standing order, I announce receipt of the Government response to report No. 3/57 of the Committee on Children and Young People entitled *2021 Review of the annual reports and other matters of the Office of the Advocate for Children and Young People and the Office of the Children's Guardian*, tabled on 25 October 2021, received out of session and authorised to be printed on 22 April 2022.

PUBLIC ACCOUNTABILITY COMMITTEE

Government Response

The CLERK: According to standing order, I announce receipt of the Government response to report No. 7 of the Public Accountability Committee entitled *Budget process for independent oversight bodies and the Parliament of New South Wales – Final Report*, tabled on 5 February 2021, received out of session and authorised to be printed on 9 May 2022.

Documents

WARRAGAMBA DAM WALL

Correspondence

The CLERK: According to the resolution of the House of 23 March 2022, I table correspondence relating to a further order for papers regarding the raising of the Warragamba Dam wall, received on Wednesday 6 April 2022 from the Secretary of the Department of Premier and Cabinet, stating that the relevant departments hold no documents covered by the terms of the resolution and lawfully required to be provided.

GOVERNMENT GRANTS

Return to Order

The CLERK: According to the resolution of the House of 23 February 2022, I table additional documents relating to an order for papers regarding approvals and conflicts of interest declarations for various grants, received on Monday 11 April 2022 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents dated Monday 11 April 2022 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.

SUSPECT TARGET MANAGEMENT PROGRAM POLICY**Return to Order**

The CLERK: According to the resolution of the House of 23 March 2022, I table documents relating to an order for papers regarding the Suspect Target Management Program Policy, received on Monday 11 April 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents dated Monday 11 April 2022 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.

Return to Order

The CLERK: According to the resolution of the House of 23 March 2022, I table additional documents relating to an order for papers regarding the Suspect Target Management Program Policy, received on Wednesday 13 April 2022 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

ANIMAL WELFARE REFORM - ISSUES PAPER**Return to Order**

The CLERK: According to the resolution of the House of 23 February 2022, I table documents relating to an order for papers regarding the New South Wales Animal Welfare Reform – Issues Paper, received on Monday 11 April 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

RESOURCES FOR REGIONS PROGRAM**Further Return to Order**

The CLERK: According to the resolution of the House of 23 February 2022, I table additional documents relating to a further order for papers regarding the Resources for Regions program, received on Wednesday 13 April 2022 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents dated Wednesday 13 April 2022 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.

MEMBER FOR KIAMA**Return to Order**

The CLERK: According to the resolution of the House of 24 March 2022, I table documents relating to an order for papers regarding the member for Kiama, received on Thursday 14 April 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents dated Thursday 14 April 2022 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.

Return to Order

The CLERK: According to the resolution of the House of 24 March 2022, I table additional documents relating to an order for papers regarding the member for Kiama, received on Wednesday 20 April 2022 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents dated Wednesday 20 April 2022 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.

Return to Order

The CLERK: According to the resolution of the House of 24 March 2022, I table additional documents relating to an order for papers regarding the member for Kiama, received on Wednesday 4 May 2022 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents dated Wednesday 4 May 2022 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.

FRIENDLYJORDIES YOUTUBE CHANNEL**Return to Order**

The CLERK: According to the resolution of the House of 23 March 2022, I table documents relating to an order for papers regarding FriendlyJordies, received on Thursday 14 April 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents dated Thursday 14 April 2022 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.

COVID-19 EXPENDITURE**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 23 March 2022, I table documents relating to an order for papers regarding COVID-19 cost centres and expenditure, received on Thursday 14 April 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Return to Order

The CLERK: I table additional documents relating to an order for papers regarding COVID-19 cost centres and expenditure, received on Thursday 21 April 2022 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

ANIMAL RESEARCH**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 animal research, received on Thursday 14 April 2022 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents dated Thursday 14 April 2022 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.

DUNGOWAN DAM, WYANGALA DAM AND MOLE RIVER DAM**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 23 February 2022, I table additional documents relating to an order for papers regarding Dungowan Dam, Wyangala Dam and Mole River Dam, received on Thursday 14 April 2022 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents dated Thursday 14 April 2022 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.

SHARK PROGRAMS**Return to Order**

The CLERK: According to the resolution of the House of Wednesday Tuesday 22 March 2022, I table documents relating to an order for papers regarding shark programs in New South Wales, received on Tuesday 19 April 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents dated Tuesday 19 April 2022 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**Correspondence**

The CLERK: According to the resolution of the House of Wednesday 30 March 2022, I table correspondence relating to a further order for papers regarding renewable energy zones in New South Wales, received on Thursday 21 April 2022 from the Secretary of the Department of Premier and Cabinet, stating that the Office of the Treasurer, and Minister for Energy, Treasury, and the Department of Planning and Environment have been unable to provide returns by the due date and that returns will be provided as soon as possible.

Further Return to Order

The CLERK: According to the resolution of the House of Wednesday 30 March 2022, I table documents relating to a further order for papers regarding renewable energy zones in New South Wales, received on Thursday 28 April 2022 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

STATE CONCERT MUSICIAN FEES**Correspondence**

The CLERK: According to the resolution of the House of Wednesday 24 November 2021, I table correspondence relating to an order for papers regarding the minimum fee requirement for musicians, received on Thursday 21 April 2022 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, stating that the Office of the Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth hold no documents covered by the terms of the resolution and lawfully required to be provided.

POWERHOUSE PARRAMATTA**Correspondence**

The CLERK: According to the resolution of the House of Wednesday 24 November 2021, I table correspondence relating to an order for papers regarding the construction of the Parramatta Powerhouse Museum, received on Thursday 21 April 2022 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, stating that the Office of the Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth hold no documents covered by the terms of the resolution and lawfully required to be provided.

ERARING POWER STATION**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 30 March 2022, I table documents relating to an order for papers regarding the Eraring Power Station, received on Thursday 21 April 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

PARK'NPAY APP**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 24 November 2021, I table additional documents relating to an order for papers regarding the Park'nPay app, received on Friday 22 April 2022 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying additional documents received on Friday 22 April 2022 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.

TRANSPORT FOR NSW ASSET MANAGEMENT PLANS**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 30 March 2022, I table documents relating to an order for papers regarding the asset and services plan for Transport for NSW, received on Tuesday 26 April 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of the documents.

MINISTRY OF HEALTH ASSET MANAGEMENT POLICIES**Correspondence**

The CLERK: According to the resolution of the House of Wednesday 23 March 2022, I table correspondence relating to an order for papers regarding asset management policies for the Ministry of Health, received on Tuesday 26 April 2022 from the Secretary of the Department of Premier and Cabinet, stating that the relevant departments hold no documents covered by the terms of the resolution.

BRUMBIES IN KOSCIUSZKO NATIONAL PARK**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 30 March 2022, I table documents relating to an order for papers regarding brumbies in Kosciuszko National Park, received on Tuesday 26 April 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying documents received on Tuesday 26 April 2022 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.

PREMIERSTATE**Correspondence**

The CLERK: According to the resolution of the House of Wednesday 30 March 2022, I table correspondence relating to an order for papers regarding PremierState, received on Thursday 28 April 2022 from the Secretary of the Department of Premier and Cabinet, stating that the relevant departments hold no documents covered by the terms of the resolution and that the Library Council of New South Wales, Multicultural NSW and the Parliamentary Counsel's Office have been unable to provide a return by the due date and will provide a return as soon as possible.

SOUTHERN HIGHLANDS REGIONAL SHOOTING COMPLEX**Further Return to Order**

The CLERK: According to the resolution of the House of Wednesday 23 March 2022, I table documents relating to a further order for papers regarding the Southern Highlands Regional Shooting Complex, received on Tuesday 3 May 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received on Tuesday 3 May 2022 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.

SCHOOL INFRASTRUCTURE NSW**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 30 March 2022, I table documents relating to an order for papers regarding figures on certain School Infrastructure NSW projects from 2014, received on Tuesday 3 May 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received on Tuesday 3 May 2022 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.

Return to Order

The CLERK: According to the resolution of the House of Wednesday 30 March 2022, I table additional documents relating to an order for papers regarding figures on certain School Infrastructure NSW projects from 2014, received on Friday 6 May 2022 from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying additional documents received on Friday 6 May 2022 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.

**DEPARTMENT OF COMMUNITIES AND JUSTICE AND NSW POLICE FORCE ASSET
MANAGEMENT POLICIES****Return to Order**

The CLERK: According to the resolution of the House of Wednesday 30 March 2022, I table documents relating to an order for papers regarding asset management policies for the Department of Communities and Justice and NSW Police Force, received on Wednesday 4 May 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

FIREARMS POLICIES AND PROPOSALS**Correspondence**

The CLERK: According to the resolution of the House of Wednesday 30 March 2022, I table correspondence relating to an order for papers regarding firearm policies and policy proposals, received on Thursday 5 May 2022 from the Secretary of the Department of Premier and Cabinet, stating that the Office of the Deputy Premier, Minister for Regional New South Wales, and Minister for Police hold no documents covered by the terms of the resolution.

GOVERNMENT ASSETS**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 30 March 2022, I table documents relating to an order for papers regarding the potential sale of government assets, received on Monday 9 May 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying additional documents received on Monday 9 May 2022 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.

DEPARTMENT OF EDUCATION ASSET MANAGEMENT**Return to Order**

The CLERK: According to the resolution of the House of Wednesday 30 March 2022, I table documents relating to an order for papers regarding asset management policies for education, received on Monday 9 May 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

CROWN CEMETERIES**Dispute of Claim of Privilege**

The PRESIDENT: I inform the House that, as reported in the House on Tuesday 22 March 2022, the Hon. Keith Mason, AC, QC, reviewed the submissions received regarding the dispute and provided a memorandum to the Clerk requesting further information from the Department of Premier and Cabinet and Mr David Shoebridge within 14 days.

I further inform the House that on Tuesday 22 March 2022 the Clerk received correspondence from Mr David Shoebridge advising that he continued to progress the dispute. On Monday 4 April 2022 and Wednesday 6 April 2022 the Clerk further received correspondences from the Acting Executive Director of the Department of Premier and Cabinet maintaining the claim of privilege over the disputed documents.

Report of Independent Legal Arbiter

The CLERK: I announce receipt of the report of the Independent Legal Arbiter, dated 6 April 2022. I further announce that, according to the resolution of the House of Thursday 6 August 2020, which authorised the Privileges Committee, whilst the House was not sitting, to undertake the role usually performed by the House in dealing with reports of the Independent Legal Arbiter on disputed claims of privilege:

- (1) The report of the Independent Legal Arbiter, dated 6 April 2022, was referred to the Privileges Committee.
- (2) On Tuesday 12 April 2022, the Privileges Committee resolved that the report of the Independent Legal Arbiter be made public that day, and according to resolution of the House of Thursday 6 August 2020, the report is deemed to have been presented to the House and published by authority of the House.
- (3) On Friday 22 April 2022, the Privileges Committee resolved the following:

That, in view of the report of the Independent Legal Arbiter, the Hon. Keith Mason AC QC, on the disputed claim of privilege regarding cemeteries, dated 6 April 2022, the committee orders that the following documents provided by the Minister for Planning and Public Spaces received by the Clerk on 22 December 2021, considered by the Independent Legal Arbiter not to be privileged, be published:

 - (a) Email from Ms Shearer to the Attorney General, dated 27 October 2021, and the attached letter from the Office of OneCrown Cemeteries of the same date; and
 - (b) Letter from Carroll and O'Dea Solicitors to Ms Shearer, dated 26 October 2021, and the attached Memorandum of Advice from Anthony Cheshire SC and Alistair Oakes, dated 25 October 2021.

According to the resolution of the Privileges Committee of 22 April 2022, the documents referred to in paragraphs (a) and (b) of the resolution are deemed to have been presented to the House and published by authority of the House that day.

CROWN TOWERS, BARANGAROO**Dispute of Claim of Privilege**

The PRESIDENT: I inform the House that, as reported in the House on Tuesday 22 March 2022, the Hon. Alan Robertson, SC, was appointed as Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege on certain documents lodged with the Clerk on Wednesday 9 February 2022 relating to an order for papers regarding sight lines for the proposed Crown Towers, Barangaroo, and the Clerk released the disputed documents to Mr Robertson. I further inform the House that Mr Robertson requested to meet with the Hon. Anthony D'Adam and Infrastructure NSW representatives regarding the dispute, and meetings took place at Parliament House on Wednesday 6 April 2022.

Report of Independent Legal Arbiter

The CLERK: I announce receipt of the interim report of the Independent Legal Arbiter, dated 8 April 2022. I further announce, according to the resolution of the House of Thursday 6 August 2020, which authorised the Privileges Committee, whilst the House was not sitting, to undertake the role usually performed by the House in dealing with reports of the Independent Legal Arbiter on disputed claims of privilege, that:

- (1) The interim report of the Independent Legal Arbiter, dated 8 April 2022, was referred to the Privileges Committee.

- (2) On Tuesday 12 April 2022, the Privileges Committee resolved that the interim report of the Independent Legal Arbiter be made public that day. According to resolution of the House of Thursday 6 August 2020, the report is deemed to have been presented to the House and published by authority of the House.
- (3) On Friday 22 April 2022, the Privileges Committee resolved the following:
 - (1) That, in view of the interim report of the Independent Legal Arbiter, the Hon. Alan Robertson SC, on the disputed claim of privilege regarding sight lines for the proposed Crown Towers, Barangaroo, dated 8 April 2022, the committee orders that those documents or sections of the Infrastructure NSW documents received by the Clerk on 9 February 2022 and identified in the Schedule attached to the report, considered by the Independent Legal Arbiter not to be privileged, be returned to the Clerk within 7 days subject to redaction of mobile telephone numbers, as recommended by the Independent Legal Arbiter.
 - (2) That on receipt, the redacted documents be published.

I further announce that Infrastructure NSW lodged the redacted documents on Friday 29 April 2022. According to the resolution of the Privileges Committee, the documents are deemed to have been presented to the House and published by authority of the House on 29 April 2022.

WESTERN LANDS LEASE CONVERSION PROGRAM

Dispute of Claim of Privilege

The PRESIDENT: I inform the House that, as reported in the House on Tuesday 29 March 2022, the Hon. Keith Mason, AC, QC, was appointed as Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege on certain documents lodged with the Clerk on Wednesday 16 March 2022 relating to an order for papers regarding the western lands lease conversion program, and the Clerk released the disputed documents to Mr Mason.

Report of Independent Legal Arbiter

The CLERK: I announce receipt of the report of the Independent Legal Arbiter, dated 4 April 2022. I further announce, according to the resolution of the House of Thursday 6 August 2020, which authorised the Privileges Committee, whilst the House was not sitting, to undertake the role usually performed by the House in dealing with reports of the Independent Legal Arbiter on disputed claims of privilege, that:

- (1) The report of the Independent Legal Arbiter, dated 4 April 2022, was referred to the Privileges Committee.
- (2) On Tuesday 12 April 2022, the Privileges Committee resolved that the report of the Independent Legal Arbiter be made public that day. According to resolution of the House of Thursday 6 August 2020, the report is deemed to have been presented to the House and published by authority of the House.
- (3) On Friday 22 April 2022, the Privileges Committee resolved the following:
 - (1) That, in view of the report of the Independent Legal Arbiter, the Hon. Keith Mason AC QC, on the disputed claim of privilege regarding the Western Lands Lease Conversion Program, dated 4 April 2022, the committee orders that all Department of Planning and Environment documents received by the Clerk on 16 March 2022, considered by the Independent Legal Arbiter not to be privileged, be returned to the Clerk within 7 days, subject to the redaction of all contact details including phone numbers, email addresses, signatures and addresses, with the exception of the names of the applicant lessees.
 - (2) That on receipt, the redacted documents be published.

I further announce that the Department of Planning and Environment lodged the redacted documents on Friday 29 April 2022. According to the resolution of the Privileges Committee, the documents are deemed to have been presented to the House and published by authority of the House on 29 April 2022.

HEALTH FUNDING AND HEALTH INFRASTRUCTURE

Dispute of Claim of Privilege

The PRESIDENT: I inform the House that, as reported in the House on Thursday 31 March 2022, the Hon. Keith Mason, AC, QC, was appointed as Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege on certain documents lodged with the Clerk on Friday 18 March 2022 relating to an order for papers regarding health funding and health infrastructure commitments, and the Clerk released the disputed documents to Mr Mason.

Report of Independent Legal Arbiter

The CLERK: I announce receipt of the report of the Independent Legal Arbiter, dated 4 April 2022. I further announce, according to the resolution of the House of Thursday 6 August 2020, which authorised the Privileges Committee, whilst the House was not sitting, to undertake the role usually performed by the House in dealing with reports of the Independent Legal Arbiter on disputed claims of privilege, that:

- (1) The report of the Independent Legal Arbiter, dated 4 April 2022, was referred to the Privileges Committee.

- (2) On Tuesday 12 April 2022, the Privileges Committee resolved that the report of the Independent Legal Arbiter be made public that day. According to the resolution of the House of Thursday 6 August 2020, the report is deemed to have been presented to the House and published by authority of the House.
- (3) On Friday 22 April 2022, the Privileges Committee resolved the following:

That, in view of the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, on the disputed claim of privilege regarding health funding and health infrastructure commitments, dated 4 April 2022, the committee orders that the following documents received by the Clerk on 18 March 2022, considered by the Independent Legal Arbiter not to be privileged, be published:

 - (a) Office of the Minister for Health document numbered (a)1, and
 - (b) NSW Ministry of Health document numbered (a)1."

According to the resolution of the Privileges Committee, the documents referred to in paragraphs (a) and (b) of its resolution are deemed to have been presented to the House and published by authority of the House that day.

TRANSPORT ASSET HOLDING ENTITY OF NEW SOUTH WALES

Dispute of Claim of Privilege

The PRESIDENT: I inform the House that, as reported in the House on Thursday 31 March 2022, the Hon. Keith Mason, AC, QC, was appointed as Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege on certain documents lodged with the Clerk on Thursday 24 March 2022 relating to a further order for papers regarding the Transport Asset Holding Entity of New South Wales, and the Clerk released the disputed documents to Mr Mason.

I further inform the House that on Friday 1 April 2022, the Clerk had received from the Hon. Daniel Mookhey a further dispute as to the validity of a claim of privilege on additional documents lodged with the Clerk on 31 March 2022. According to standing order, Mr Mason was appointed as an Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege, and the Clerk released the additional disputed documents to Mr Mason.

Report of Independent Legal Arbiter

The CLERK: I announce receipt of two reports of the Independent Legal Arbiter, dated 4 April 2022 and 6 April 2022. I further announce, according to the resolution of the House of Thursday 6 August 2020, which authorised the Privileges Committee, whilst the House was not sitting, to undertake the role usually performed by the House in dealing with reports of the Independent Legal Arbiter on disputed claims of privilege, that:

- (1) The reports of the Independent Legal Arbiter, dated 4 April 2022 and 6 April 2022, were referred to the Privileges Committee.
- (2) On Tuesday 12 April 2022, the Privileges Committee resolved that the reports of the Independent Legal Arbiter be made public that day. According to the resolution of the House of Thursday 6 August 2020, the reports are deemed to have been presented to the House and published by authority of the House.
- (3) On Friday 22 April 2022, the Privileges Committee resolved the following:
 - (1) That, in view of the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, on the disputed claim of privilege regarding the Transport Asset Holding Entity of New South Wales, dated 4 April 2022, the committee orders that the following documents received by the Clerk on 24 March 2022, considered by the Independent Legal Arbiter not to be privileged, be published:
 - (a) Transport Asset Holding Entity of New South Wales documents numbered 93, 95, 104, 105, 107, 108, 109 and 111.
 - (2) That, in view of the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, on the disputed claim of privilege regarding the Transport Asset Holding Entity of New South Wales, dated 6 April 2022, the committee orders that the following documents received by the Clerk on 31 March 2022, considered by the Independent Legal Arbiter not to be privileged, be published:
 - (a) NSW Treasury documents numbered (M) (iii)1, (L) 1, (G) 1 to (G) 15 and (F) 1.

According to the resolution of the Privileges Committee, the documents referred to in paragraphs (1) (a) and (2) (a) of its resolution are deemed to have been presented to the House and published by authority of the House that day.

GIG ECONOMY

Dispute of Claim of Privilege

The PRESIDENT: I inform the House that, as reported to the House on 23 March 2022, the Hon. Keith Mason, AC, QC, was appointed as Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege on certain documents lodged with the Clerk on Wednesday 22 December 2021 relating to a further

order for papers regarding Revenue NSW investigations into gig economy. The Clerk released the disputed documents to Mr Mason, who has now provided his report to the Clerk. The report is available for inspection by members of the Legislative Council only.

ANIMAL RESEARCH

Dispute of Claim of Privilege

The PRESIDENT: I inform the House that on 29 April 2022, the Clerk had received from the Hon. Emma Hurst a written dispute as to the validity of a claim of privilege on documents lodged with the Clerk on Thursday 14 April 2022 relating to animal research. According to standing order, the Hon. Keith Mason, AC, QC, was appointed as an Independent Legal Arbiter to evaluate and report as to the validity of the claim of privilege. The Clerk released the disputed documents to Mr Mason, who has now provided his report to the Clerk. The report is available for inspection by members of the Legislative Council only.

GOVERNMENT ASSETS

Variation of Order

The PRESIDENT: According to sessional order, I advise the House that on 5 April 2022 the Clerk received correspondence from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet containing a request for variation to the scope of an order for papers. I inform the House that in relation to the following order the relevant member who moved the motion for the order for papers had agreed to the request from the Department of Premier and Cabinet:

- (1) Potential sale of government assets, that the due date be 4 May 2022.

The question is that the varied terms of the order be agreed to.

Motion agreed to.

Committees

PUBLIC ACCOUNTABILITY COMMITTEE

Government Response: Noncompliance with Standing Order

The PRESIDENT: In accordance with Standing Order 233, as amended by sessional order, on 12 October 2021, 16 November 2021, 22 February 2022 and 23 March 2022 the Leader of the Government was called on to explain the reason for continued noncompliance with the requirement for a full response to each recommendation in a committee report. I inform the House that a Government response to report No. 8 of the Public Accountability Committee entitled *Integrity, efficacy and value for money of NSW Government grant programs: First report*, dated March 2021, has still not been received. I call on the Leader of the Government to address the House and explain the reason for continued noncompliance with the sessional order.

Attendance of Leader of the Government in His Place

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (14:58): I thank the House for the opportunity to again repeat that it is the Government's policy to respond to reports when they are finally provided. The Government will adhere to that process. I would make this observation: A report by Peter Achterstraat in relation to the grant funding was in fact provided to the Premier. It may have been done yesterday.

The Hon. Penny Sharpe: You dropped that one out on Saturday as quietly as you could.

The PRESIDENT: Order!

The Hon. DAMIEN TUDEHOPE: And in accordance with what is always the transparent policy of this Government, we in fact immediately release the report upon its receipt—as the Hon. Penny Sharpe would expect us to do. We immediately deliver that report and will in fact provide a response to the recommendations contained in that report, which I understand will encompass responses to grant funding generally. Hopefully, it will be delivered in a circumstance that all people, all members, will be satisfied that there is in place a process for the proper handling of grants by Parliament. In fact, the Premier has given an undertaking that he wishes to make sure that that occurs, and I anticipate that a full response along those lines will be forthcoming.

Petitions

PETITIONS RECEIVED

Voluntary Assisted Dying Bill 2021

ePetition requesting the Legislative Council pass the Voluntary Assisted Dying Bill 2021 without significant amendment or delay, received from **Ms Cate Faehrmann**.

Voluntary Assisted Dying Bill 2021

ePetition requesting the Legislative Council unanimously oppose the Voluntary Assisted Dying Bill 2021 and reject it in any form, received from **the Hon. Greg Donnelly**.

Companion Animals Amendment (Puppy Farm) Bill 2021

ePetition requesting the Legislative Council reject the Companion Animals Amendment (Puppy Farm) Bill 2021 and rigorously examine the proposals contained in the bill, received from **the Hon. Mark Banasiak**.

Main North Line

ePetition requesting the Legislative Council reject any bill to close any part of the Main North Line from Armidale to Wallangarra and that ownership of the line by the Transport Asset Holding Entity be maintained with full legal protection of the railway, received from **the Hon. Catherine Cusack**.

Helium Balloons

ePetition requesting the Legislative Council amend the Protection of the Environment Operations Amendment (Balloons) Act 2000 No. 82 to prevent the release of helium-filled balloons, received from **Ms Cate Faehrmann**.

Personal Explanation

REVEREND THE HON. FRED NILE

Reverend the Hon. FRED NILE (15:42): By leave: I inform the Chamber that as of 4.00 p.m. on 29 March 2022 the Christian Democratic Party was liquidated by the Supreme Court of New South Wales. As such, I am no longer a part of the Christian Democratic Party – Fred Nile Group. For the time being I will continue to serve the people of New South Wales as an Independent. Recently I have also recovered from COVID-19, but God did not call me. Obviously I have more work to do here in Parliament. I thank the House.

Business of the House

POSTPONEMENT OF BUSINESS

Ms CATE FAEHRMANN: I move:

That business of the House notice of motion No. 1 be postponed until Tuesday 7 June 2022.

Motion agreed to.

The Hon. DAMIEN TUDEHOPE: I move:

That business of the House notice of motion No. 2 be postponed until Tuesday 17 May 2022.

Motion agreed to.

Committees

PORTFOLIO COMMITTEE NO. 3 - EDUCATION

Membership

The PRESIDENT: I inform the House that the Clerk received advice from the Leader of the Government advising of the following change to the membership of the committee:

Ms Abigail Boyd in place of Mr David Shoebridge.

STANDING COMMITTEE ON LAW AND JUSTICE

Membership

The PRESIDENT: I inform the House that the Clerk received advice from the Leader of the Government advising of the following change to the membership of the committee:

Ms Abigail Boyd in place of Mr David Shoebridge.

PORTFOLIO COMMITTEE NO. 5 - REGIONAL NSW AND STRONGER COMMUNITIES**Membership**

The PRESIDENT: I inform the House that following the resignation of Mr David Shoebridge nominations were sought for one crossbench member to be appointed to Portfolio Committee No. 5 – Regional NSW and Stronger Communities. According to the resolution of the House relating to the establishment of committees, I advise that crossbench members have not reached agreement about representation on the committee. The following members have written to the Clerk nominating themselves for crossbench membership of the committee: Ms Cate Faehrmann and the Hon. Rod Roberts. In the absence of such agreement, representation will be determined by the House.

Ballot

The Hon. DAMIEN TUDEHOPE: I move:

That the crossbench member to serve on Portfolio Committee No. 5 – Regional NSW and Stronger Communities be chosen by ballot in accordance with Standing Order 135.

Motion agreed to.

The President informed members of the procedure to be adopted for the conduct of the ballot pursuant to Standing Order 135.

[The ballot was conducted.]

Declaration of Ballot

The PRESIDENT: I declare Ms Cate Faehrmann, having received the greater number of votes in the ballot, as the crossbench member of Portfolio Committee No. 5 – Regional NSW and Stronger Communities.

PUBLIC ACCOUNTABILITY COMMITTEE**Membership**

The PRESIDENT: I inform the House that following the resignation of Mr David Shoebridge, nominations were sought for one crossbench member to be appointed to the Public Accountability Committee. According to the resolution of the House relating to the establishment of committees, I advise that crossbench members have not reached agreement about representation on the committee. The following members have written to the Clerk nominating themselves for crossbench membership of the committee: Ms Cate Faehrmann, Mr Justin Field and the Hon. Mark Latham.

Mr JUSTIN FIELD: I withdraw my nomination.

The PRESIDENT: I confirm that the following members are nominated for crossbench membership of the committee: Ms Cate Faehrmann and the Hon. Mark Latham. In the absence of such agreement, representation will be determined by the House.

Ballot

The Hon. DAMIEN TUDEHOPE: I move:

That the crossbench member to serve on the Public Accountability Committee be chosen by ballot in accordance with Standing Order 135.

Motion agreed to.

The President informed members of the procedure to be adopted for the conduct of the ballot pursuant to Standing Order 135.

[The ballot was conducted.]

Declaration of Ballot

The PRESIDENT: I declare Ms Cate Faehrmann, having received the greater number of votes in the ballot, as the crossbench member of the Public Accountability Committee.

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

*Questions Without Notice***GOVERNMENT GRANTS**

The Hon. PENNY SHARPE (16:06): My question without notice is directed to the Leader of the Government, and Minister for Finance, and Minister for Employee Relations. Given the report entitled *Review of grants administration in NSW*, which was released on Saturday, criticised the Government's administration of grants, will the Government implement the report's recommendations before the issuing of any new grants?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:07): I thank the member for her question. In fact, it is interesting that it arises in circumstances where I have previously given an indication that the Government will give a full response to Mr Achterstraat's report in relation to grants.

The Hon. Penny Sharpe: That's not the question though.

The Hon. DAMIEN TUDEHOPE: Let me look at the question. The member suggests that I am not answering the question.

The Hon. Penny Sharpe: You are not answering the question.

The Hon. DAMIEN TUDEHOPE: Always I want to make sure that I supply appropriate answers to questions asked by the Leader of the Opposition. The Premier is on record as saying that the Government will be delivering a response in relation to the report on grants when it is appropriate. One thing that he has assured us is that there will be transparency and respect in relation to the manner in which grants will be administered and allocated by the Government. I am pleased that those opposite have an interest in this issue to make sure that the people of New South Wales get the benefit of the money that is granted. One thing that is apparent in relation to the way that the Government spends grants money is that people, not politicians, get a benefit. The way that those opposite used to operate—

The Hon. Penny Sharpe: Point of order—

The Hon. DAMIEN TUDEHOPE: The way that they used to operate is that they would line their own pockets. We in fact make sure—

The PRESIDENT: Order! The Leader of the Opposition has taken a point of order. The Minister will resume his seat.

The Hon. Penny Sharpe: Point of order: The Minister started quite well by trying to answer the question. He has now diverted from that and he is not being directly relevant to the question.

The Hon. DAMIEN TUDEHOPE: You told me I was not answering it.

The Hon. Penny Sharpe: You are still not answering the actual question but you have diverted far from any relevance whatsoever.

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

The Hon. DAMIEN TUDEHOPE: What I would be saying is that the manner in which the Government will be administering grants going forward is to make sure that there is transparency around those grants to ensure that the people of New South Wales understand and see the way that this wonderful Government makes sure that money invested by this State is invested for the benefit of the people of this State. That is the way that we will be administering because we have a commitment to making sure that the people of this State get the benefit of the money we spend. That is the way we have operated and will continue to operate in the future. To the extent that there has been a review and there have been recommendations in that review, members can be assured that the Government will respond and will give confidence to the people of New South Wales that we will be acting in their best interests.

The Hon. PENNY SHARPE (16:10): I ask the Minister a supplementary question. When will the Government respond to the report? What is the time frame for its public release and for him to tell the New South Wales public how the Government will administer grants?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:11): The Premier has received the report. The Premier will release the report.

The Hon. Penny Sharpe: You're not going to tell us.

The Hon. DAMIEN TUDEHOPE: The report will be considered by Cabinet. There will be a response prepared.

The Hon. John Graham: How many novelty cheques in the meantime?

The Hon. DAMIEN TUDEHOPE: They are all the steps that the Government will go through to make sure that we will be delivering an appropriate response so that everyone can see that we are a Government that—

The Hon. John Graham: But how many novelty cheques in the meantime—the big novelty cheques?

The PRESIDENT: Order! The Minister has the call. It has been a robust response. The Minister might like to bring it to a close.

The Hon. DAMIEN TUDEHOPE: They asked this question. They want to know when the response will be available, but they do not want the process. What we would like to say is that there will be an appropriate process to go through.

The Hon. John Graham: Novelty cheques in the mail.

The Hon. Courtney Houssos: Nothing has changed since you were shredding.

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

The Hon. DAMIEN TUDEHOPE: And the other one?

The PRESIDENT: One at a time.

The Hon. DAMIEN TUDEHOPE: You are not allowed to take the points for their breach, okay? What I would say is that we as a Government are committed to a process where we will be delivering an appropriate response to this report, and the people of New South Wales will accept that this is a Government that is committed to transparency in relation to the manner in which grants are allocated in this State.

DIVERSION PROGRAMS

The Hon. SCOTT FARLOW (16:12): My question is addressed to the Minister for Finance, and Minister for Employee Relations, and the Leader of the Government. How is the New South Wales Government using diversion programs to change behaviours and improve outcomes for the people of New South Wales?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:13): I thank the Hon. Scott Farlow for his question. Diversion is an important component of the manner in which the Government is approaching circumstances in which people are unable to pay fines and when they are unable to meet other commitments they have. There are lots of pathways in which we have invested to make sure that we divert people to a course of behaviour that gives positive outcomes. We have found that there are significant programs, including the use of work and development orders.

As at 30 April 2022 more than 111,000 vulnerable people had utilised the program, resulting in \$290.8 million in unpaid fines being resolved since the adoption of the scheme in 2011. Customers approved by Revenue NSW can resolve fines debt through completing volunteer work or training courses, or by receiving medical treatment and counselling. A recent successful initiative is the car seat diversion proof of concept—a collaboration between the NSW Police Force and Revenue NSW—which has been trialled across Macarthur, Bankstown, Blacktown, Wagga Wagga and Dubbo local government areas.

New South Wales licensed drivers who have inadequately restrained children in their cars are given the option, when pulled over by police, of taking up a diversion to install the appropriate seating and avoid the initial fine. Good program! Since the program rolled out in June 2021, 60 community members have benefited through education and safe installation of a child car seat in lieu of receiving a fine. One of those was Mohammad Mahmood, who, after being stopped by police and found not to have properly installed car seats for his three youngest daughters, chose to take up the diversion option. Within a week he had the three car seats professionally installed. Mr Mahmoud explained that a few months later, with the whole family in the car, his vehicle was hit directly by another car running a red light. He said:

It was a write-off, but no-one was injured. It was incredible. Honestly, if the seats weren't properly fitted, the outcome could have been very different.

The New South Wales Government will continue to support appropriate diversion programs for the benefit of the people of this State.

WESTCONNEX TOLLS

The Hon. JOHN GRAHAM (16:15): My question without notice is directed to the Minister for Metropolitan Roads. Given that we now know that tolls will rise on the WestConnex by more than 4 per cent, how much extra will motorists pay next year to use this tollway?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (16:16): I thank the Hon. John Graham for his ongoing interest in this Government's magnificent record in building infrastructure. Eight motorways are constructed or under construction under this Government. This is a Government that does not just announce it; we deliver it. This is done in partnership with our program, which ensures that we deliver these things to make the lives of commuters in New South Wales easier and their journeys faster and more reliable.

This Government is committed to transforming the way we move around Sydney. Our motorways network plays that vital role in getting communities where they need to go more quickly and more reliably. We know that. We are conscious of our cost of living pressures. This is a Government that not only constructs our motorways and our large infrastructure but does that together with knowing the cost of living pressures, and the cost of tolling on household budgets is something that we are addressing. That is why this Government has over 70 government rebates available for cost of living measures.

The Hon. Bronnie Taylor: How many?

The Hon. NATALIE WARD: Seventy, and a person who will assist people to access them. Of course, in New South Wales we also have the Treasury tolling review, which has commenced. It is led by Treasury and supported by Transport for NSW. We can walk and chew gum. As announced by Treasury the review is looking at a variety of different options to improve the consistency and fairness of pricing while minimising congestion on our roads. The review is, of course, considering a range of options. Those subject matter experts will be looking at that work and looking at all the options for cost of living measures, together with continuing to roll out infrastructure while ensuring that motorists—

The Hon. John Graham: Point of order: My point of order is direct relevance. I have listened to the Minister's answer. She has given some introductory remarks, but at some point I would ask you, Mr President, to draw her back to the actual question: How much more are motorists going to pay?

The PRESIDENT: The Minister will directly answer the question posed by the Hon. John Graham.

The Hon. NATALIE WARD: We have a very clear program of infrastructure, which is what we do in New South Wales by providing very clear and transparent numbers on our tolls, which can be accessed through the websites where there is relevant tolling information on any toll at any time. We are very clear about that. Tolls for the WestConnex are, of course, capped for the WestConnex full trip—the entire trip—at \$10.47.

The Hon. JOHN GRAHAM (16:18): I ask a supplementary question. Will the Minister elucidate that part of her answer right at the end when she did get to talking about tolls? By how much will tolls on the WestConnex rise on 1 January, now that inflation is spiking? How much higher will they be over the 4 per cent floor that the Government had guaranteed they would rise?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (16:19): This Government is very clear and transparent about its tolling arrangements, unlike the Opposition. The Hon. John Graham introduced a private member's bill to try to lock in tolls to increase by the CPI, ensuring that with current inflation numbers we would actually pay more than the 4 per cent. The current arrangement is either CPI or 4 per cent. In his private member's bill, the Hon. John Graham proposed a change to contracts across the tolling network to go up by CPI, which means families would pay more under a Labor government.

The Hon. DANIEL MOOKHEY (16:19): I ask a second supplementary question. At the end of her initial response, the Minister said that the toll is capped at \$10 or thereabouts. Will the Minister elucidate whether she has been advised that tolls on the WestConnex will reach \$10 next year on 1 January?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (16:20): I refer to my earlier answer. It is clear that the WestConnex trip is currently capped at \$10.47. That is the current arrangement, and the arrangements are clear under the contracts to rise by CPI or 4 per cent.

NORTH COAST WOOD SUPPLY AGREEMENTS

Mr JUSTIN FIELD (16:20): My question is directed to the Hon. Sam Farraway, representing the Minister for Agriculture. Has Forestry Corporation finalised contract extensions for any of the non-Boral North Coast wood supply agreements, which are due to expire in 2023? If not, when is Forestry Corporation expecting to finalise those negotiations?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (16:20): I thank the member for his question. The North Coast wood supply agreements are currently being finalised by Forestry Corporation and are expected to be presented to the Minister in the coming months.

SCHOOL INFRASTRUCTURE

The Hon. CATHERINE CUSACK (16:21): My question is addressed to the Minister for Education and Early Learning. What new schools and major school upgrades has the New South Wales Government delivered for public school students so far in 2022?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (16:21): I thank the member for her question. As members of the House well know, the New South Wales Government is delivering the most significant investment in building new and upgraded schools in the history of this State. Over the next four years a total of \$7.9 billion will be spent on school infrastructure, building on the \$7 billion of infrastructure already delivered over the past four years. So far in 2022, 12 school communities are enjoying the benefits of that incredible investment. I recently had the pleasure of joining the Premier, Dominic Perrottet, to officially open the new schools at the Meadowbank Education and Employment Precinct.

The Hon. Courtney Houssos: Teachers weren't happy, though, were they?

The Hon. Rose Jackson: All those teachers, the noise outside.

The Hon. SARAH MITCHELL: They were great. There were plenty of them there. Great teaching and learning is happening at those schools. The Opposition just does not like good news. The \$300 million project supported the relocation of Marsden High School and Meadowbank Public School to the Meadowbank TAFE site, where another major \$154 million project is underway to upgrade those facilities. The Meadowbank project delivered an expansion of learning spaces, with the primary school to accommodate 1,000 students, the high school to support 1,500 students and with a 120-place intensive English centre. The new schools are an incredible asset for the Ryde community and all of New South Wales. I must acknowledge that, despite COVID stopping him from being with us on the day, member for Ryde, Victor Dominello, has been a tireless advocate for the project and is due enormous credit for ensuring that it was delivered for his community.

Last week I had the opportunity to drop into the new Porters Creek Public School with the member for Terrigal, Adam Crouch, who I also think has COVID—but I am fine. The new school opened in term one and has been built to accommodate up to 460 students, with the first cohort of kids enjoying the new facilities. Term one also saw completion of projects to deliver 18 new learning spaces at Croydon Public School, 20 new learning spaces at Dapto Public School, 17 new learning spaces at Kyeemagh Public School, and 17 new learning spaces at Lake Cathie Public School. The redevelopment of Alexandria Park Community School was also delivered in term one. From the start of term two, Fairvale High School students now have access to 30 new learning spaces, and 24 new learning spaces have been delivered at Greystanes Public School. The Government is delivering not only new learning spaces but also new covered outdoor learning areas, administration areas and canteens, and the refurbishment of existing spaces.

We have also delivered a new hall at Jamison High School, with the member for Penrith, Stuart Ayres, stepping onto the court to witness student Cooper repeat his efforts to score the first three-pointer on the new basketball court. I am especially pleased to see completion of the Passfield Park School redevelopment in term one. The new purpose-built facilities will support local students for years to come. Across New South Wales our students and families are seeing the benefits of this Government's investment in new and upgraded schools. Despite the challenges of drought, bushfires, floods and the pandemic, we have kept building infrastructure, including 12 new schools already in 2022, worth a total of \$690 million, building on the 125 new and upgraded schools since 2019.

ANIMAL FRIENDLY DOMESTIC AND FAMILY VIOLENCE REFUGES

The Hon. EMMA HURST (16:24): My question is directed to the Minister for Women's Safety and the Prevention of Domestic and Sexual Violence. Last week the Government announced it was rolling out \$426 million in funding grants to enable domestic violence services to set up and operate a new model for women's refuges in New South Wales. Will the Minister advise if the new model will include provision for some refuges to be animal friendly, noting the well-known link between domestic violence and animal abuse and the difficulties faced by women fleeing domestic violence with companion animals?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (16:25): I thank the honourable member for her question and her interest in this area, which I appreciate. One of this Government's priorities is to provide further funding to this area. We are providing record State funding of \$484.3 million. The provision of additional shelters for

women demonstrates our commitment to ensuring that women and children have a safe place to go to escape domestic violence and to heal during that time. Obviously that program is presently underway, and we are undertaking steps to co-design the program with the sector, looking at opportunities for innovative approaches to encourage the sector to come forward and tell us about what opportunities might exist in areas that presently do not have the number of services available that we would like.

As part of the program, we will look at opportunities to provide a range of services that might assist with healing, recognising that the subject matter of the honourable member's question concerns one of those services. It might well assist with each of those service providers. I can indicate that is with those service providers providing what they can additionally to the existing services, and it might be something that we can look at in a range of those. At the moment the existing program is available in the three tranches that we have announced. I was pleased to launch the opening of expressions of interest, and they will remain open until June. We welcome opportunities for service providers to come forward and let us know where we can assist, knowing that a further two tranches are coming in that program.

STATE ECONOMY

The Hon. DANIEL MOOKHEY (16:26): My question without notice is directed to the Minister for Finance, and Minister for Employee Relations. What is the Minister's response to community concerns that the New South Wales Government is now Australia's highest taxing government and is presiding over record rises in tolls, taxes, fees and charges at the same time as interest rates are set to skyrocket?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:27): I thank the member for his question, and I respect his opinion.

The Hon. Daniel Mookhey: You don't respect my opinion.

The Hon. DAMIEN TUDEHOPE: I do not respect it, no. That is a fair call. In relation to the assertion that we are the highest taxing State—

The Hon. Daniel Mookhey: ABS!

The Hon. DAMIEN TUDEHOPE: I am looking at the Australian Bureau of Statistics. The point is that this Government has in many respects delivered the greatest infrastructure revolution that the State has ever seen. We only have to look at where we were in 2011 and where we are today.

The Hon. Daniel Mookhey: Point of order: My point of order relates to Standing Order 65, which is direct relevance. I asked the Minister a question about his Government's record on tax and the community's concerns about it, as well as the record rise in fines, fees, tolls and taxes, especially in the light of skyrocketing interest rates. I ask that the Minister be directly relevant.

The PRESIDENT: The Minister was being directly relevant as the question framed itself in terms of the Minister's response. The Minister was being directly relevant to those particular issues. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: I welcome the opportunity to talk more about the manner in which we have invested in State assets and improved the asset position of this State. That is where members opposite absolutely fail to understand that as a State we own more than we have ever owned in the history of New South Wales. I say to those opposite that this is a complex question and in many respects it requires—

The PRESIDENT: Order! The Minister has the call.

The Hon. DAMIEN TUDEHOPE: It requires looking at those things, which we have done to reduce taxes in this State since we have been in government. When we took office in 2011, the payroll tax threshold was \$689,000. Labor's policy was to oppose any raising of the threshold. They want more tax. They want to put their hand in your pocket some more. They had an opportunity to say, "We will reduce payroll tax," but no, not them. They wanted more. The Government has progressively raised the threshold—

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

The Hon. DAMIEN TUDEHOPE: The Government has increased the threshold of transfer duty exemption for first home buyers from \$600,000 to \$650,000 and then introduced discounts on homes of up to \$800,000. This Government is committed to easing the tax burden, while maintaining fiscal responsibility.

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

The Hon. DAMIEN TUDEHOPE: I say to those opposite that if ever there was a fiscally responsible government in the history of this State, it is this one. [*Time expired.*]

REGIONAL HEALTH SYSTEM

The Hon. WES FANG (16:31): My question is addressed to the Minister for Women, Minister for Regional Health, and Minister for Mental Health. How is the Minister taking steps to ensure regional health is given a single focus and a single voice within government?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (16:31): I thank the Hon. Wes Fang for his question. Since taking on the role of Minister for Regional Health, I have made it my priority to understand and address the issues that we know are affecting our health system in the regions. That is why the Deputy Premier and I were quick to welcome the release of the findings of the regional health inquiry, handed down last Thursday. The inquiry was an opportunity to learn about what needs to be fixed in our regional health system, and I have made it my purpose to fix them.

As regional health Minister, my four priority areas are: strengthening the rural and regional health workforce; improving access to health services through increased transport and accommodation support; working with the Federal Government to expand and integrate primary care models, including the GP workforce; and building on community engagement and the understanding of available services in the regions. Helping drive these priorities will be the new Regional Health Division that I have established.

The new division is led by Coordinator General, Luke Sloane, and will report directly to the Secretary of NSW Health, Susan Pearce, and me. This will give regional health a single focus and a single voice at the highest levels of the ministry and government. Luke and his team will ensure better coordination, alignment, and integration of activities in local health services. The division will work with the Government on identifying opportunities to build a better regional health system in New South Wales, including workforce attraction and retention, Isolated Patients Travel and Accommodation Assistance Scheme, cross-border issues and better engagement with communities, clinicians and stakeholders.

The regional local health districts in New South Wales are establishing defined liaison processes and will have a key interface role with the new division, but they will continue to be the delivery organisations for health services to their local communities. We will soon establish a Regional Health Advisory Panel to provide advice to the Government on opportunities and solutions to improve health care, hospital and health support services in regional New South Wales. I have made it very clear that I want people on this panel who have on-the-ground experience in regional health care delivery.

A final point I want to make is that there is still a high standard of health care that is delivered in regional New South Wales, backed by exceptional staff. Over 95 per cent of people who access care in small rural and regional health facilities rated their standard of care as good or very good in a recent survey by the Bureau of Health Information. Last Saturday I had to attend the emergency department at Cooma hospital because I fell down in the shed, which is why I was unable to be at the Country Women's Association conference, as was mentioned earlier.

I will not comment on the state of my husband's shed and how many things were in it, but I ended up with five stitches to my face. A city colleague said to me, "What did the plastic surgeon say?" I said, "Plastic surgeon? It was Cooma hospital." But it was a rural generalist who did this piece of work. As much as I would not mind a plastic surgery consult, I am pretty pleased with the result. I think it is unfair to cast the whole regional system as broken or substandard. I really hope that this point is not lost as we get on and we fix the problems that need to be fixed.

COVID-19 VACCINATIONS AND SCHOOL STAFF

The Hon. MARK LATHAM (16:35): I direct my question to the Minister for Education and Early Learning. I refer the Minister to yesterday's letter from Georgina Harrison, head of the education department, to Portfolio Committee No. 3 - Education, in which she admits:

On 24 February 2022, 8,080 school-based staff who had not yet attested to their vaccination status were sent a letter advising they had to be double vaccinated if they wanted to perform work for the department in 2022.

Given that this includes at least 5,000 teachers unable to teach in our schools, does it not show that the Minister has provided incorrect information to this House by claiming that more than 98 per cent of teachers were vaccinated and that COVID sick days were a bigger cause of teacher shortages in New South Wales than her workplace mandates?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (16:35): I thank the honourable member for his question in relation to COVID vaccines and the mandate. I note in his question he

referred to the letter from the secretary in which she indicated that 8,080 school-based staff were sent a letter advising that they had to be double vaccinated. I might share a little bit more of that letter where the secretary made it clear that these were not letters of termination. It was a letter designed to provide clarity to the workforce of the current employment requirement. I add that to further assist the committee's inquiry, the secretary confirmed in that letter that of those who were sent the letter, 1,597 were permanent or temporary teachers, 3,208 were permanent or temporary non-teaching school-based staff and 3,275 were people that had worked as a casual in a government school in an 18-month period before the letter was sent.

Of those 3,375 casual staff, as at 2 May, 985 have attested that they are double vaccinated, one has attested that they had received only their first, eight have attested that they have a medical contraindication and 2,281 are yet to attest to their vaccination status. I also say, and again it has been pointed out in the correspondence to the Hon. Mark Latham as the chair of the committee but also to other members of the committee, there is a really good report that the Centre for Education Statistics and Evaluation also issued that I would encourage members to have a look at. It is important to make the point that a number of teachers who hold casual teaching approval may not be available to work at any given time, due to their personal circumstances. That could include those who have retired, those who are employed in another school sector or those whose vaccination status could be a factor.

Can I say more broadly in relation to the Hon. Mark Latham's question about the impact of COVID on our school communities—and with the matter of public importance that is to be discussed later, I suspect we might be fleshing out these issues a little further—a large number of staff let us know that they had COVID in term one. It has certainly had an impact on our school communities, like we have seen in other industries. I refer to the airport as an obvious one where, I think, we have all been stuck in the queues. There are times when our school communities do feel the pinch of COVID.

In term one 14,967 incidents of COVID-19 were reported in relation to school-based individuals. Also in term one 348 schools told us they had more than five staff on sick leave on the same day. There has been an impact of COVID, not just staff with COVID but also those who were close contacts who had to be taken out. Every principal to whom I spoke last term said that it has had an impact. There is no doubt about that and our figures show that that is the case. Pleasingly, so far, only a few weeks into term two, that change in the close contact isolation rules has certainly helped our school communities, but we are not through it yet. We are obviously approaching winter and we need to continue to support our schools as we deal with these challenges.

The Hon. MARK LATHAM (16:39): I ask a supplementary question. With the Minister's mention, will she elaborate about the impact of COVID sick days in the schools, given that her answer to question on notice 8587 indicated that, on average, in term one 300 teachers were absent per day in the 2,200 Government schools in New South Wales due to COVID? When will the Minister take responsibility for the teacher shortages and that keeping 5,000 teachers out with her workplace mandates has a bigger impact than the 300 who are off every day because of COVID? It is the Minister's policy that has caused these teacher shortages. When will she take responsibility?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (16:39): I reiterate what I said before: that there has been an impact for our school communities because of people having COVID. I would also point out that we have seen an increase in the number of schools that have needed to use casual staff in term one. The most recent figures that I saw indicated that we had a 30 per cent increase on the same time last year in needing to use casual staff. We have also pleasingly got more casual staff working in our schools than ever before. It is important that we support our schools through COVID.

I understand that the member has strong views in relation to the vaccine mandate. I do not apologise for the policy that we put in place; I think it was the right thing to do at that time. We saw a lot of support for that mandate right across the school sectors. Clearly, in relation to those issues more broadly, the Premier has made it clear that we will be moving from that mandate to a risk-based assessment for each individual industry and government agency. We are going through those processes in Education now. But I stand behind the reasons we had the mandate in the first place. I believe it was the right thing to do. We have had very high percentages of our school staff vaccinated. It is something that I know certainly helped in that return to school and return to work for our staff, and I stand behind it.

PUBLIC SECTOR WAGES

The Hon. PETER PRIMROSE (16:41): My question without notice is directed to the Leader of the Government and Minister for Finance, and Minister for Employee Relations. Given that a Sydney family will see their real wages cut by \$6,000 by the end of the year, does the Minister acknowledge that the Premier's decision to freeze the pay of every New South Wales teacher, nurse, police officer, hospital cleaner and other New South Wales public servant at the height of the pandemic was wrong?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:41): I thank the member for his question. I must say that on behalf of the 300,000 people who lost their jobs during the pandemic, I am delighted to be able to say that because of the economic strength of this Government and the manner in which we have maintained the economy of this State, all 300,000 of those people who lost their jobs are now back in work. The first and foremost thing that I would say to the honourable member is the decisions in respect of managing the economy and those circumstances where there was a wage freeze during the pandemic were designed to ensure that people maintained jobs. We have done so in circumstances where we have maintained businesses and we have maintained jobs, and we have ensured that, as an economy, we have been in a position to recover and make sure that every person who lost their job now has that job back.

When we started, in terms of the decision-making and where we were during the pandemic, we had a response that was focused on making sure that we kept businesses open. A number of people come up to us and say, "But for JobKeeper during the pandemic, our business would have failed." However, those opposite come along and say, "You got it all wrong." They should go and tell that to the business that is still open today because of the steps that we took. They would say, "Shut down those businesses, shut them down." That is their policy: Shut down those businesses. In many respects, it is a fact that those opposite have policies that are designed to make sure that businesses were not able to survive, and this question demonstrates it.

The Hon. Peter Primrose: Point of order: Much as I do not wish to interfere with the Minister's tirade, maybe he could address the question in relation to New South Wales public servants.

The PRESIDENT: While the Minister was being generally relevant, he perhaps was not being directly relevant towards the end of his answer.

The Hon. DAMIEN TUDEHOPE: All the decisions made during the pandemic, including a decision in relation to wage freezes, were in circumstances where this State was facing a critical economic position. That decision should have been supported by members opposite. We were making sure that businesses survived. If ever there was an anti-small-business party in this country, it is those opposite. As I outlined earlier, their position on payroll tax would, in fact, make sure that businesses paid more. All those who sit on union boards only have one focus in mind, and it is not the people of this State. [*Time expired.*]

COMMUTE TIMES

The Hon. SCOTT FARLOW (16:45): My question is addressed to the Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence. Will the Minister update the House on how the New South Wales Government is ensuring commuters spend less time in traffic and more time with their families?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (16:45): I thank the honourable member for his question and for his interest—being a family man himself, knowing the cost of living pressures on families, and a great dad and a great driver, I am sure—in spending less time in traffic. I do not want to mislead the House. The Perrottet-Toole Government has made it very clear that we are governing for families across New South Wales. This means reducing the cost of living and reducing the daily commute, and ensuring the people of New South Wales can spend their time doing more of the things that they want to do. This is why I was pleased to join the Premier at Epping this morning to announce funding to fix one of Sydney's greatest choke points at the Epping Bridge. Alongside the Prime Minister and Minister Fletcher, \$220 million is committed by the Federal Government to deliver an upgrade—

[*Opposition members interjected.*]

The PRESIDENT: Order!

The Hon. NATALIE WARD: You see, they hate good news.

The PRESIDENT: I call the Hon. Rose Jackson to order for the first time—a little bit of catch-up there.

The Hon. NATALIE WARD: They hate good news. As I was saying, I was standing alongside the Prime Minister and Minister Fletcher to announce that \$220 million has been committed by the Federal and State governments to deliver an upgraded Epping Bridge. It is important to acknowledge—

[*Opposition members interjected.*]

The PRESIDENT: Order!

The Hon. NATALIE WARD: They hate good news, they hate it.

The PRESIDENT: I know that members on both sides are enjoying a little bit of byplay, but I am having trouble hearing the Minister respond to this important question.

The Hon. NATALIE WARD: They hate good news. I acknowledge Minister Tudehope. As the local member he fought for this project and secured initial funding in 2018. This is an area that has always been neglected by members opposite. The New South Wales Liberals and Nationals had construction commence on the M2 motorway in 1993 to ensure that there was a major road linking the north-west with the Sydney CBD.

The PRESIDENT: I call the Hon. Daniel Mookhey to order for the second time.

The Hon. NATALIE WARD: It was not until we were elected in 2011, it was not until we got into government, that east-facing ramps were constructed on the M2, meaning that the southbound commuters on Lane Cove Road no longer had to travel through Epping Road to enter the M2. Under our Government the M2 reduced congestion on Epping Road, and continues to do so. However, with more people starting families in the north-west of Sydney, it is critical that the Government continues to build for the future, and that is what this morning's announcement was all about.

Epping Road is a major route linking to the Sydney CBD. It is a key link to the commercial, industrial and university areas of North Ryde and Macquarie Park. Today's announcement is part of a major ongoing investment in transport infrastructure in the area to support growth, with the upgrade of Epping railway station complemented by, of course, the new Sydney Metro Northwest. Epping has been an area of significant growth, with the residential population and dwelling growth at nearly 50 per cent. That is why we are ensuring the Epping Bridge will be futureproofed to accommodate the growing area and to ensure the bridge suits the community's needs for years to come.

COMMERCIAL KANGAROO HARVESTING

The Hon. MARK PEARSON (16:48): My question is directed to the Minister for Finance, and Minister for Employee Relations, representing the Minister for Environment and Heritage. Will the Minister confirm whether the Wildlife Trade Management Plan for the Commercial Harvest of Kangaroos in New South Wales 2022–26 applies only to commercial kangaroo harvesting activities that involve export, or whether it applies to all commercial kangaroo harvesting activities in New South Wales? And, if it is the latter, will the Minister advise why the Minister for Environment and Heritage played no role in approving this plan?

The Hon. Mick Veitch: Use all that experience, Damien, and take it on notice.

The Hon. Ben Franklin: Point of order: I am not convinced, with the greatest respect to the Leader of the Government, that he is in fact representing Minister Griffin in this place. I ask for clarity on that particular issue.

The PRESIDENT: The Clerks have advised me that the Minister responsible is, in fact, the Hon. Ben Franklin.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (16:50): Given that the question was directed to me, I will accept the advice of the Hon. Mick Veitch and I will take it on notice.

FUEL EXCISE

The Hon. GREG DONNELLY (16:51): I direct my question to the Minister for Metropolitan Roads. During her meeting with the Prime Minister, did the Minister convey the views of the Transport cluster lead Minister, the Hon. Rob Stokes, who declared on 4 May that the temporary cut to the Federal fuel excise was "absolutely nuts"? Is this the New South Wales Government's position?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (16:51): I can inform the House, no.

REGIONAL ROADS AND TRANSPORT RECOVERY PACKAGE

The Hon. WES FANG (16:52): My question is addressed to the Minister for Regional Transport and Roads. Will the Minister update the House on the Government's Regional Roads and Transport Recovery Package for flood-affected communities?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (16:52): I thank the Hon. Wes Fang for his very important question following the events of the natural disaster and its affect in particular on the North Coast. The New South Wales Government is committed to supporting the long-term recovery of communities that were hit hard by the recent flooding events. As we move from the initial emergency response and disaster relief we move towards the resilience phase. The Government is working very closely with

council, the community and businesses to make sure that no-one is left behind. This includes a lot of work in the roads space. I am delighted to say that the Australian and New South Wales governments have combined their support for an additional recovery package for the people and communities affected by the recent flood disaster. This is known as betterment. During my time as the Minister for Regional Transport and Roads, every member of the community and every council has said that betterment is the way to build resilience into our infrastructure moving forward.

I am proud to say that the Liberal-Nationals Government is working with the Commonwealth to deliver a \$312.5 million fund that will provide stage one of the Regional Roads and Transport Recovery Package to rebuild road networks, in particular on the far North Coast, North Coast and in the Northern Rivers. This funding is provided under the Disaster Recovery Funding Arrangements, in addition to Category B funding. The initial stage of works addresses immediate needs, with both the Federal and State governments committing to a fifty-fifty partnership. I have taken the approach of removing politics from the process, and I have worked with Janelle Saffin, Tamara Smith, Geoff Provest, Chris Gulaptis and Federal MPs on the ground on the North Coast.

The reality is that constituents do not care about the politics or whose road it is. They care about getting their infrastructure restored and repaired and back into action. That is exactly what this Government is doing. It is providing resources to councils and communities to ensure that there is the expertise to scope the works in order to prioritise which roads need to be repaired and restored first. That may take the form of geotechnical advisers, engineers or project managers. Through Transport for NSW, we are on the ground working with Resilience NSW and reconnecting communities to ensure that we create the connectivity that will get them moving again. It is important to note that the funding will go a long way towards ensuring that we build resilience into infrastructure moving forward, which is exactly what the community has called for.

FUEL EXCISE

The Hon. ROD ROBERTS (16:55): My question is directed to the Hon. Natalie Ward, representing the Hon. Rob Stokes. Let us have a second go at this one. This Government keeps saying that it wants to help families struggling with the rising cost of living. If this is true, why did Minister Stokes say that the decision by the Federal Government to halve the fuel excise was "absolutely nuts"? How can this Government honestly say it is committed to reducing the cost of living when Minister Stokes said he would rather spend the fuel excise money on building walkways and cycleways in inner Sydney, instead of providing much-needed relief in fuel costs for small businesses and for people living in western Sydney and regional and rural 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) (16:56): I thank the honourable member for his question and his interest in this issue. The Government is absolutely focused on cost of living measures for the people of New South Wales, which is why it has over 70 cost of living rebates and a concierge service that will help people to access them. The system in the time of the former Labor Government did not allow anyone to find anything, because it had hired whatever it had.

The Hon. Bronnie Taylor: Point of order: I must say that when the Hon. Natalie Ward has provided answers to numerous questions throughout question time, there have been constant interjections. I ask that you direct Opposition members to listen to the answer once the question has been asked, without interjecting. It has been quite noticeable, Mr President.

The PRESIDENT: I give members a general caution to limit their interjections and murmurings. I was not able to ascertain who was interjecting on this occasion. The Minister has the call.

The Hon. NATALIE WARD: It is clear that this Government is absolutely focused. That is why we are having bold and brave conversations about toll reviews, cost of living measures and opportunities to stretch family budgets even further. That is what we do as a government. We do not just increase taxes like the Opposition, because that would be the easy option. We look at opportunities to reform and evolve in what we are doing. Examples include the existing roads and transport toll relief that provides free vehicle registration for drivers who have spent over a yearly threshold on tolls in the previous year. It is an important component of the full free registration worth \$1,462, and for the half-year registration worth \$877.

The Hon. John Graham: Point of order: I understand the caution about interjections, but I take a point of order about direct relevance. It was a fair question about a key public policy. I ask that the Minister be drawn back to the question about the fuel excise and the point of view of a Minister in her cluster who has been directly critical. What does the Minister think? What is the Government's position, given what the Minister has said?

The PRESIDENT: I have read the question, which has been provided to me on this occasion. The question frames itself in the second part, where it asks, "How can this Government honestly say it is committed to reducing the cost of living ..." The question then refers to the fuel excise. It is open to the Government to respond as to

how it honestly can say that it is committed to reducing the cost of living, which opens up a whole range of potential examples. The Minister is being directly relevant to the question.

The Hon. NATALIE WARD: Specifically relating to roads and transport, in addition to free vehicle registration for drivers we have the M5 South-West Cashback, which allows residents to claim back the value of tolls, excluding GST, paid while using a vehicle registered in New South Wales for private, pensioner or charitable use. One of my favourites is the Large Towed Recreational Vehicle Toll Rebate. Drivers getting out to visit our regions while towing those caravans, boats or horse floats with a total combined length of the car and the towed vehicle greater than 12.5 metres—or more than 2.8 metres high—are eligible for a class A toll price on Sydney's motorways.

The Hon. John Graham: What about Rob's view?

The Hon. NATALIE WARD: But it is not just on our roads. Well, the Hon. John Graham might ask.

The Hon. John Graham: We did ask!

The Hon. NATALIE WARD: We also have our discounted licence renewal for safer drivers, our free driving test for pensioners, our Green Slip Price Check and our FuelCheck. The FuelCheck app is particularly important and directly relevant. It enables people to check fuel prices across the board in New South Wales to see where they might like to pick up their fuel. Other assistance schemes include our apprentice registration rebate; the caravan and camper trailer motor vehicle tax reduction; the no-cost Safer Drivers program; and the student transport program, which our birthday Minister might be interested in for our students as they learn to drive.

There is something for everybody here. Our Isolated Patients Travel and Accommodation Assistance Scheme gives patients assistance with their travel and accommodation expenses if they need to travel long distances for specialist medical treatment. This is a government that is conscious of the cost of living across all its portfolios and wants to assist people to drive their dollars further. One of our favourite schemes is the Regional Seniors Travel Card. I know how important it is in the regions. [*Time expired.*]

FLOOD RELIEF GRANTS

The Hon. WALT SECORD (17:01): My question without notice is directed to the Leader of the Government, and Minister for Finance. More than two months have passed since the New South Wales floods. Almost 15,000 applications from small businesses have been lodged yet fewer than 15 per cent of the grants have been paid and only one-third of the primary industry grants have been approved. Why is the money not going to those who desperately need assistance on the North Coast?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (17:02): I thank the Hon. Walt Secord for his question. Those people and emergency service workers who have worked in flood relief deserve our continuing and utmost admiration. It is important that we have oversight of the way in which the flood grant process is rolled out. The floods impacted 60 local government areas, damaging almost 11,000 buildings and leaving more than 4,000 homes uninhabitable.

The New South Wales Government, in collaboration with the Commonwealth, is providing more than \$3.5 billion for more than 30 funding packages across five phases of flood recovery support. The New South Wales Government is investing in a wide range of grants as part of our recovery funding package, including for individuals, businesses, primary producers and councils. There have been 15,170 applications for small business grants since the process opened on 9 March 2022. Of these, 2,340 have been approved for \$34.6 million and 5,242 are awaiting further information from the applicant. Some 6,288 have been assessed as ineligible, 714 are still being assessed and, unfortunately, 586 are under fraud review.

Due to the strict requirements set by the Commonwealth Government there has been an issue getting small business grants to sole traders. These are eligibility issues. The New South Wales Government has now secured a significant concession from the Commonwealth to streamline the process for business owners, including sole traders, living in highly and severely flood-impacted suburbs. From 10 May 2022 they will be able to access up to \$25,000 provided they have an Australian business number [ABN] and sign a statutory declaration about the damage that their business has experienced. The relaxed requirements will make it much easier for sole traders and microbusinesses to get this important support.

Of course, members opposite will be aware of the fraud risk associated with any grants program. Unfortunately, some people have taken advantage of the speed and volume of assistance that the Government is providing in the aftermath of this disaster. More than 1,755 grant applications for flood assistance totalling \$20 million have already been deemed to be fraudulent or are being assessed as potentially fraudulent.

The Hon. WALT SECORD (17:05): I ask a supplementary question. Will the Minister elucidate that part of his answer where he talked about measures to "streamline the process"? What steps has he taken to streamline the process? Has he taken steps to investigate why there is such a low approval rate, putting aside fraud matters?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (17:05): I thank the Hon. Walt Secord for his supplementary question because, quite frankly, it shows an appalling misunderstanding of grant processes. He asks me to put aside the fraud process. In setting the eligibility criteria for a grants process like this, you cannot set aside the prospect of fraud. Those opposite know—in fact, there is a bloke called Thomson who set up a business for the purposes of—

The Hon. Penny Sharpe: Point of order: My point of order relates to direct relevance under Standing Order 65 (5).

The PRESIDENT: I believe the Minister was starting to stray. I bring him back to the question. The Minister has the call.

The Hon. DAMIEN TUDEHOPE: The member asks me to exclude fraud from the process of the eligibility criteria. The Commonwealth Government, in terms of its eligibility criteria, was focused on making sure that fraud was eliminated. Quite frankly, Service NSW staff and the systems that—

The Hon. Walt Secord: Point of order: The point of order goes to relevance. The Minister is misrepresenting the supplementary question, which asked what steps he was taking to streamline the process and then, as an aside, referred to fraud. It was not the central basis of the question.

The PRESIDENT: I do not have the supplementary question in front of me but I understand what the Hon. Walt Secord has put to me. I encourage the Minister to direct the minute of answering time that remains to the substance of the supplementary question.

The Hon. DAMIEN TUDEHOPE: Service NSW is in a position to process applications but needs to apply eligibility criteria that have been set by the Commonwealth. Those eligibility criteria are specifically designed to make sure that fraud is minimised. Just this morning the Minister for Emergency Services and Resilience was able to make the grant process simpler after negotiating with the Commonwealth, putting in a process where ABNs and statutory declarations are required for the purposes of establishing that eligibility. On the matter of fraud, one woman reported that 11 different people had applied for flood assistance using her address. I ask members not to come to this House and say that we are maladministering a scheme when circumstances such as those arise.

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

Supplementary Questions for Written Answers

WESTCONNEX TOLLS

The Hon. JOHN GRAHAM (17:08): My supplementary question for written answer is directed to the Minister for Metropolitan Roads. Does she acknowledge that the cap on WestConnex tolls will increase on 1 January, and does she acknowledge it will increase by more than 4 per cent? By how much will it rise?

COVID-19 VACCINATIONS AND SCHOOL STAFF

The Hon. MARK LATHAM (17:09): My supplementary question for written answer is directed to the Minister for Education and Early Learning. She mentioned the beginning of the lifting of the teacher mandates in New South Wales. Will she provide to the House a firm timetable by which the mandates will come off, especially in light of the fact that the left-wing Labor Government in the Australian Capital Territory has lifted the teacher mandates and the shoppies' union Labor Government in South Australia has also lifted the mandates? Clearly, at both ends of the spectrum these mandates are being lifted.

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.

STATE ECONOMY
WESTCONNEX TOLLS
PUBLIC SECTOR WAGES

The Hon. DANIEL MOOKHEY (17:09): The defence of the finance Minister in Australia's highest taxing government to the charges Labor laid at his feet about his government's record on the cost of living is best described as absolutely nuts. He does not understand the picture that is facing working families across this State. By the end of the year, if inflation stays on its current trajectory, the typical family will see a real wage cut of \$6,000 this year alone. That is before the cycle of interest rates will double the amount of money spent on mortgages. While the Government says that it is not responsible for the inflation outbreak, we say that it is certainly culpable. So many decisions it has made over the past decade have made the situation worse.

As we raised today, from 1 January next year tolls on the WestConnex will rise by more than 4 per cent. We expected the Minister for Metropolitan Roads to know precisely how much additional revenue will now flow to the private owner of that road, but she would not provide that information. It is no surprise because it continues a seven-year campaign of secrecy and cover-up by this Government about the true cost of Sydney's toll roads. That is the first charge the Opposition laid at the heart of the Government.

Secondly, as my colleague the Hon. Peter Primrose pointed out, this Government is Australia's leading wage suppressor. As the biggest employer in the Commonwealth, which is directly responsible for hiring 440,000 people and sends a big signal to the private sector about what wage policy to adopt, this is the only government in the Commonwealth that cut the pay of heroes like hospital cleaners, nurses, teachers and police officers during the pandemic. Labor said that it would make a real wage crisis far worse and, two years later, that is the consequence. For the first time in history we are on the verge of minimum wage workers getting a higher pay rise—as they deserve—than those who work directly for the New South Wales Government.

As the Australian Bureau of Statistics recently pointed out, wages are growing faster in the private sector now than they were for the people who were responsible for our pandemic response. That is not by accident; that is by choice. When Labor pursued the fact that there was only one cost of living relief offered by Mr Morrison, which was the petrol excise reduction, the lead transport Minister labelled that relief as "absolutely nuts". Rob Stokes and Matt Kean might not be voting for Scott Morrison on 21 May, but they should not stand in the way of cost of living relief for Sydney and New South Wales motorists.

The PRESIDENT: Before I call the next member, I remind members that, consistent with the COVID-safe arrangement agreed to for the May sittings, the lower and upper public galleries will be made available to the public for the first speeches of members and other special events hosted by the Parliament. As we will soon have the pleasure of hearing the Hon. Chris Rath give his inaugural speech, I encourage members to vacate the galleries and join their colleagues on the benches as soon as they practically can.

STATE ECONOMY
FUEL EXCISE

The Hon. MARK LATHAM (17:13): It was a telling piece of news on Friday that the Kean-Perrottet Government is the highest taxing government in the Commonwealth. To out-tax Dan Andrews—Chairman Dan in Victoria—shows how dedicated this Government is to higher taxes. This Government is more about tax and spend than Victoria. The telling tale of poor budget management was shown in the last Perrottet budget, where 145 policy changes were identified in the Treasury papers and all of them were spending increases. There was not a single efficiency and not a single cost saving. That is 145 policy changes, all of them spending increases under Perrottet. Imagine how bad it will be under Kean in the next budget.

This is a tax and spend budget. There is no tax that they do not like. They have never seen a tax increase that they are opposed to. Whatever happened to stamp duty reform? Whatever happened to helping home buyers and taking some of the weight off the up-front cost of stamp duty, which averages well over \$50,000 in Sydney? Perrottet tried to push it, and when Kean took over the Government the reform stalled. There is more tax and spend.

Then there is Minister Stokes, who obviously likes the higher taxes because he was opposed to the temporary reduction in Commonwealth fuel excise. He said that the money should be spent on walkways and bike paths, which is a ridiculous proposition. Try walking to work from Campbelltown or Penrith or riding there on your pushbike. If you are alive by the end of it, powering down the M5, you would get there within a few hours. The Minister is way out of touch. Is there a Minister who has ever been more out of touch than Minister Stokes?

The Hon. Daniel Mookhey: Matt Kean.

The Hon. MARK LATHAM: That is a pretty good answer. Minister Stokes had his disastrous koala State environmental planning policy, pretending there were koalas living on roundabouts at Bankwest Stadium and Liverpool shopping centre, and then he moved on to the disastrous deal to end the car parking at Moore Park. He said to people in outer western Sydney that they need to park in the back streets of Surry Hills rather than next to the SCG or the new football stadium, and they can pay extra fuel excise when they drive home.

Why does Minister Stokes hate the residents of outer Sydney? He wants them to use the walkway or bike path to get to work; he does not want them to park conveniently near the SCG. He wants them to pay the full freight, nearing \$2.50 per litre on petrol, just to move around the city. How arrogant and out of touch can he be? He also said about the fuel excise, "You should spend the money on electric vehicles," at \$70,000 a pop. He is a Minister with no comprehension of life in the outer suburbs and he is way out of touch, second only to Matt Kean. We will give him that ranking. We will give Minister Stokes the silver medal for being arrogant and out of touch.

COMMUTE TIMES

The Hon. SCOTT FARLOW (17:16): I take note of the answer given today by the Hon. Natalie Ward, the Minister for Metropolitan Roads, about the wonderful project in Epping. It is a project that is close to the heart of the Hon. Damien Tudehope, our erstwhile Leader of the Government in this place.

The Hon. Penny Sharpe: The "Damien Tudehope Bridge". We are calling it the "Tudehope Memorial Bridge".

The Hon. SCOTT FARLOW: I note the interjections of honourable members opposite about the "Tudehope Bridge". It is the bridge that he fought for and the bridge that is being delivered by the Perrottet and Morrison governments. It is a wonderful project to deliver for the good people of Epping, the broad community in north-west Sydney and the seat of Bennelong. Simon Kennedy is a wonderful candidate for Bennelong. Hearing about the Epping Bridge took me back to when I worked for a former member for Epping, Greg Smith. He regaled the Chamber with his Epping Road song, which will live in infamy. It was about the challenges caused by the former Labor Government funnelling traffic along Epping Road to get them to the toll roads in the Lane Cove Tunnel.

That is a bit of a history lesson. It shows what happens to alternative options when Labor is in government. They tried to funnel more people into that tunnel and clogged up roads like Epping Road so that commuters did not have a free alternative. With this Government's delivery of infrastructure across New South Wales, it is obvious that our view is to always provide free alternatives as well as great projects like NorthConnex and WestConnex to keep people moving around the city more and more. As the Minister outlined, \$220 million will be jointly funded by the State Government and the Federal Government. I saw today that Anthony Albanese matched that commitment as well. The good people of Epping can be assured that the bridge will be delivered no matter the outcome on 21 May. The New South Wales Government will ensure that it is delivered for the commuters in Epping and north-west Sydney.

It was a New South Wales Liberal-Nationals government that commenced construction on the M2 in 1993. It was then labelled by the Opposition at the time as the "road to nowhere", but it is a major thoroughfare for north-west Sydney. I live a mere kilometre from the M2 and see how significant it is for commuters across New South Wales. Of course, the M2 has been widened under the Government, and NorthConnex has been connected to take more traffic off Pennant Hills Road. That is what the Government is delivering as part of our \$110 million infrastructure pipeline.

FLOOD RELIEF GRANTS

PUBLIC SECTOR WAGES

The Hon. PENNY SHARPE (17:19): I take note of the answers given in question time today, though I am not quite sure where to start. I will touch on a couple of the many problematic answers that were given today. I will start with the floods and the flood grants. The Minister attempted to give a spirited defence of why it is acceptable that only 15 per cent of those in desperate need of help have actually had their grant funds approved—only 15 per cent. Let us remember that it is even smaller than that because the figures that we have are that only 600 people have been paid out. There have been 1,500 applications from people in the Northern Rivers who are desperate to get back on their feet and their businesses going but they have no cashflow and nowhere to live—and the Government still thinks that 15 per cent is okay. I do not think it is okay; I do not think the community thinks it is okay. Frankly, the Government should be throwing everything at this issue.

The Minister answered by saying that it is the Commonwealth's fault. The Premier tried to do the same at budget estimates, but it is not good enough. How many people are in charge? There are about four different coordinators. There is Resilience NSW and Minister Steph Cooke. They all say they care about the problem, but

they cannot get money out the door. I will touch on the issue of fraud. If someone's house has been put through the grants process six times, then the grants process is wrong. It is actually quite simple to fix. Send an assessor with an iPad to meet the person who owns the house; the assessor can take a photo and send it through so that there is proof of who owns the house and the damage that has been done. The money should be in the owner's bank account by the next week. It is not good enough for the Government to say that this is an acceptable response to support people in such desperate straits. It really is not good enough.

They made excuses referring to the Commonwealth. We were supposed to have dealt with that issue after the bushfires. These are not new issues, they are old issues, and they are not being dealt with. Secondly, the Government says that it is all about choices. I want to talk about school cleaners, who are on \$50,000 a year; I want to talk about disability support workers, who are on \$50,000 a year; and I want to talk about our bus drivers, who are on \$57,000 a year. The Premier and the Deputy Premier have ensured that every single member of the Government has received a pay bump for the work they do—every single member, except for the member for East Hills. They have ensured that 350 senior executives are getting between 10 per cent and 15 per cent pay rises and they have ensured that their own chiefs of staff are to receive 10 per cent pay rises, from \$328,000 to \$354,000. Yet every other public sector worker has received only a 2 per cent or 2½ per cent pay rise. The Government says it is about choices. It is a disgrace.

NORTH COAST WOOD SUPPLY AGREEMENTS

Mr JUSTIN FIELD (17:22): I take note of the answers to my question about the negotiations that are currently underway between Forestry Corporation and customers for our logged public forests on the North Coast to extend existing arrangements, which are due to expire in 2023, for a further five years to 2028 and to continue those contracts at pre-fire levels despite substantial concerns about the ability of the forests on the North Coast to sustainably provide that timber. It is extraordinary that those negotiations are happening when the Government is yet to respond to the Natural Resources Commission report, which warned of serious and irreversible harm to forest health as a result of the dual impacts of the fires and ongoing logging in some areas. The report also called for major changes to logging rules to protect forest health. The consequences of extending those contracts could be devastating for North Coast forests.

Last week I visited a number of the forests on the Coffs Coast as part of the parliamentary inquiry considering the future of the timber industry—some I visited officially with Forestry Corporation and some with members of the community. I witnessed areas of logged forest where Forestry Corporation had pushed into rainforest—illegally, I assume—and I saw the remains of a massive grey gum, a preferred koala feed tree, almost a metre in diameter. The stump was covered in koala scratches. It was clearly an important feed tree for local koalas and likely contained important hollows. But under inadequate logging rules, it was able to be cut down, and only spindly little trees were left behind for any remaining koalas. I am particularly concerned about plans by the Forestry Corporation to begin logging in the forests of the Kalang Headwaters, Scotchman, Roses Creek and Oaks State forests. Many of those forests have not been logged for decades and never at the intensity of modern-day logging practices. It is steep terrain with areas of Gondwana rainforest.

Logging those areas, aside from the incredible environmental damage, risks important water catchments that feed the estuaries that run into the Solitary Islands Marine Park. It risks reducing the water-holding capacity of forests, worsening flooding and erosion and reducing water quality for communities and farmers in the region. The extension of the North Coast wood supply agreements will drive the demand to log those precious areas, when we should be working out how to transition that industry away from those environmentally sensitive areas and into better managed plantations and sustainable native forestry. Last week the Government released new private logging codes, which are clearly designed to increase access to timber on private land. I have some problems with those codes, especially the koala protections, which are inadequate, but I support making this industry work. However, any increase in logging on private land, particularly koala habitat, must be offset by protections on public land, otherwise the Government's claim of doubling the koala population by 2050 has absolutely no credibility at all.

DIVERSION PROGRAMS

The Hon. PETER POULOS (17:25): I take note of the answer given by the Minister for Finance about the use of diversion programs by the New South Wales Government. Minister Tudehope outlined the development order scheme and informed the House that since 2011 more than 111,000 vulnerable people had utilised the program to resolve their fines and debts. The Minister has been particularly focused on that initiative. According to the response from the Minister, I understand that in 2021 nearly one in four approved work and development orders were for customers under the age of 25, with 7,066 orders approved for a total debt of \$17.6 million; and nearly one in five orders were for First Nations customers, with 5,756 orders approved for a total amount of \$24.1 million.

The car seat diversion program is proof of the concept and is, as the Minister indicated, a fantastic initiative. No parent wants to see their child injured or tragically killed in a motor vehicle accident due to a failure to install and use appropriate child safety seats. For the 60 people who, instead of receiving significant fines, have already had child safety seats installed professionally and have been educated in their use, that diversion program is proving effective. The programs are an undertaking to connect with the community and encourage them to embrace appropriate measures that protect life, including the lives of their young families, rather than looking at punitive measures such as fines. As the Minister outlined, we are already seeing clear and tangible benefits of a more measured response, and the community, parents and families are focusing on those preventive measures.

GOVERNMENT GRANTS

The Hon. COURTNEY HOUSSOS (17:29): I take note of the answers provided by the Leader of the Government to the question of the recently announced review into government grants. This is a long-awaited review that has finally been released—as some said, in a very quiet way on a Saturday in the midst of a Federal campaign. The Government certainly did not want to draw attention to this particular review, but I pay tribute to the Productivity Commissioner and former Auditor-General Peter Achterstraat, who undertook an excellent review. As a member of the Public Accountability Committee, I also acknowledge the fact that he met with our committee on several occasions in order to create this excellent report.

The part that I am particularly troubled by is that the Leader of the Government said, "We're going to take the appropriate time to develop our response." The people of New South Wales have been waiting long enough. This Government has done nothing but take its time in responding to its outrageous pork-barrelling. Let me do a little recap. It was in July 2020 that this House established the inquiry into the Government's grants programs. It was in October 2020 that the inquiry uncovered that the Premier's office was shredding crucial approval documents in relation to the Government's grants programs. We got on with our work. In March 2021 the first report was released, which even today the Leader of the Government acknowledges has not been appropriately responded to. It was another year before the second report was finally released, outlining a number of recommendations about how the government grants programs could be run in this State.

On the Opposition side of the House, we have not waited. I pay tribute to the Deputy Leader of the Opposition who brought forward a private member's bill, which actually passed this place in November last year, that would introduce new reporting requirements for Ministers and agencies, give new powers to the Auditor-General to allow auditors to follow the dollar and introduce new grants guidelines. These are clear and transparent steps that can be taken to re-instil confidence in the way that government grants programs are run in this State. For nearly six months that bill sat on the business paper in the lower House. For nearly six months it has been sitting there, while this Government twiddled its fingers and said it was waiting for yet another review and yet another report. The time is up. For the Leader of the Government to say today that the Government needs more time to implement this report is just absolutely ridiculous. Time is up. The Government must implement the recommendations of this review before the budget, before any more grants programs are snuck out the door, and well before the next election. [*Time expired.*]

GOVERNMENT GRANTS

PUBLIC SECTOR WAGES

The Hon. ROSE JACKSON (17:32): I take note of answers given today, particularly two answers given by the Leader of the Government. The first is in relation to the Government grant review, which my colleague the Hon. Courtney Houssos referred to. I want to make this particular point. There is a reason the Opposition is incredulous when the answer given to the question, "When will you do this?" is, "In appropriate time." The specific reason that I am incredulous at that response is the ice inquiry. This Government, in response to the absolute devastation that regional communities across New South Wales are facing right now with ice and drug addiction, commissioned a special commission of inquiry into ice use. The former Premier—we are back when Gladys Berejiklian was Premier—commissioned a special commission of inquiry into ice that visited so many regional communities and talked to so many people.

It produced an incredibly comprehensive and thoughtful response, and it has just sat there. We have heard absolutely nothing from the Government in response to the ice inquiry. So when we hear in response to the grants inquiry "in good time" and "in appropriate time", the eyebrows go up because this Government's record in responding to these types of inquiries is absolute trash. These are important issues. The issue of ice use in regional New South Wales is important. The issue of the misuse of Government grants is important. It is incredibly important for the Government to respond in good time to the work that these commissioners have done and the thought that they have put into their recommendations.

The second answer that I want to respond to is in response to the question of why this Government's policy for hardworking public servants on the front line is wage caps and wage freezes, but Government members and their senior staff have pay rises of 5, 10 or 15 per cent. The response from the Leader of the Government was, "Well, we worked with the Federal Government to introduce JobKeeper and people should be thankful that they have a job." That was literally the response from the Leader of the Government—people should be thankful that they have a job.

No! That was not the question. The question was about nurses, teachers, workers in aged care and workers on our trains and buses, who have had their wages suppressed and frozen in the midst of record inflation. They have to scrimp and save to pay the rent, to pay for petrol, to pay for groceries and to pay for child care, while the Government has a completely different standard when it comes to its own members. Its members are all on pay bumps of \$10,000, \$20,000, \$30,000 and \$40,000. Their senior staff receive 10 per cent pay rises. It is a double standard that goes to the heart of what this Government is about—looking after its own interests and forcing working families to pay the price.

The DEPUTY PRESIDENT (The Hon. Wes Fang): Order! Pursuant to standing order, debate is interrupted to allow the Parliamentary Secretary to respond.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. LOU AMATO (17:35): I take note of the answer given by the Minister for Metropolitan Roads, the Hon. Natalie Ward. It is this Government, the Coalition Government, that provides for families across New South Wales. We care about commuters. We care about tradies getting to work quickly and safely and being able to spend more time with their families. It is not only this Government that looks after our commuters but also, as was evidenced this morning, the Federal Coalition Government under Prime Minister Morrison, who puts commuters first.

This morning Prime Minister Morrison and Minister Paul Fletcher, along with Premier Perrottet and Minister Ward, announced \$220 million joint funding between the Federal Government and the State Government to deliver an upgraded Epping Bridge—an area that has always been neglected by members opposite. It was the New South Wales Liberal-Nationals Government which commenced construction on the M2 Motorway in 1993 to ensure there was a major road linking the north-west to the Sydney CBD. It was not until the people of New South Wales re-elected the Liberals and The Nationals in 2011 that east-facing ramps were constructed on the M2. This Government is not ashamed of delivering for New South Wales, as part of our \$110 billion infrastructure pipeline.

I commend the Minister for Education and Early Learning, Sarah Mitchell, and the New South Wales Government for continually delivering for New South Wales students. In term one the Government has allocated \$695.2 million for seven new and upgraded schools and five new and upgraded schools in term two. In 2020, 21 new and upgraded schools were opened, bringing the total investment to more than \$770 million. The school that the Premier and the Minister opened for day one of term two—the Meadowbank Education and Employment Precinct—is absolutely magnificent. The schools that this Government is upgrading across New South Wales are becoming the future of public education and show the state-of-the-art facilities being offered to New South Wales students. I look forward to the record investment in building schools—unlike Labor which, when in government, closed schools. That is right—they closed schools.

I thank the Minister for Women, Minister for Regional Health, and Minister for Mental Health, the Hon. Bronnie Taylor, for her commitment to regional health. It is fantastic to hear of the establishment of the new Regional Health Division of NSW Health. I look forward to hearing from the Minister soon on the new advisory panel. Top of the agenda is the provision of regional health priorities and coordinating the development and implementation of a new regional health plan. It is this Government that delivers for the people of New South Wales.

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

Motion agreed to.

Deferred Answers

MEMBER FOR KIAMA

In reply to **the Hon. JOHN GRAHAM** (22 March 2022).

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

I am advised Mr Ward visited three New South Wales public schools in the Kiama electorate since May 2021.

DOMESTIC VIOLENCE AND ANIMAL WELFARE LEGISLATION

In reply to **the Hon. EMMA HURST** (22 March 2022).

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence)—The Minister provided the following response:

I am advised:

The New South Wales Government has given consideration to a range of issues relating to animals of victim-survivors in domestic and family violence contexts. These were considered in the context of the Stronger Communities Legislation Amendment (Domestic Violence) Act 2020, which passed Parliament on 18 November 2020 and received assent on 25 November 2020.

In relation to enabling a court to determine arrangements for the care, custody or control of an animal where that animal is at risk, the Government is closely monitoring the operation of New South Wales legislation and welcomes feedback from stakeholders and the community.

SMALL BUSINESSES AND FLOOD RECOVERY

In reply to **Reverend the Hon. FRED NILE** (22 March 2022).

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

I am advised:

The New South Wales and Commonwealth Governments have committed over \$2.5 billion to support communities impacted by the recent floods. Specific assistance measures have been activated for impacted small businesses including grants up to \$50,000, concessional loans up to \$130,000 with two years interest and repayment free, stamp duty relief for commercial motor vehicles, and the Northern Rivers Business Support Package.

The New South Wales Government have established an independent inquiry to examine the recent catastrophic floods in New South Wales, including the preparation and planning by agencies, government, other entities and the community for floods in New South Wales. This inquiry will also consider land use planning and management, building standards, and the instruments, policies and programs applying to existing development in flood prone locations and to proposed future developments in flood prone locations across New South Wales.

The Inquiry is required to report to the Premier on causation, land use planning and management, and related matters by 30 June 2022, and on all other matters by 30 September 2022.

CAMPBELLTOWN KOALA COLONY

In reply to **the Hon. MARK PEARSON** (22 March 2022).

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth)—The Minister provided the following response:

The Government is not considering funding to support a koala hospital in Campbelltown at this time.

The New South Wales Government has committed to doubling the number of koalas in New South Wales by 2050 and has allocated more than \$193 million in funding to meet this goal.

Through a new koala strategy, the Government will continue to provide support for the wildlife rehabilitation sector in the form of training for vets and vet nurses, and training and a small grants scheme for rehabilitators.

RAVENSWORTH HOMESTEAD AND ABORIGINAL SACRED SITES

In reply to **Mr DAVID SHOEBRIDGE** (23 March 2022).

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth)—The Minister provided the following response:

The Ravensworth cultural landscape has important heritage value to both the Aboriginal community and non-Aboriginal community that needs to be taken into consideration. I understand that Heritage NSW received a nomination to list Ravensworth on the State Heritage Register in January 2018, however the Heritage Council is still in the process of determining whether the shared heritage value of Ravensworth will be included in the State Heritage Register.

RAVENSWORTH HOMESTEAD AND ABORIGINAL SACRED SITES

In reply to **Mr DAVID SHOEBRIDGE** (23 March 2022).

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth)—The Minister provided the following response:

I am advised that this matter will be referred to the Independent Planning Commission by the Department of Planning and Environment. I will, of course, assist Minister Roberts in his capacity as Minister for Planning in this process to ensure we achieve the best outcomes possible for Aboriginal communities.

COMMERCIAL FISHING INDUSTRY

In reply to **the Hon. MARK BANASIAK** (23 March 2022).

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

Mr Sean Sloan, Deputy Director General, DPI Fisheries did not mislead the Budget Estimates Committee on 15 March.

On 16 February 2022, BDO EconSearch provided a presentation of the Commercial Fisheries Economic and Social Indicators Report for 2019/20 to the Commercial Fishing NSW Advisory council. Members of the council were presented with the findings and outcomes of the report and provided an opportunity to provide feedback and ask questions, which occurred.

Following feedback from the Commercial Fishing NSW Advisory Council to BDO EconSearch, the report has been finalised by BDO EconSearch. I will now consider the report and release it publicly.

STRIKE FORCE CONDELLO AND MEMBER FOR KIAMA

In reply to **the Hon. TARA MORIARTY** (23 March 2022).

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

I am advised Mr Ward visited three New South Wales public schools in the Kiama electorate since May 2021.

UMINA BEACH GENDER FLUIDITY LESSON

In reply to **the Hon. MARK LATHAM** (24 March 2022).

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

Umina Beach Public School sought to sensitively address the complexity of this matter and support the wellbeing of all children in line with the expectations of parents.

I can confirm that the Director, Educational Leadership [DEL], Brisbane Water Principals Network wrote to two members of the public on my behalf on 28 January and 24 February 2022 regarding the Umina Beach Public School matter.

In the letters sent by the DEL, it again outlined why the additional lesson was made available and that it was delivered during the school's hours of operation.

Written advice was provided by the school to parents and carers prior to the lesson so they could decide whether to withdraw their child from the lesson. Eight families indicated their child would not participate in the lesson and these children participated in another class during the lesson time.

LISMORE FLOOD LEVEE

In reply to **Reverend the Hon. FRED NILE** (24 March 2022).

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

I am advised:

The New South Wales Government have established an independent inquiry to examine the causes of, preparedness for, response to and recovery from the recent catastrophic floods in New South Wales. This inquiry will also consider land use planning and management, longer-term community rebuilding support, and preparation and planning for future flood threats and risks, including appropriate actions to adapt to future flood risks to communities.

The inquiry is required to report to the Premier on causation, land use planning and management, and related matters by 30 June 2022, and on all other matters by 30 September 2022.

RECREATIONAL FISHING

In reply to **the Hon. ROBERT BORSACK** (29 March 2022).

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

The draft NSW Mainland Marine Park Network Management Plan was on public exhibition for a three-month period, from 1 November 2021 to 31 January 2022. Community members and stakeholders have examined the draft plan and provided an extensive range of submissions which are currently being considered.

Objective 5 of the draft plan is to improve access and opportunity for enhanced social, cultural and economic values from marine parks. This objective drives a suite of management actions for recreational fishing that aim to:

- Improve access and opportunity for boating.
- Improve access and opportunity for outdoor recreation and enjoyment.
- Improve access and opportunity for recreational fishing (including spearfishing).

- Provide safe recreational opportunities that are free from conflict.
- Improve tourism opportunities.
- Enhance bequest and intrinsic values.

Marine park advisory committees include members with expertise in a range of areas pertinent to the management of marine parks, including fishing and maritime industry, conservation, local government, Aboriginal culture and marine science. The five mainland marine park advisory committees have played a key role in supporting the Marine Estate Management Authority to develop the draft management plan.

Draft management rules to implement actions in the new management plan, including zones and other regulations, are currently being developed for priority marine parks in consultation with marine park advisory committees. Any proposed amendments to management rules will require a minimum of two months community consultation.

JERRABOMBERRA SCHOOLS

In reply to **the Hon. COURTNEY HOUSSOS** (29 March 2022).

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

On 7 and 8 March 2022, local principals were briefed on the final version of the proposed new intake areas as well as the local representative of the Parents and Citizens Federation. The new intake areas were published on 22 March 2022.

Following concerns raised by the member for Monaro and significant feedback from the local community, the Department of Education re-commenced consultation to gather feedback from local families. This was conducted via a survey which closed at 5:00 p.m. on Friday, 8 April.

On 13 April 2022, the member for Monaro advised the local community that intake areas for Jerrabomberra Public School would not be altered, and further consideration would be given to intake areas of the new high school.

NORTHBOURNE PUBLIC SCHOOL

In reply to **the Hon. PETER PRIMROSE** (29 March 2022).

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence)—The Minister provided the following response:

I am advised:

Northbourne Public School submitted requests for School Crossing Supervisors at four crossing locations. Out of the four locations, only two crossing locations, Northbourne Drive and Bolwarra Drive, met the criteria. The crossings located on Enmore Street and Beale Street did not meet the criteria for the morning or afternoon.

E-TOLL CHARGE ERRORS

In reply to **the Hon. JOHN GRAHAM** (30 March 2022).

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence)—The Minister provided the following response:

I am advised:

It would be inappropriate to comment on an individual's financial matters.

I refer to my previous comments on this matter.

TEACHER VACCINATION RATES

In reply to **the Hon. MARK LATHAM** (30 March 2022).

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

Please refer to the answer to Supplementary Question for Written Answer tabled on 31 March 2022.

LISMORE HOUSING ASSISTANCE

In reply to **Reverend the Hon. FRED NILE** (30 March 2022).

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

The New South Wales Government is establishing the Northern Rivers Reconstruction Corporation [NRRC] to coordinate planning, rebuilding and construction of essential services, infrastructure and housing in the Northern Rivers communities. The NRRC will work with councils and will have the power to compulsorily acquire or subdivide land, speed up and fast-track the building of new premises, and accelerate delivery of planning proposals through the Department of Planning and Environment.

The NRRC will be supported by an advisory board consisting of local representatives, such as local members of parliament, mayors and leaders in the community, to ensure local expertise and knowledge is at the core of the NRRC work.

The New South Wales Government have also established an independent inquiry to examine the causes of, preparedness for, response to and recovery from the recent catastrophic floods in New South Wales. This inquiry will also consider land use planning and management, longer-term community rebuilding support, and preparation and planning for future flood threats and risks, including appropriate actions to adapt to future flood risks to communities. The NRRC will support the New South Wales Government and local governments in the Northern Rivers to respond and implement any relevant outcomes of the independent review.

CHILD PROTECTION

In reply to **the Hon. PENNY SHARPE** (31 March 2022).

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services)—The Minister provided the following response:

I am advised:

The NSW Ombudsman's *Biennial report of the deaths of children in New South Wales 2018 and 2019* provides a detailed analysis of the long term trends for all child deaths in New South Wales. The number referenced in the question that only three children were seen by a caseworker in the 12 months before their death is incorrect.

Of the 15 children and young people referenced in the report who died from abuse or neglect in New South Wales in 2018 and 2019, and were known to child protection services, seven had not been reported at risk of significant harm in the 12 month period before their deaths.

This means that they would not have been visited by a caseworker. The remaining eight children or young people had an open and allocated case in the previous 12 months and were seen by caseworkers before the child or young person died. All of these eight children and young people were the subject of an internal child death review that examined the department's work with these families. These internal reviews have since been provided to the NSW Ombudsman.

More children at risk of serious harm are being seen every year. In 2020-21, there were 36,524 children at risk of significant harm seen by a caseworker. This is a 3.6 per cent increase compared to the 35,241 children seen in 2019-20, and a 39.4 per cent increase compared to the 26,196 children seen in 2017-18.

Further, the department is committed to providing effective casework intervention that creates sustained safety for children so that when the department completes its intervention, children are not re-reported.

MYALL LAKES COMMERCIAL FISHING

In reply to **the Hon. MARK BANASIAK** (31 March 2022).

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

The current prawn set pocket net priority determinations, also known as prawn draws, are the result of extensive industry consultation during the Commercial Fisheries Business Adjustment Program.

When a professional fisher invests into a fishery and, in doing so holds more shares in that fishery, it provides the fisher with greater relative access to the fishery. This may be in the form of a larger portion of the available quota in some fisheries, or increased opportunities in prawn set pocket net priority determinations in estuary prawning operations. This alone does not amount to collusion or the corruption of fair process.

Prawn set pocket net draws are being done in accordance with the Fisheries Management Act 1994 and subordinate legislation. Senior staff from NSW DPI Fisheries will be attending a number of prawn draws in coming weeks to observe their operation and, if required, review the way in which the prawn draws are occurring.

Any allegations relating to potential breaches of the Competition and Consumer Act 2010 or the Independent Commission Against Corruption Act 1988 should be referred to the appropriate bodies.

CHILD PROTECTION

In reply to **the Hon. GREG DONNELLY** (31 March 2022).

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services)—The Minister provided the following response:

I am advised:

The Department of Communities and Justice [DCJ] is working collaboratively with families, as well as government and non-government service providers, to identify and respond to risk concerns in New South Wales to ensure children are safe and not re-reported.

In March 2021, DCJ established a re-reporting taskforce to develop and implement a number of interconnected strategies that will result in a significant system shift. It is expected that once these initiatives are fully implemented they will result in more families getting the right support at the right time, and they will not continue to be re-reported.

In the short period the taskforce has been in place, a number of achievements have already been completed. These include an update to the reporting website for mandatory reporters; increased referrals for families; implementation of new practice guidance on case closures, and a re-launch of targeted training for child protection practitioners.

Early indicators are that these strategies have already served to change the trajectory of increasing re-reports. The December 2021 quarter Caseworker Dashboard shows a re-report rate of 40.0 per cent. This is a decrease of 1.7 percentage points from the September 2021 quarter re-report rate of 41.7 per cent, and is 0.4 percentage points below the baseline:

<https://www.facs.nsw.gov.au/resources/statistics/caseworker-statistics/dashboard> The re-report rate is being closely monitored to ensure the current reduction can be maintained, and at a rate that will approach the target.

GOVERNMENT INVESTMENTS

In reply to **the Hon. DANIEL MOOKHEY** (31 March 2022).

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

I am advised:

TCorp has been implementing the Treasurer's direction, making significant progress on the divestment of the State's small exposure to Russian financial assets, despite the challenging market environment all global investors are currently experiencing. This includes having fully divested of Russian bonds.

TCorp will continue to pursue total divestment as per the Treasurer's direction, as liquidity and selling opportunities present themselves in the relevant asset markets.

Written Answers to Supplementary Questions

NSW GENERATIONS FUND

In reply to **the Hon. DANIEL MOOKHEY** (31 March 2022).

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

The NSW Generations Fund [NGF] balance as at 31 December 2021 was \$15.8 billion.

This reflects the most up-to-date valuation of the NGF's approximately 20 per cent allocation to unlisted property and infrastructure.

Consistent with standard industry practice, the valuation of these assets is determined by independent qualified valuers twice a year in June and December. The most recent valuation was undertaken on 31 December 2021.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. SCOTT FARLOW: I move:

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

Motion agreed to.

ORDER OF BUSINESS

The Hon. SCOTT FARLOW: I move:

That, notwithstanding anything to the contrary in the standing and sessional orders, the following committee reports and Government responses take precedence of all other committee reports and Government responses this day:

- (a) Report No. 1/57 of the Joint Standing Committee on Electoral Matters entitled *Administration of the 2019 NSW State Election*, dated October 2020; and
- (b) Report No. 1 of the Select Committee on the Coronial Jurisdiction in New South Wales entitled *Coronial Jurisdiction in New South Wales*, dated April 2022.

Motion agreed to.

Committees

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Report and Government Response

Debate resumed from 22 March 2022.

The Hon. COURTNEY HOUSSOS (17:40): I contribute to the take-note debate on the Joint Standing Committee on Electoral Matters report entitled *Administration of the 2019 NSW State Election*. It has been some time since the election, and it has been some time since the committee tabled this report in October 2020. I will briefly touch on some of the key points of the report. I say at the outset that the committee made a large number of recommendations—in fact, 54 recommendations—into the conduct of the next election, which is but a year away. Specifically, we made recommendations around third-party campaigners. This is an area where we work very collaboratively across the Parliament and across bipartisan lines.

The committee made a number of recommendations around how early voting centres can work more effectively, online registration for candidates and online postal vote systems, the nomination process and counting

on election night. We made recommendations around how we can get a faster result. We want to expand the efforts to enfranchise homeless voters. Time is of the essence, and we made recommendations on how to improve the way complaints are handled during the election period. We made recommendations around the authorisation and streamlining of material use on social media, and campaign donations and disclosure.

I draw the attention of the House to a few key recommendations, particularly as we consider whether changes need to be made in the conduct of the next State election. I was on pre-poll during the 2019 election on the day when we saw a catastrophic breakdown of the operation of pre-poll. Voters who had turned up for a period of over an hour were unable to vote because the electronic mark-off system broke down. It was not just the pre-poll station that I was at; it was across the State. It was pretty remarkable for those of us on pre-poll that there was no backup system in place. While an electronic mark-off system is great—that is fantastic—it is completely unacceptable for the system to not be working, and the committee made a finding on that basis. If we are to have electronic systems in place, we must make sure that they are appropriately resourced and that there is a backup system in place.

The committee noted the dramatic increase in early voting. I saw some figures last night that looked at the past three elections. At the last Federal election, up to 40 per cent of people chose to vote before election day. It is incredibly important then that that process is easy and streamlined, and we made recommendations around how locations for early voting can be more accessible. On the particular issue of third-party campaigners, in the lead-up to the last election the Government introduced some very controversial changes that were designed to limit the operation of the labour movement in the political process. It is a way that we have operated as part of a labour movement for nearly 130 years, and those changes were designed specifically to limit the ability of unions, trade unions and their organisations to campaign together. Those laws were struck down by the High Court, as was appropriate, and I welcomed that decision. But as part of the striking out of those laws, we lost the cap on third-party campaigners. It is very important that we reinstate that cap.

It was the bipartisan recommendation of the Joint Standing Committee on Electoral Matters to reintroduce that cap, with a specific number of \$1.288 million. We believe that is an appropriate amount that would allow third-party campaigners to actively participate and to be able to run campaigns in an incredibly expensive television media market not only in Sydney but across the State as they find appropriate. I welcome, and I was very proud to vote for, the recommendations that there should be no voter identification in New South Wales. As Antony Green famously said, voter ID provisions are a solution looking for a problem. There is no wide-scale problem with voter fraud in New South Wales. I have spoken about this many times in this place, and I am proud to say that I believe Australia has the best electoral system in the world. We certainly do not need insidious methods imported from overseas that look to disenfranchise voters.

I address one final issue, which I have previously spoken about many times in this House, and that is the question of iVote. The committee again reiterated our many concerns with iVote. I say at the outset that it was the Hon. Peter Primrose, the former Minister for Disability Services under the New South Wales Labor Government and one of my Labor colleagues on this committee, who introduced iVote. For the first time, low-vision and blind voters were able to exercise their democratic right without assistance. It was an incredibly important step for them. Over consecutive elections, we have seen the expansion of iVote to become a pseudo online voting system. Over consecutive reviews by the Joint Standing Committee on Electoral Matters into the election, computer experts and cybersecurity experts have raised increasing concerns with the lack of security on the iVoting system.

I note the recent decision of the Electoral Commissioner to not pursue the iVote system at the next State election. I actually think that that is a really bad step for blind and low-vision voters. For the first time in many elections—over a decade, in fact—those voters will not have that opportunity to participate in the democratic system. But, in the face of the increasing concerns and the lack of funding for the Electoral Commission, it seems that that is the only option. We made a number of recommendations around the way that iVote should be thoroughly reviewed, upgraded and tested before it is introduced again.

I end on the final recommendation of the committee, which is that the New South Wales Government review the level of resourcing provided to the NSW Electoral Commission to fulfil its compliance and enforcement role and to retain relevant expertise within the organisation from election to election. Just a few weeks ago in budget estimates hearings the NSW Electoral Commissioner gave explosive testimony that his computer systems are not able to keep up, that he is not able to retain staff and that he has serious concerns about the way that he is running the next election. On Friday the committee will be holding a hearing into that issue. There are serious questions about how this Government is funding the election system in New South Wales. We have a proud history and an excellent system that we should be proud of, but it relies on ongoing funding. It is up to the Government to make sure that that funding is delivered. I commend the report to the House.

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

Motion agreed to.**SELECT COMMITTEE ON THE CORONIAL JURISDICTION IN NEW SOUTH WALES****Reports****Debate resumed from an earlier hour.**

The Hon. ADAM SEARLE (17:49): On 29 April the upper House Select Committee on the Coronial Jurisdiction in New South Wales tabled its report entitled *Coronial Jurisdiction in New South Wales* in this House. As Chair of that inquiry, I was proud to be a participant to oversee the making of those recommendations. The report flowed out of the earlier report, tabled last year, into the deaths in custody of First Nations people and the oversight of deaths in custody. That report found that there were many shortcomings in the coronial system, and that the coronial system needed a root-and-branch overview. In that inquiry it transpired there had not been a proper review of the operation, law and practices of the Coroners Court since 1975. The current Coroners Act was due to be reviewed in 2014. That review has been ongoing since 2015; I think it has now had its seventh birthday and we do not know how soon it will be finalised, so the House felt the need to bring on this inquiry.

The inquiry found that despite the good, hard work of coroners and of forensic and other staff, the system is chronically struggling. It is underfunded, certainly compared to other jurisdictions like Victoria. There are heavy workloads. There is a significant backlog of cases—estimated in one submission to be about 130 cases—and there are serious delays in finalising matters, which impacts already grieving families hard. Delays of one, three or up to five years are not unusual. We recognise that there are workforce constraints right across the system, particularly in the forensic pathology area. It is not unusual and not limited to this State, but we recommend decisive action be taken by government to make sure that those workforce needs are met in New South Wales by working with institutions such as universities to make sure the requisite workforce is available.

The structure of the court is out of date and does not support or reflect the specialist nature of the jurisdiction, or the unique role it plays in our system of justice. All of the recommendations of the committee were unanimous, but for one issue. They provide for legislative and other changes focused on what we think should be the core objective of the system: preventing future deaths while enhancing the therapeutic and restorative aspects of the system for affected persons and families. The committee recommends significant structural change to the court; enhanced resources, including a unit to collect and analyse data to better assist coroners in their work, as occurs in Victoria; improved support for bereaved families; and a significant strengthening of mechanisms to ensure coronial recommendations are properly acted on by both government and non-government bodies, which is a key weakness in the current system.

Responses to coronial findings by government bodies are often perfunctory and non-government bodies do not have to respond at all. Coroners, once they discharge their reports, do not have follow-up powers, as it were, to pursue matters. We make those recommendations to make sure that the court has that power to report to Parliament on any matter of concern, including follow-up matters requiring further responses from government or non-government bodies. A key recommendation is mandatory coronial inquiries for all workplace deaths. The past two decades have seen a significant decline in inquests into workplace deaths. SafeWork investigations and prosecutions, which are designed for an entirely different purpose, often do not get to the bottom of what happened and how to prevent future deaths at work. This means that there is often only limited fact finding and a limited review of systemic causes of workplace fatalities and related issues, especially when a defendant pleads guilty and/or matters proceed by way of agreed statements of facts.

The day before this report was tabled, 28 April, was the International Day of Mourning, when we acknowledge all those who died at work or from work-related causes. It was timely and important that the committee took the step it did to make recommendations to ensure that everyone who goes to work comes home safely and, where that does not happen, that there is a proper root-and-branch analysis of why that occurred and how to prevent it occurring in the future. The work of the committee complements the industrial manslaughter bill which passed this House last year and is now in the lower House awaiting debate. Recommendations are made in the report that address this and other issues raised by unions and other inquiry participants in relation to deaths in the workplace, in particular.

I note the evidence given to the inquiry by Patrizia Cassaniti, whose son Christopher was tragically killed at work a few years ago. The WorkCover prosecution in that matter found that preventing his death would have been inexpensive and relatively easy to achieve, but there was no root-and-branch analysis and after that prosecution we are still none the wiser how or why that death occurred. There needs to be that root-and-branch analysis, and the committee recommends that. The select committee made 35 recommendations in total to address the challenges facing the court and the jurisdiction. I mentioned changing the structure of the court. This might sound a bit obscure, but we want to enhance the court's independence, headed by a District Court judge. While

coroners should keep on being magistrates, as they now are, we feel that the court should have a more separate identity in the same way that the Children's Court has a separate identity from the Local Court.

The fact is although coroners now and in the past have been drawn from the ranks of magistrates, the work of the Coroners Court and the work of the Local Court are very unlike each other. The Local Court is primarily a criminal court and also has a civil jurisdiction, but the work of the Coroners Court is unique. It inquires into the manner and cause of deaths, and it is unlike any other aspect of our system of justice. It occupies a unique and important role and that should be recognised, including in terms of the support that coroners have. At the moment coroners, not being judges, do not get associates, tipstaffs or research assistants. The work that is done by coroners, and the findings and recommendations they make, is all their own individual personal work. The high quality of the work we have in this State reflects well on them and their public service to the people of this State.

But in Victoria coroners have a support unit that collects and analyses data on causes of deaths right across the jurisdictions and provides that data in a usable form to assist coroners to make sure that when they craft recommendations, they are evidence-based, robust and supported by other learnings. This addition to the coronial jurisdiction in New South Wales would enhance, uplift and extend the capacity of the coroners' jurisdiction to provide restorative justice in New South Wales. We need to provide this additional resource not only to assist coroners with their high workload but also to make sure they are able to improve the output. Other recommendations in the report, as I said, include measures to strengthen the accountability and oversight of responses to coroners' recommendations, including making sure that they can require responses from non-government bodies.

At the same time, the committee recommends that the legislation be refocused to really make it clear to coroners that they can and should make systemic findings where appropriate. At the moment they can do so, and many coroners do, but other coroners do not. We want to make sure that that part of the role of the coroner is properly built into the legislation. There should also be, as I said earlier, a requirement that responses to recommendations, and any failures to respond to recommendations, should be tabled in the Parliament of New South Wales and are able to be debated, of course, like any other report. The coroner should have the power to report to Parliament on any relevant matters, including but not limited to the follow-ups on coronial recommendations that have not been reported on, adhered to or implemented.

The coroner should also have explicit power to require a response, or further response, from any agency or body to which a recommendation is directed, and this, in the view of the Committee, should include non-government bodies. This is an important addition to the jurisdiction because the work of the Coroners Court often touches on matters that, while directly impacting government, go well beyond that. In conclusion, I point out that the committee was composed of members of Parliament from right across the political spectrum. As I indicated earlier, with one exception its deliberations were unanimous. I believe this provides a very strong foundation for reform of this important but often neglected part of our system of justice. It should be a risk to no government, whatever its colour or stripe, to adopt these recommendations. The committee membership included Labor, the Liberal Party, originally the National Party, The Greens, One Nation—right across the spectrum. The near complete unanimity of this report reflects an important part of the House's operations, and the very cooperative and collegial nature of our committee system. The Government should take clear note of that.

I acknowledge the contribution of all members of the inquiry, including those who were not able to see it to its completion. The deputy chair, Mr David Shoebridge, has resigned from the House to pursue a seat in the Senate. I do not want what I am about to say to be misconstrued as a partisan broadcast, but he will be a loss to this Chamber, as he was a loss to that inquiry. Equally, I note the loss of the Hon. Trevor Khan, who was originally part of the inquiry. Now magistrate Trevor Khan of the Local Court has been a well-known law reformer in this Chamber, a contributor to the committee system and the Deputy President of the House. His resignation from the committee and from this House will be a significant loss to the deliberations in this place going forward.

I leave my comments there. The report is far too detailed to do justice to all of its aspects, so I urge all honourable members to read it. I urge the Attorney General and members of the Government—and I see the Premier and the Attorney General in the Chamber—to take on board the recommendations. They may seem ambitious from where the court stands today, but all great reforms need a road map, even if travelling that road takes a bit of time. Now the Government cannot say that there is not a clear direction. We may need to do cake stalls, perhaps more than that. But the point is there are significant resourcing implications that would flow from the adoption of some of these recommendations, but not all. I urge the Government to act as swiftly as it can to implement them.

Debate adjourned.

*Members***INAUGURAL SPEECHES**

The PRESIDENT: Before calling the Hon. Chris Rath, I welcome to the President's gallery this evening a number of very distinguished people who are guests of the Hon. Chris Rath: Chris' partner, Patrick Wynne; his parents, Terry and Lorena Rath; and his nonna. It is lovely to see her. He is also joined by a multitude of aunts and uncles. I welcome them all. I also welcome the Premier, the Hon. Dominic Perrottet; the Treasurer, the Hon. Matt Kean; and a number of other Ministers and members of the other place. I welcome Federal Parliament colleagues Senator Andrew Bragg and the member for Wentworth, Dave Sharma.

I also acknowledge former President the Hon. Don Harwin, the predecessor of Chris Rath. I welcome former State and Federal parliamentarians Bruce Baird, Bruce Notley-Smith, Michael Photios, Chris Puplick, Philip Ruddock, Michael Yabsley and Greg Pearce. I also recognise those people in the gallery and the number of people gathered in the Strangers' dining room, who are watching a live stream of these proceedings—how things change. I welcome one and all.

The Hon. CHRIS RATH (18:03): There is no greater honour than to represent the Liberal Party and the people of New South Wales in this historic place: the oldest continuously used parliamentary chamber in the Commonwealth of Australia. The friends and family here tonight would know that it is hardly an exaggeration to say that this is where I have always aspired to be. For there are many, many noble professions in this world, but none that are quite so consequential to the lives of so many than that of our elected representatives. To be in this place as a member is humbling and surreal, not least because of the incredible speed and efficiency with which I was elected to this position. But it does not feel quite so fast paced to me. It feels like it was a 16-year journey, dating back to when I first joined the Young Liberals in 2006 in Wollongong.

I remember the day I joined—embarrassingly in my school uniform, year 11 economics textbooks in my backpack alongside a secret copy of Milton Friedman's *Capitalism and Freedom*—with a steely determination to join the party that, at the time, was so ably led by Prime Minister John Howard and Treasurer Peter Costello. This incredibly cheesy story paints the picture of a typical Young Liberal, but, in many ways, I was anything but. My entry into the Liberal Party was a result of rationalism and values, not tribalism and birthright. I did not come to this party from the big end of town or with a silver spoon in my mouth; I did not go to an elite private school or even grow up in a Liberal voting area. My parents were not CEOs of large companies, nor did they provide me with any political contacts.

What they gave many was far more valuable: a loving home, every opportunity in the world, and the values that set the preconditions for me to become a Liberal and who I am today—values like hard work, determination and self-reliance; values like individual freedom but also tolerance and acceptance, as every individual human being is different but has equal dignity and intrinsic value; and values like being proud to live in Australia, a free society where you can get ahead, irrespective of how much money you have, the colour of your skin or the God you choose to worship. Those values that my parents instilled in me are the values of middle-class Australia, the values of what Sir Robert Menzies called "the forgotten people". I owe so much to my parents. No formulation of words could ever do it justice, but I could not be prouder to have them in the gallery tonight. If those values were passed down to me by my parents, then they were certainly passed down to them by their parents.

My mum's parents, my nonna and nonno, migrated here from Italy in the hope of a better life after the devastation of World War II. My nonna and nonno's story is a typical success story of post-war European migration, but, to me, it is extraordinary. To grow up through the war in a family of partisans, fighting against Nazism and fascism in the Dolomites of Italy, is remarkable. For my nonna to be pushed against a wall at gunpoint and interrogated by a Nazi soldier as a young girl is impossible for us to comprehend today. To then migrate to a strange, distant country after the war, with few possessions, knowing almost nobody and unable to speak English, to start a new life and to call Australia home, is incredible. Two generations later and I am in this place as a member, but nothing makes me prouder than to have my nonna, at age 83, in the gallery tonight. I also acknowledge in the gallery my zias, zios and cousins.

My dad's side of the family have a very different story. It is just as extraordinary but much more distant in history. My grandparents can trace their lineage all the way back to a prison guard on the First Fleet. My grandparents, my nan and pop, were the best that anyone could hope for, and my brother and I were so lucky to have them in our lives for so long. Whether First Fleeters, post-war European migrants, those who have arrived more recently from around the world or those with Indigenous heritage dating back tens of thousands of years, Australia is the most diverse and harmonious society on Earth, and we should all take immense pride in celebrating that.

I also thank and acknowledge my amazing partner, Patrick, who is here tonight—the public face of the operation. I thank him for all his support, for keeping me sane and for being my best friend. Tonight is quite rare for me because I do not often like talking about my personal life. But as one of only two openly gay members of the Parliamentary Liberal Party—the other being my good friend Shayne Mallard, in case anyone was unaware—it felt wrong not to mention it briefly. I came out late in life, at age 29, when I met Patrick. By today's standards that is positively ancient. But it certainly was much easier for me than it would have been for those who came before me, and it will be easier still for the next generation. True equality will be reached when the awful process of coming out is finally redundant. Being gay should be treated no differently than having blue eyes or being left-handed.

Until 1984 homosexuality was illegal in New South Wales. The way that gay people were treated in the not too distant past was appalling and I am so appreciative that the Premier and Attorney General—both here tonight—have established a Special Commission of Inquiry into LGBTIQ hate crimes, after much lobbying from Shayne Mallard and Alex Greenwich. Hopefully this inquiry will provide some closure to grieving families and loved ones, with answers about crimes that have gone unsolved, in some cases, for more than half a century. An inaugural speech should always outline one's journey. It cannot possibly explain a legislator's political view on every single contemporary political issue but it should illustrate one's vision and philosophy, and a few key policy priorities. It is the one speech that people will look back on in years to come, when this place is dealing with entirely different issues to the ones today.

I am a classical liberal because I believe in personal liberty, the individual and the free market. I am a conservative because I believe in conserving our democratic institutions that have stood the test of time and conserving our unique natural environment for future generations to enjoy. I am a moderate because I am pragmatic and I believe in evidence-based policy. None of these things are contradictory, but my preference is always to use the descriptor of liberal. We must not abandon the word "liberal" to the Left like they have done in the United States, with classical liberals now being forced to use the term "libertarian". I am a liberal in the tradition of John Stuart Mill, John Locke, Edmund Burke and Adam Smith. Fundamentally I believe that individuals should be free from government control and allowed to do whatever they want, so long as it does not harm the life, liberty or property of someone else.

In this sense liberalism comes from the sceptical or Scottish enlightenment and fits well with conservatism, unlike the radical or French enlightenment. In the Anglosphere, right-of-centre major parties are a fusion of classical liberalism and conservatism. In continental Europe and most of the rest of the world we would be two separate parties. The Liberal Party has often been described in this way, either as a broad church or needing two wings to fly. The liberal or moderate wing of the party and the conservative or right wing of the party should harmoniously coexist and, in fact, complement each other.

As a liberal I support a bicameral Westminster parliamentary democracy, federalism, separation of powers, the rule of law, property rights, the presumption of innocence and our fundamental freedoms of speech, worship and assembly. But aren't these the very same institutions that have stood the test of time and that conservatives want to conserve? Of course conservatives and liberals will not agree on every issue all of the time, but what unites us is far greater than what divides us. The source of truth on this is our party's platform, condensed into the "we believe" statement. Its elegantly unifying prose commits our party to individual freedom and free enterprise. To quote the first tenet:

We believe in the inalienable rights and freedoms of all peoples; and we work towards a lean government that minimises interference in our daily lives; and maximises individual and private sector initiative.

These liberal beliefs are being challenged at home and abroad, especially in an increasingly totalitarian and hostile world and region. The "we believe" statement should be promoted and adhered to more often, and I certainly commit to doing that. One area of policy that should unify the Liberal Party is free market economics, as the Government should get out of the way to make life easier for individuals and businesses. I do not necessarily come to this place with the aim of fighting culture wars or an immense desire to delve into social policy. But I absolutely do view my purpose as fighting for lower taxes, less government debt, free trade, deregulation, and privatisation. Economic reform is not popular but it is necessary, or as Margaret Thatcher once said:

Yes, the medicine is harsh, but the patient requires it in order to live.

This has been a competent Government and a reformist Government but there is always more opportunity for reform, especially with inflation being so high and productivity growth so low. I am excited by the opportunities ahead to work with the Premier and the Treasurer on the fundamental drivers of economic growth—the three Ps of population, participation and productivity. There are enormous opportunities for economic reform at a State level, yet too often commentators and economists have focused only at a Federal level. Tonight I would like to float three areas of opportunity for economic reform. The first is tax reform: the holy grail of every Liberal wanting to make their mark on economic policy.

The aim of any tax reform should be to move towards a simpler and more efficient tax system, but it must also include overall lower taxes. That means moving towards broad-based indirect taxes, like the GST. Countless reviews have shown that Australia's most inefficient taxes are levied at a State level, from payroll tax and stamp duty to insurance taxes and the emergency services levy. It often seems impossible to do anything about it without getting the Feds on board, especially as there is no incentive to reform the State tax system when vertical fiscal imbalance and horizontal fiscal equalisation always work against New South Wales.

The worst offender by far is payroll tax. It is an inefficient, unfair and illiberal tax on jobs that punishes businesses from growing and employing more people. Tonight I propose an innovative solution to this problem: the abolition of payroll tax without getting the Feds involved, without increases in other taxes and without reducing government services. You are probably thinking that this seems too good to be true. However, the concept is actually quite straightforward. Payroll tax would be phased out gradually with slight reductions in the rate every year for 20 years. The small shortfalls in revenue each year would be covered by the natural yearly increases in revenue of all other taxation sources. After 20 years, payroll tax would hit zero and overall revenue would still be higher in 2042 than in 2022. There would be no need for any spending cuts. The only caveat is that the Government could not go on a huge spending spree and would have to restrain itself to only modest expenditure increases, in line with Treasury forecasts.

The second area for reform follows from the first: take back control over the recent explosion of government debt and deficit. This has been a challenging issue at a Federal level since 2008 and a more recent post-COVID phenomenon at a State level. In 2019 New South Wales had no net debt and surpluses as far as the eye could see. Today we have amassed around \$64 billion of State debt. That is an issue of intergenerational equity because it will fall to my generation, the millennials, to pay back the huge debt incurred today. Edmund Burke once said that society is:

... a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born.

Intergenerational debt is an unparalleled breach of precisely that partnership, as government debt is essentially a transfer payment from the young and not yet born to older generations. An aging population further exacerbates the problem, as there will be relatively fewer taxpayers in the future paying for a greater number of elderly Australians requiring health care and social services.

With interest rates on the rise in Australia and around the world, governments will find their budgets squeezed even further for years to come. Younger generations will experience lower growth, lower incomes and lower standards of living in the future as a result of the profligacy of today needing to be paid back tomorrow. Most members use their inaugural speech to lobby for new government grants, infrastructure projects or services. Announcing no new spending tonight probably makes mine the cheapest inaugural speech in history. But as I am calling for budget restraint, I heed the words of Peter Costello that the easiest cut you will make is the stuff you never go into. Put another way by Ronald Reagan, the closest thing to eternal life on earth is a government program.

Tackling debt and deficit means that we need to move away from the fundamentally flawed thinking that more and more government spending will lead to better outcomes in health, education, transport or other services. The volume of spending is often not the problem; rather, it is how it is being spent. Clearer KPIs for how money is spent, greater private sector involvement in the delivery of services and greater choice for individuals are critical factors. It is why I have always liked the idea of school vouchers, where parents and students not only choose which public or private school they attend but then also issue a certificate of funding to their chosen school, thereby creating real choice and competition in education. Using government funding and a market mechanism, choice in schooling then becomes available to everyone, not just the rich and powerful. School vouchers are a radical reform and probably not what the Premier had in mind when he announced a voucher-led economic recovery. However, it is certainly a courageous policy worth exploring.

The final aspect of combating debt and deficit is to crack down on pork-barrelling. Governments of all persuasions at a State and Federal level have been guilty of pork-barrelling in the past. But prioritising based on electoral need rather than consumer demand is not just inefficient but also fundamentally wrong. Too many programs have been funded in the past where the business case just does not stack up. Stopping pork-barrelling will not fix the deficit overnight but it will help. I congratulate the Premier on commissioning, in one of his first moves on the job, the NSW Productivity Commissioner and head of the Department of Premier and Cabinet to review how grants are handled. Elected officials—not bureaucrats—should determine how taxpayer funds are spent, but it should be transparent and the funding should only be on core services. We are in the middle of a Federal election campaign. I have seen announcements of \$10 million for regional newspapers and \$15 million for breweries, but those are not core functions of government, as important as those businesses may be.

Governments are the custodians of taxpayers' funds and we should only spend their money with an abundance of caution and care.

The third opportunity for reform is our industrial relations system. While I would love to see large-scale industrial relations reform, most levers belong to the Federal Government. However, even here in New South Wales the trade union movement has far too much power over our essential public services despite being a very small proportion of our overall workforce. A top Unions NSW boss has declared that 2022 will be a year of strikes, and we have already been hit with that in our transport and education systems. Union leaders who are making decisions to strike are also on NSW Labor's powerful administrative committee. When this Government negotiates with trade union chiefs, we must remember that they have a vested interest in helping Labor win the next election, and no interest in helping us run essential public services. We saw that with the recent train and bus strikes. We wanted the buses to run on time; Labor's trade union mates wanted to throw us under them. Labor cannot distance itself from the industrial anarchy being caused by the unions because its entire leadership is dominated by the bosses making the decisions.

Tonight I call on Chris Minns and the Labor Party to remove that conflict of interest from their party structure: Stand up to the trade union bosses and make them choose between their role as officials running the workforce of essential public services and their role as political apparatchiks on NSW Labor's campaign and administrative committee. The preference would be to leave it up to NSW Labor to make that decision; however, the Government also has the option to do it through legislation. Just as lobbyists cannot hold top positions within political parties, nor should trade union bosses who negotiate with the Government on essential public services. The message should be clear: You can be a powerbroker or a trade union official, but you cannot be both.

I have discussed tax reform, debt and deficit, and industrial relations. I hope that in the future I can help develop many creative policies to benefit the people of New South Wales. I also hope that I can fight for the Liberal Party in my local area of the eastern suburbs, the city and the inner west, which is called the central metropolitan province. From Bondi to Burwood and from Coogee to Concord, the central metropolitan province has immense natural beauty, a cosmopolitan global city, the world's most picturesque harbour, thriving cultural diversity and a vibrant history unlike any other part of Australia. I will be a strong advocate for this part of Sydney that I call home, and I am incredibly grateful for all the support that the Liberal Party has given me across the 12 State electorates that form this province. I will take the fight to Labor and The Greens in these inner-city electorates. In particular, I have my sights on Coogee and Strathfield, because if we work hard enough I know that the Liberal Party can win them back at the next election.

By far the most difficult part of any inaugural speech is knowing who to thank and mention. For me, it has been absolutely nerve-racking because the list of supporters and friends is endless. I have been blessed to develop so many friendships over the 16 years that I have been involved in the Liberal Party. Firstly, I thank my distinguished predecessor Don Harwin for all his support and mentorship over the years. He made an immense contribution to this place over 23 years as a member, Whip, President, Minister and Leader of the Government. I have huge shoes to fill and I am sure I will often seek his guidance.

Don and I are remarkably similar in so many ways: economics at Sydney University; the Young Liberals; Elizabeth Bay and the South Coast; the Australia Youth Trust and Commonwealth Day Council; Christ Church St Laurence; psephology; high culture; support for the constitutional monarchy; and, of course, our fondness for Abba and Cher. No doubt we are very different in many other ways. Don was the best arts Minister this State has ever had. With the indulgence of the new Minister, the Hon. Ben Franklin, I aim to take a strong interest in the arts and promote the amazing work of this Government, much of which was championed by Don. I support the arts not just because of tourism or the economic benefits, as important as they are. I support the arts because beauty and creativity are universal needs of human beings. As the late philosopher Sir Roger Scruton stated, "The beautiful work of art brings consolation in sorrow and affirmation in joy. It shows human life to be worthwhile."

I thank the Premier for elevating beauty as a priority within government under his three pillars of making Sydney "livable, workable and beautiful". I also thank and acknowledge my closest friend and ally in the Liberal Party, Harry Stutchbury. We have been through a lot together. I thank him for bringing me back down to earth when I go a bit loopy. To this day there is still no project that I have enjoyed more or found more valuable than running his campaign to become the Young Liberals president all those years ago.

I thank the Young Liberal Movement for my political apprenticeship and for all of the many friends that I made over the years: Hugo Robinson, Dimitry Palmer, Chaneg Torres, Brigid Meney, Alex Dore, Matt Cross, Joe Del Duca, Deyi Wu, Will Nemesh, Joshua Armstrong, Cameron Walters, Vincent So and Paul Ell. The list goes on and I cannot mention them all tonight. There is no organisation anywhere in Australia that is more effective at putting people into State and Federal parliaments than the NSW Young Liberal Movement. The fact that Premier Dominic Perrottet was a former NSW Young Liberals president and that he took over from Gladys Berejiklian, also a former Young Liberals president, proves the point exactly.

It was an absolute privilege to help my good friend the Hon. Peter Poulos get elected to this place just over a year ago. I am elated that with his help I am here now as his colleague. Peter was one of the first people I met in the Liberal Party. He trained me up and mentored me in my formative years. It would hardly be an exaggeration to say that everything I know about politics, I learned from him. I encourage anyone here tonight who has a problem with my operating style to please form an orderly queue and Peter will take questions. I also thank and acknowledge James Wallace. For the past seven years we have talked almost every day about things as mundane as petty branch disputes and things as exciting as Federal preselections. Together we have quietly led the New South Wales moderates from behind the scenes at an organisational level. He is one of the best political operators I have ever met and I am proud to call him a friend.

Moving to the eastern suburbs, I acknowledge my longstanding State Executive colleague, Waverley councillor and Wentworth FEC president, Sally Betts. I thank her for her support, friendship and all that she does for our party in the east. I thank the Treasurer and the leader of our moderate group, Matt Kean, for going in to bat for me and for all his help in getting me here. Matt has unfairly copped a lot of flak in pursuing action on climate change. But, unlike our Federal counterparts, he has managed to turn what was once a weakness for the Liberal Party into a core strength. Nobody even knows or cares what NSW Labor's climate plan is; all they know is that ours is better. There certainly will not be a teal wave at the next State election because we have Matt Kean and he is the antidote.

I thank my friends at Insurance Australia Group—George Karagiannakis, Jane Anderson, Veronica Newman, David Wellfare and so many others—for 6½ remarkable years working for an amazing company. I apologise for leaving so quickly. I thank The Nationals for making me feel so welcome to this place. We are not just a coalition of self-interest, we are like a family. The coalition between the New South Wales Liberals and The Nationals is the most successful coalition of two parties, not just in Australia but probably anywhere in the world. I acknowledge my many friends and supporters from the central province and from my native home on the South Coast, my brilliant staff, my former employers and work colleagues, my friends in the right, local councillors, State and Federal colleagues, former State Executive colleagues, political staffers, and all the many people who have helped me along the way. There are far too many to mention tonight.

I seek leave to have the names of persons to whom I express my thanks and appreciation incorporated in *Hansard*.

Leave granted.

John Ajaka, Sazed Akter, Rory Amon, Alexander Andruska, James Ardouin, Robert Assaf, Stuart Ayres, Bruce Baird, John-Paul Baladi, David Begg, Manav Bhatt, Michelle Bishop, Jerome Boutelet, David Brady, Andrew Bragg, Carrington Brigham, Wayne Brown, Jane Buncle, Matthew Camenzuli, Marilyn Cameron, Jenny Carmichael, Sean Carmichael, Peter Cavanagh, Abbie Chugg-Palmer, Craig Chung, Alex Clark, Joy Clayton, David Coleman, Luke Coleman, Jason Collins, Nicholas Comino, Alex Cooke, Clark Cooley, Mark Coppleson, Mark Coure, Mark Croxford, Tamika Dartnell-Moore, Georgia de Mestre, Elliott Donazzan, John Dorahy, Chris Downy, Terence Duggan, Christian Dunk, Amelia Eames, Christian Ellis, Sam Elmir, Michael Evangelidis, Hannah Eves, Jason Falinski, Sam Fay, Michael Feneley, Lachlan Finch, Zachary Fitzpatrick, Paul Fletcher, Cooper Gannon, Lyndon Gannon, Liam Garman, Leon Goltsman, James Griffin, Andrew Hamilton, Christie Hamilton, Matthew Hana, Gabriel Harb, Robert Hardie, Dave Harvey, Andrew Hay, Aaron Henry, Richard Hodge, Robert Holt, Stephen Hopwood, Darel Hughes, Michael Hughes, David Hull, John Ishak, Shauna Jarrett, Mary-Lou Jarvis, Mark Jones, Gisele Kapterian, Tony Kay, Liam Kiss, Matt Kong, Brian Lindsay, Tom Loomes, Georgia Lowden, Peter Lynch, Scot and Aileen MacDonald, Jacob MacFarlane, Larissa Mallinson, Ned Mannoun, Bev Martin, Fiona Martin, Jesse Martin, Jo McCafferty, Chris McDiven, Janet and Donald McDonald, Bradley McHugh, Dallas McInerney, Caity McLoughlin, Teena McQueen, Michael Megna, Ben Mitchell, Susanna Montrone, Patrick Moore, Simon Moore, Bruce Morrow, Joshua Moses, Jacqui Munro, Chris Murphy, Shani Murphy, Naji Najjar, Matt Nash, Scott Nash, Ben Nastasi, Jessie Nguyen, Bruce Notley-Smith, David Nouri, James O'Neill, Nat Openshaw, Katherine O'Regan, James Owen, Patrice Pandeleos, Amanda Parker, Robyn Parker, Greg Pearce, Charles Perrottet, Jean-Claude Perrottet, Eleni Petinos, Michael and Kristina Photios, Jack Pinczewski, Julia Prieston, Chris Puplick, Christopher Pyne, Paul Ritchie, Anthony Roberts, Brendan Roberts, Daniel Rosenfeld, Philip Ruddock, Bridget Sakr, Joel Schubert, Peta Seaton, Geoff Selig, Ted Seng, Isabelle Shapiro, Dave Sharma, Gavin Shnier, Richard Shields, Peter Sidgreaves, John Sidoti, Pallavi Sinha, Kellie Sloane, Nick Smerdely, Nathaniel Smith, Mark Speakman, Cedric Spencer, Joshua Spicer, Janet Stewart, Rob Stokes, Chris Stone, Haris Strangas, Yosi Tal, Riley Taylor, Natarsha Terreiro, Michael Tiyce, Chanum Torres, David Tricca, David Tsor, Gabrielle Upton, Rob Vellar, Kylie von Muenster, Gordon Weiss, Dylan Whitelaw, Ray Whitten, Felicity Wilson, Susan Wynne, Michael Yabsley, Scott Yung, Mohammad Zaman, Toni Zeltzer, Brendon Zhu, Trent Zimmerman.

The Hon. CHRIS RATH: I thank the House. Finally, I thank the people who have helped me settle into this place: you, Mr President; the Clerk and all the staff of the Parliament; the Whip; the Hon. Natalie Ward; the Hon. Shayne Mallard; our leaders, the Hon. Damien Tudehope and the Premier; and my great mate who actually runs the show up here, Sam Tedeschi. Tonight I reflect on the fact that my political journey has just started a new chapter and that with holding elected office comes enormous responsibility. We are the custodians of a seat in Parliament for only a brief moment in history. Whether Liberal or Labor, left or right, we are all trying to do our job to make life better for the people of New South Wales. We will not always agree on what that looks like, but

every member in this place hopes to leave the State in a better place than he or she found it. For me, the tremendous honour of being here would not have been possible without family, friends and the party that I love and have devoted my entire life to. I conclude with the words of the greatest living Australian, John Howard, "I owe more to the Liberal Party than the Liberal Party owes to me." Thank you.

PARLIAMENTARY SECRETARIES

The Hon. DAMIEN TUDEHOPE: I inform the House that on 12 April 2022 Mr Stephen Bromhead, MP, was appointed as Parliamentary Secretary for Regional Transport and Roads.

Committees

STANDING COMMITTEE ON STATE DEVELOPMENT

Extension of Reporting Date

The Hon. CATHERINE CUSACK: According to paragraph 8 of the resolution of the House establishing standing committees, I inform the House that on Thursday 21 April 2022 the Standing Committee on State Development resolved to extend the reporting date for its inquiry into animal welfare policy in New South Wales to Wednesday 15 June 2022.

Bills

WORK HEALTH AND SAFETY (MINES AND PETROLEUM SITES) AMENDMENT 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. Damien Tudehope, on behalf of the Hon. Sarah Mitchell.

The Hon. DAMIEN TUDEHOPE: I move:

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

Motion agreed to.

The Hon. DAMIEN TUDEHOPE: I move:

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

Motion agreed to.

Matter of Public Importance

EDUCATION PORTFOLIO

The Hon. MARK LATHAM (20:05): I move:

That the following matter of public importance be discussed forthwith: The need for honesty and integrity in the New South Wales Education portfolio.

The Government has agreed to debate the matter of public importance.

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

Motion agreed to.

The Hon. MARK LATHAM (20:05): It is very timely to discuss honesty and integrity in the New South Wales Education portfolio because one of the tasks of Portfolio Committee No. 3 – Education, which I chair, has been to drill into the true cause of the teacher crisis in New South Wales. As members of Parliament, we know that students have been left in the playground without teacher supervision. They have been sent to the library to read books and they have been sent home early. Some schools close early in the day because they do not have enough teachers. We know the problems that students went through during the COVID lockdown, with no face-to-face teaching. In some schools whole year groups have been told to stay home. There is a general lack of support for the status of teaching. It is not the attractive profession it once was. We do not have school leavers flooding into education degrees looking for a rewarding, highly paid profession. But the Government has been engaged in a ruse.

The ruse of the Minister has been to try to convince the people of New South Wales that those dreadful, unnecessary teacher shortages are a product of COVID and of sick teachers who cannot go to school. But the information has now become available, breaking the secrecy and the subterfuge of the education department and the Minister. The true cause has been the debilitating impact of the workplace mandates, which have now been

abolished in the Australian Capital Territory and South Australia but which remain in New South Wales. It has been a very difficult process to get honesty and integrity from the education department, and for it to provide the accurate data. The Hon. Anthony D'Adam, as a member of the education committee, can attest to the number of times in early March at budget estimates hearings that I asked for evidence of the number of letters that had gone out to casual teachers in particular who were non-attested for vaccination status and who had been told that they could not set foot in a New South Wales government school. Chief people officer Yvette Cachia was asked about that time after time. We went through the process and she described the letters that could go out.

I asked time after time, "How many have gone out? How many teachers are missing in this critical teacher shortage in New South Wales?" She took the question on notice and eventually, in response to a supplementary question at a budget estimates hearing, she referred me to an answer on notice, which was a non-answer. So I was given a non-answer that referred me to a different non-answer. There was a running determination from the education department and the Minister to not provide accurate numbers on non-attested casual teachers. We only have the truth because some honest people in the education department forwarded me an email that was sent by Justin Cheung, the senior briefing and correspondence officer in the office of the chief people officer, which outlined the text message and the emails that sent non-attested staff an eCPC flag.

That acronym stands for electronic casual payroll claims, so these were active staff being told in the memo that they were unattested and could not set foot in a New South Wales government school. He went on to say that that letter was to be sent to approximately 9,000 staff on Thursday 24 February. Shamefully, Cachia refused to give that information to the committee. Shamefully, she said the only available data she had was from three days earlier on 21 February. But, in truth, when the estimates committee met on 2 March, five working days earlier, she approved this action inside the education department: Send the text message and the emails out to 9,000 active casuals who were unattested and flagged, under the casual payroll claim, as incapable and unable to work in New South Wales government schools.

If you take 9,000 staff out of New South Wales government schools, automatically you have got a staffing crisis—and that is what happened. It is to the shame of Cachia and the department head, Harrison, and the Minister, Sarah Mitchell, that the honest numbers were never provided, other than by the few remaining honest people inside the education department who gave them to me. It is a dreadful thing, what has gone on, because the truth of it is that, having applied these mandates, obviously there has been an agreement between Harrison, Cachia and the Minister to say, "Look, this is pretty hot. We've got general teaching shortages in New South Wales. We're going to apply these workplace mandates, the public health order. We've got a compliant union"—you know, they have sacked a number of people; that is easy to do under those arrangements—"but more particularly a lot of these casuals in particular won't be vaccinated. They can't set foot in a school. The reserve army of casuals, who would normally step in to fill the gaps in our schools, will not be available. What do we do?"

What they decided to do is one of the most disgraceful things I have ever seen in public life. What they decided to do, as a group, was to say, "We'll just tell them it's only a couple of hundred affected." The Minister stood in the Parliament time after time saying that 99 per cent of teachers were vaccinated. We now find out in the admission of truth from Georgina Harrison that it is well over 5,000 teachers who are not vaccinated and have not attested. The 99 per cent figure was never true. It was never true that only a couple of hundred teachers were affected by these mandates. The number in that memo to Cachia on 23 February was 9,000 staff. Georgina Harrison, after the good work of the education committee drilled into the truth, is now admitting to 8,000 staff and, of those, more than 5,000 were teachers.

Shame on you, Minister. Shame on you because you owed the truth to the people and the parents of New South Wales, as well as the students in particular. For every child sitting in a playground unattended, for every child going into the library just to read books instead of having a normal class time, for every year group told that they could not go to school, for every school that had to close early, Minister, you owed them the truth. You owed them the truth of why these shortages were in place and you said only a couple of hundred teachers had been affected.

There was a collaboration with Harrison and Cachia to deceive our committee, to deceive the Parliament, to deceive the public and to deceive the parents of New South Wales. What has happened is this: At supplementary estimates, I produced the email that I was given, dated 23 February, and Cachia was put on the spot. Even then she had her last chance to fess up to the truth. She knew these letters had gone out to the 9,000 or the 8,000. She knew it. It had happened just days earlier from the original estimates on 2 March. It had happened not so far distant when we met again in early April. She knew what she had done. She is the Chief People Officer of the Department of Education, on hundreds of thousands of dollars a year. It is her responsibility.

The other thing that happened at estimates is that, if we asked how many of the permanent teachers had been sacked or stood down, she would give the answer to a decimal point. She was all over it as part of the ruse

cooked up with the Minister and the department head to say, "It's only a couple of hundred," and that is what she told us: About 200 permanents had been sacked or stood down. The bigger number was in the casuals. She had direct access to it and never told the truth. What has happened now is that the education committee will meet tomorrow. That is how timely this matter of public importance [MPI] is. The committee will meet tomorrow to give consideration for a special report to this Parliament to refer Cachia to the Privileges Committee of the Legislative Council, because too much of this is happening.

It is certainly a truth in politics that once a government is in for many, many years, some of the bureaucrats think, "Hang on, we're just an extension of the ministerial office. We're just an extension of the National Party political operation." It does happen in a longer-serving government and it has happened inside the education department. The truth is Harrison should go, Cachia should be sacked and the Minister should contribute to debate on this MPI and own up to the truth, and apologise to the parents and the students of New South Wales for what has gone on here. It was never a couple of hundred teachers—never! It was always running into thousands. The Harrison letter that our committee has now received, which I quoted in question time and will mention again, states:

I can advise that, on 24 February 2022, 8,080 school-based staff who had not yet attested to their vaccination status were sent a letter advising they had to be double vaccinated if they wanted to perform work for the department.

They could not set foot in a New South Wales government school. This is 3½ months into the operation of the mandate. It is not 3½ days but 3½ months. After those mandates started on 8 November they were sending out letters to over 8,000 school-based staff to say, "You can't work in one of our schools." It is a huge proportion of the workforce and it is the core reason for these staffing shortages around the State. It is a shameful incident and this Minister must be accountable for it. I very much hope this Parliament makes Yvette Cachia accountable for what has been done. She knew the data. She knew it all the way through but sat there referring it to be taken on notice—"I'll get it for you later on"—and then ultimately referring me to an answer on the *Questions and Answers* paper that was a non-answer.

That truth has now come out. There is no denying it. There is no hiding from the fact that this Minister was telling the Parliament a vaccination rate that was not accurate and was telling the people of New South Wales the core problem was COVID sick days. In answer to a different question on the *Question and Answers* paper we found out that in term one of this year there were 15,000 reported COVID cases in these schools, so over a 50-day term about 300 only per day. Compare the 300 teachers missing because they were sick with COVID to the over 5,000 who could not work because of the mandates. That is the reality of what has gone on. The 5,000 dwarf the 300 per day and that is why we have had these teacher shortages in such dire numbers and why so many students have suffered. I do not know how this Minister has been part of this collaboration and this ruse, because the students have been through so much: those dreadful 107-day lockdowns in Sydney last year, students suffering from physical and mental ill-health, beyond description in some cases.

Hadn't they been through enough? Weren't they owed the truth this year? They were owed the truth and Cachia, Harrison and this Minister collaborated to deny the truth to our committee. It is only because of those honest people in the department who, I have to say, in my conversations with them, are disgusted by the person the Minister has heading this department and by Cachia and the Minister's own actions—totally disgusted. In the noble name of public education in New South Wales, they know the mistruth and the dishonesty that has been perpetuated. They came forward to me to say, "We know this is wrong. We know that this is risky." Inside the department they also say there is an attempt to hunt them down, but they are so committed to honesty and the good values of public education they have come forward with the truth. Our committee is now using it to bring these people to account. That is what this MPI is about more than anything else.

I will also go to some other dishonesty in the education department. We know of the incident of the shameful comment of "better breeding" at one of the schools west of the Blue Mountains. In documents presented under Standing Order 52 [SO 52] a high school principal said "better breeding" was the answer to lifting the high school's results. That was many months ago and I am not aware of anyone who has been brought to account for it. It turns out that the documents were placed in the Lithgow High School bundle by mistake. They were not from Lithgow High School but were listed twice in the index so that anyone reading the index and the documents, as I did, would think this came from Lithgow High School, but it turns out it is probably Kandos. We still do not know the truth of that. But the *Lithgow Mercury* on 1 March had a headline which read, "Education Department hits back at Lithgow High 'better breeding' comment, says claims are 'incorrect'".

The department rubbished the report in *The Daily Telegraph* that the comment was from Lithgow. The department was so dishonest, it was trying to blame *The Daily Telegraph* for the fact that Lithgow High School had been fingered and had an attribution for those "better breeding" comments. It was the department's fault. Some fool inside the department took a document from Kandos High School and handed it over to the bundle for an SO 52 for Lithgow. But here is the education department, with the *Lithgow Mercury* not really knowing what has

gone on, rubbishing the claim and trying to put the blame on *The Daily Telegraph* for reporting what everyone thought was the truth.

This department is living and breathing dishonesty. Why? The department thinks it is an extension of the Minister's office, an outline branch of the National Party to run political interference for this Minister. Any dishonesty and any mistruth will do as long as they keep their jobs and the cabal stays in place. It was dishonest to say that to the *Lithgow Mercury*. It is certainly dishonest to say what has been said about the impact of the mandates. The Minister should also apologise for what she said about the disgraceful gender fluidity teaching at Umina Beach Public School. On 22 March the Minister stood in this House and said, "In that particular school, the lesson was held outside of regular class in response to the school community." The letter notification sent out by the deputy principal and the material from the director of education leadership [DEL] make no mention of requests from the community.

In fact, they confirmed that this class for year 2 students at Umina Beach was taught in class time as part of the curriculum, not out of class time at the community's request. The letters clearly show that the lesson was taught in class time as part of the curriculum. The DEL said it was part of the personal development, health and physical education syllabus content. The letter from the deputy principal that went out late last year said, "As part of our child protection unit, year 2 classes will participate in a lesson about gender diversity. Gender refers to the way you feel on the inside"—what does that mean for a seven-year-old?—"It might be expressed in how you dress or how you behave or, for some people, these things may change over time." This was taught in class time, supposedly as part of child protection. Along with many parents in New South Wales, I think it is child abuse. The Parliament was misled. The Minister should stand up and apologise on many fronts and, most of all, restore honesty and integrity to her department.

The Hon. COURTNEY HOUSSOS (20:21): I lead for Labor in debate on the matter of public importance, "The need for honesty and integrity in the NSW education portfolio". I note the long legislative agenda that the House must deal with tonight and I also note that it is already 8.20 p.m., so I will keep my comments brief. I focus on two specific issues that I have spoken about in this Chamber many times and the lengths that we have gone to in trying to seek information on behalf of the public, the community, parents, teachers and students across New South Wales.

The first issue is that of teacher shortages. Last week we saw tens of thousands of teachers rally across the street from Parliament House because of the chronic teacher shortages confronting our schools across New South Wales. Labor has raised this issue in the Chamber for years. Specific cases of specific schools have been raised, and time and again the Minister said, "There's no problem here. There's nothing to see here. You're simply trying to create problems where they don't exist." We sought information through all the avenues available in this House: budget estimates hearings, questions on notice and, finally, Standing Order 52 calls for papers. We discovered that, exactly as we had suspected, the so-called teacher supply strategy was a glossy brochure from the Government that hid the truth of what was happening.

What was happening across the State was exactly what we had been told by teachers and by the NSW Teachers Federation for years. We now know that last year more than 10,000 New South Wales high school students were being taught by someone outside their subject expertise. Internal analysis done by the New South Wales Department of Education showed that students whose teachers were qualified in the subjects they taught achieved higher marks in the HSC than those who did not learn from teachers qualified in the subjects they taught. That is why it is incredibly important that our students are taught by someone who is teaching within their area of expertise. Yet 15 per cent of teachers are teaching in an area that they have not been specifically trained for—22 per cent of those teaching maths in years 7 to 10, 12 per cent in years 11 and 12, and almost 20 per cent of English and history teachers.

We know that the single biggest indicator of success for a student is the quality of their teacher. Looking at the number of teachers who are teaching outside of their qualified areas—hardworking teachers who are trying to do the best for their students but have not been trained in what they are trying to teach their students—is it any wonder that we are seeing declining standards across the board? I could go on about the different programs that have been announced. After calling for papers, we have discovered exactly what those programs are delivering. The New South Wales Government's teach.MathsNOW Scholarship was awarded to 23 industry professionals to study in 2020 and 2021. Of those, five completed their studies and were appointed as permanent teachers in classrooms. We have shortages of tens of thousands of teachers, which are projected to get worse as enrolments increase in our public schools. Yet this Government has spent more time and energy providing us with false information or glossy brochures or subterfuge instead of addressing the problems that we are facing.

School infrastructure is, again, an area where we see glossy brochures produced to tell communities not what they want to hear but what the Government wants to tell them. Communities are desperately crying out for local school upgrades and new schools to be built. Children are being crammed into brand new buildings. As part

of its inquiry into school infrastructure, the education committee visited Gledswood Hills. Opposition members have spoken frequently about that school in the House and I have seen the facts and figures. In its second year of operation, the school had 13 demountables. It was built for 500 students, but the school currently has 1,300 students. This year it has 22 demountables. How is the Government getting this so wrong?

I thought our visit might allay some of our concerns. The principal told us that next year the school will lose a significant part of its current play-space area—perhaps one-third—as the quickly accelerated stage two of the building is built. It will lose more of its play space when an additional 10 demountables are placed, taking the total to 32 demountables. Those 1,300 children will basically have a double basketball court to play on at lunchtime. This is a brand new constructed school. How is the Government getting this school planning so wrong? This is not an isolated case. We have six examples: Gledswood Hills Public School, Riverbank Public School, Schofields Public School, Northbourne Public School, Oran Park Public School, and the Gregory Hills community, which is crying out for a school that was promised for many years but not developed.

Yesterday a lot of people spoke to the committee and gave us many examples of the problems with local schools and the lack of delivery. Government members come into the Chamber wanting to receive a round of applause for the way that they are supposedly building and fixing schools. If members of this House want to hear about how out of touch the Government is, they should ask its members about its record on school infrastructure. The Minister and the department can issue all the press releases and glossy brochures that they like, but the community knows what is going on in their local schools and they are deeply concerned about it.

It is not the first time that we have learnt about the problems. Two consecutive Audit Office reports have stated that school infrastructure spending is not aligned with need and is not being delivered in the right way, and that massive improvements need to be established to ensure that local schools are meeting the needs of local communities. We just want to know why the Government is getting it so wrong. If the Minister and the department refuse to give us answers, we will continue to conduct our own inquiries. We will continue to get to the bottom of it because it is so important that our local schools are delivering good quality public education. It is an absolute cornerstone of the services that governments should provide and that the New South Wales Government certainly should provide. I said I would not speak for long; of course, I always have too much to say about education.

The final thing I will talk about is changes to catchment boundaries, which is such an important issue for parents. They want to know whether they will be able to send their children to the local public school. Through the course of the education committee's inquiry and through recent questioning, we have discovered that the department has no inclination even to speak to existing parents, let alone future parents, who are making decisions about where to buy their house or build their home and their family life. With a flick of a pen, a bureaucrat will determine the school zone, without speaking to any local parents. I could go on and on about the need for honesty and integrity in the New South Wales public school system. It is incredibly important for our community to have faith and trust in our public education system, and that is why the New South Wales Labor Opposition will continue to ask these questions and pursue these issues so that we can get to the bottom of it.

The Hon. Mark Banasiak: Mr Deputy President—

The DEPUTY PRESIDENT (The Hon. Adam Searle): It is traditional in debates of this kind that the Government responds. The Minister has the call if she wishes it.

The Hon. Mark Banasiak: I was happy to give her the second last reply.

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (20:31): I will take the call, and potentially have a conversation with the Hon. Mark Banasiak after his contribution, if he wishes to raise issues. Today's matter of public importance is about the need for honesty and integrity in the Education portfolio. I agree with that premise. I think it is important to have honesty and integrity in the Education portfolio. I say to this House that under my time as Minister we do have honesty and integrity in the Education portfolio. I take my role extremely seriously and I act with honesty and integrity, but this issue is not about me as a Minister. There have been certain insinuations throughout this debate so far that there is a lack of integrity and honesty in the Education portfolio.

The Education portfolio has the crucial role of delivering quality education to millions of schoolchildren and adult learners each and every day. The portfolio has exceptional teachers, school administration staff, leaders, support officers, policy and program officers, curriculum specialists, and corporate and executive staff, amongst countless others, who work around the clock to support our school communities, particularly through the waves of pandemic lockdowns, bushfires and floods. That is just in the past two years, and it was all done for the benefit of students in this State. In this portfolio, last year alone, I responded to almost 1,100 questions on notice. I have received 645 questions without notice during the Fifty-Seventh Parliament. We have provided 67 written answers to supplementary questions. Those questions have been received and they have been responded to.

If we want to look at the past three years, we have responded to an additional 2,330 supplementary questions arising from budget estimates. We are a portfolio that has appeared at Public Accountability Committee hearings into the pandemic and at multiple inquiries of Portfolio Committee No. 3 – Education in the same period. We have also responded to approximately 30 calls for papers under Standing Order 52 in this Parliament; that is tens of thousands of pages worth. If members want to talk about integrity and honesty and openness, I would argue that of the ministries and portfolios we are probably asked the most questions. We often provide large numbers of documents through Standing Order 52 motions. I pride myself on being a Minister whose office door is open. I have been very honest with members of the Opposition and members of the crossbench about a range of issues particularly due to the pandemic.

Just today I have had members of the Government and members of the crossbench in my office talking about issues in their local communities. I have had members of the Opposition reach out to raise issues in their local communities. I put to the House very strongly that we are open, we are honest, we work with integrity and we do it because it is important not to politicise education. We have to make sure that we are supporting people and their school opportunities, and I take that very seriously.

A portfolio as large as ours is always going to have a large volume of questions, media and general interest and be called upon through the structures of good government and governance to account for its work and outcomes. At every stage, through every possible avenue, I and Alister Henskens, who is the other Minister in my cluster, the department and the portfolio agencies in the cluster have responded to these calls. We have done so with candour, with information, with context and with explanations, exactly as this House, as members opposite and as the people of New South Wales deserve and expect.

I will focus the majority of my comments on some of the concerns raised by the mover of this motion over the vaccination requirements of teachers in New South Wales. As I said in question time today, it is obvious that the member has clear views on the vaccine mandate. He has made those views public, which is a matter for him. As a member of this place, he has the right to express those views. But, as I have elucidated to the House and also to the member in writing multiple times, there is a misunderstanding of the nature of the casual teaching workforce and the process of vaccination attestation. However, I do appreciate the opportunity to put a further clarification on the record.

I believe the member may have misunderstood and misinterpreted some of the information that was contained in an internal department email sent on 23 February 2022, as well as descriptions of how the department collects and interprets data on casual employees. I note that the member has expressed concern about some responses provided to the budget estimates committee and in supplementary questions. I stress that, while the department has data on the number of teachers currently holding casual teaching approval, that number does not equate to the total number of casual teachers who are actually available to undertake casual teaching work at any point in time. A number of teachers holding casual teaching approval may not be available to work due to their own personal circumstances, such as, for example, being employed in another school sector. That is because of the very nature and flexibility of being a casual teacher. Due to the nature of their employment, no casual teacher was terminated due to the vaccination requirements.

I received the most up-to-date data just yesterday and note that 311 permanent teachers and school-based staff members have been dismissed as a result of the mandate. As at late February, the contracts of 690 temporary employees were terminated as a result of the mandate. We encourage casual staff members in our system to advise us of their vaccination status so that they can be ready to undertake engagements with schools, but that is required only prior to them undertaking those engagements. There is a range of reasons why someone who might be listed as a casual teacher might not be working in a school at a certain time. They may be working in another sector. They may have had a baby. They may be doing something completely different but want to retain that casual teaching status, which they are able to do. That is a good thing about the flexibility in our system. Frankly, it is impossible for us to divine the reasons why casual employees in our system might not be currently engaged in a public school, because, as I said, there are multiple reasons why an individual might be in that circumstance. I will call out a report that has recently been issued by the department's Centre for Education Statistics and Evaluation [CESE]. It clarified this even further. It stated:

The NSW Government school system will always have a combination of active and inactive staff in its system. The number of active and inactive staff fluctuates over time as a result of staff starting and finishing roles. However, if a large number of staff were being moved from active to inactive as a result of the vaccine mandate, the department would expect to see a corresponding large decrease in the number of active staff and increase in the number of inactive staff. As the active counts for 31 March 2022 are mostly similar to those for 28 October 2021, with only a small increase to inactive counts, there is no strong evidence of a large shift in staff status.

That is coming directly from CESE. In term one of this year, the department had over 18,800 casuals employed in the system. So far this year, more than 82,000 casual teacher bookings have been made via the department's ClassCover system. That is an increase of 30 per cent from the same time in 2021. We currently have access to, and are engaging, the highest number of temporary and casual school staff members on record to support our

schools through the challenging pandemic period. The pandemic is having an impact on our school communities. It is very clear that that is happening.

The other issue the member raised relates to the email sent to 8,080 staff members in late February to remind them to attest their vaccination status if they want to perform work for the department this year. The sending of this letter was proactive. It reminded people that, if they wanted to work on a school site while the mandate was in place, they needed to be double-vaccinated and have that attested in our system. It was not a letter of termination. It did not mean that those some 8,000 individuals were not vaccinated. In fact, quite a number of them have since attested their status in the system, and I gave those numbers today in question time. It is also timely to remind members that, as we all know, 96.3 per cent of people aged 16-plus in New South Wales have received one dose of the COVID-19 vaccination and 94.8 per cent have received two doses. So we know that COVID vaccination rates in our community are high; there is no doubt about that. The member wants to make it seem that thousands of teachers are prevented from working in schools due to the vaccination mandate when that could not be further from the truth. If he wants to talk about honesty and integrity, that is a two-way street.

The department established an incident notification protocol when there is a confirmed case of COVID-19 reported to the school. For term one of 2022, 14,967 incidents of COVID were reported for school-based individuals, including teaching staff, volunteers, non-teaching staff and those contracted to provide services to schools, amongst others. That number does not include staff who were close contacts and had to isolate. Many of us in the Chamber have experienced that. I have experienced five weeks of isolation myself. That number of almost 15,000 does not count those cases, nor does it count normal sick leave. Again, we have been saying to our teachers and school staff, "If you are unwell with flu-like symptoms, please stay at home and get tested." We want to be proactive about how we support our school communities during this time.

In term one, 214,000 days of sick leave were taken by teaching staff compared with 144,000 in the same period in 2021, which is an additional 70,000 days of sick leave in one term. This was also the first time that we kept our school communities open during a wave of the pandemic, when there were tens of thousands of cases in New South Wales. Every day during term one schools remained open. Did we see an impact? Of course we did; our community saw an impact. Schools are not alone in this; they are not Robinson Crusoe. We saw it in other businesses such as the airport, which I mentioned earlier today. There have been impacts due to COVID in a lot of workforces, and that cannot be denied. To further illustrate this point, at one point in term three 348 schools had more than five staff on sick leave on the same day. Some schools have had more than 10 staff on sick leave on any given day. Without a doubt, that is a COVID-19 impact.

All the principals, teachers and school staff who I have spoken with this year have flagged the very real impact that COVID-19 has had on staff absences and sick leave. Teachers, school staff and members of the community have felt the impact of COVID-19 like the rest of us. There is no denying that the Omicron COVID wave placed pressures on our workforce. I know that. Teachers and principals have told me that term one last year was amongst the hardest terms that they have had to staff their schools because of the impact that they have seen. I understand that. As I said earlier today, we are not out of the woods yet. Relaxing the rules around close contact isolation and lower case numbers in our community have had a positive impact. I hope that this information is of assistance to the member and to the House.

I will add a couple more comments. I promised I would be quick but I have a couple more things to say. Regarding staff shortages, Opposition members talked about shortages of tens of thousands of teachers. That is just not true. There are not tens of thousands of teacher vacancies in our school communities. Again, honesty and integrity works both ways. I have been up-front when I have received briefings on staffing shortages and what we need to do to support those communities. The advice that I received was very clear: If we do nothing, we will have real issues going forward. That is why \$125 million was allocated in last year's budget for the Teacher Supply Strategy, all the details of which are available on the department's website with information about what we want to do. We want to increase teacher numbers. We are rolling out initiatives because there is an issue. Thirty per cent fewer kids are deciding to study teaching at university and we have to work to address that issue.

To its credit, the Federal Government has done work in that space. There is good cooperation across the States and across the political boundaries around what we can do to help attract people to the teaching profession. We have financial incentives for people to study teaching and programs to help people re-skill as maths teachers, which we announced recently, and we want to work with universities to give opportunities for teachers to retrain. But what did I get from those opposite and the union? The claim that I am lowering quality. You cannot have your cake and eat it too. When we try to fix the situation or to improve things that we know are issues, we get hounded down by the other side.

Those opposite are saying that it is not working. There was an announcement just this week about re-skilling maths and science people to teach in our school communities. That announcement was not attacked. Do you know why? Because it came from Albo—that is Albo, to be clear. Those opposite did not attack that

announcement. They understand that these are good initiatives, but they take time to implement—and we understand that. We are all working on the same evidence-based practice to try to improve the number of people who are taking up teaching.

Those opposite talk about honesty and integrity, and the honourable member mentioned the teachers who took part in the industrial action last week. Let us talk about the wages policy. The Government has been up-front. We have our 2½ per cent on the table. We have made it clear that we will be looking at those issues as part of the budget process, which is underway at the moment and, indeed, is only a few weeks away. What are those opposite going to do? They are happy to march in Macquarie Street. They are happy to go out onto Macquarie Street with their red T-shirts and say, "We support you." They are happy to say one thing, but will they agree? What is their policy? They want to be an alternative government. They want honesty and integrity in education. Are they going to pay the up to 7½ per cent increase that the unions are asking for? They need to tell the people of New South Wales what their position is. We know they said to the nurses that they supported nurse-to-patient ratios, but they did not do so in the upper House report. They want to talk about honesty and integrity, but it is a two-way street.

In terms of infrastructure, the facts and our record speak for themselves, with a \$15 billion infrastructure pipeline. We have delivered more new and upgraded schools than any other government in the history of New South Wales. We build schools; they close schools. All they can do now is argue about this school not being built fast enough or where is stage two. They admitted that stage two is coming. Meadowbank, Porters Creek—where I was last week—and Brooke Avenue schools are all getting upgrades. School communities are happy with the investment that they see from our Government because it is across the State. [*Time expired.*]

The Hon. MARK BANASIAK (20:46): On behalf of the Shooters, Fishers and Farmers Party I speak in debate on this motion. I will not dwell too much on the substantive part relating to vaccine mandates. I think the Hon. Mark Latham has covered that quite well. I will examine a few other examples where, in my mind, there has been a lack of integrity. I am directing these remarks to the senior public servants who have informed the Minister's answers to the House or have provided answers themselves in budget estimates. I draw members' attention to a question I asked on 29 September 2021. I asked how many teachers had been placed on improvement programs during the COVID lockdown. The answer I received was that all teacher improvement programs, executive teacher improvement programs or principal improvement programs were paused in 2020 and 2021 during the COVID lockdown and stay-at-home orders.

Sitting in the deputy principal's chair for a couple of years, I think I have learnt a few things about liars and lie detection. But I dare say the public servants in the Department of Education far exceed the pupils' ability in this regard. I asked this question because I had already had representations from a couple of teachers who had been put on these improvement programs during the lockdown simply because they were struggling with the technology of learning from home. So straightaway there is one example where there is a lack of integrity. The Government cannot even answer a basic question like that.

Another example is when I asked about the gift register and how an executive director for the health and safety directorate was gifted U2 tickets from Allianz Insurance at the exact same time she was presenting misleading evidence to the workers compensation committee on cases that she was directly involved in, not as a witness to a workplace issue but as the perpetrator of that workplace issue. So it was truly a beautiful day for her, but not so much for the workers that she threw under the bus so that she got a chance to see Bono live. The department proceeded to even mislead on the estimated value of those tickets, even though the publicly available information shows that the value was way above \$200. If they are willing to mislead Parliament on such a minuscule, basic detail, what else are they prepared to lie about?

I asked the Minister and the public servants in budget estimates about the remuneration of senior executives of the department, because we know there has been a serious jostling of positions and creation of new positions. During the last sitting week I talked about this in the take-note debate. The Minister replied with the answer that all the data is in the annual report. Not only is the data not there, but the annual report is not on the website. The Minister cannot even be truthful about that. I asked specific questions about Walgett Community College because we all know there are concerns. The department did not want to release the data, due to some sensitivities; I respect and understand that. To the department's credit, I am having a meeting with Murat in the coming days to discuss the data. However, the department was prepared to release the same data via a Government Information (Public Access) Act application 18 months ago. Apparently sensitivities did not matter 18 months ago when it was giving the data to a private individual. But when a member of Parliament asked questions about the data, the department would not release it due to sensitivities. Once again, there is a lack of integrity.

The most telling example of deception and lack of integrity was during the 2019 budget estimates hearings when I tabled a 120-page document noting consistent bullying and harassment in the health and safety directorate in the department. The one place where we would think there would not be bullying and harassment was the place where it was happening the most. For 20 years Peter Riordan, the architect of the cataclysmic failure that was the

Employee Performance and Conduct Directorate, covered up for Marnie O'Brien—a serial bully who berated people and drove them out through medical retirement or worse. Then secretary Mark Scott went to great lengths to say they did a health check, conducted by PricewaterhouseCoopers. The health check findings stated that bullying and harassment were deliberately excluded from the scope of the investigation. When I called the department out on that deliberate omission, what did it do? The department refused to acknowledge that part of the question. Where is the integrity and honesty in that? There is none.

When the department thought I was not watching, it decided to quietly push Peter Riordan into comfortable retirement. Essentially it did the same with the bully Marnie O'Brien by placing her on indefinite leave. Where is the integrity and honesty? Where is the compassion for the dozens of teachers whose careers they destroyed only to protect their own reputations? There is none. In conclusion, I support any motion before the House to refer any senior public servant from the Department of Education to the Privileges Committee, including former public servants like Mark Scott; he got off far too easily, particularly based on the last incident that I highlighted.

The Hon. ANTHONY D'ADAM (20:52): I will start by placing on record that I support the vaccine mandates. It was the right decision to make. Weighing up the health and safety considerations, the Minister made the decision to impose mandates on employees in the Department of Education and that was the right decision to make. The problem is that in any complex public administration decision there will be trade-offs and a downside. The problem we have is with the approach that was taken by the Minister—and even more concerning the approach taken by members of the departmental executive—to pretend that those negative consequences did not exist. Effectively they were gaslighting the committee, saying that it was not a problem. That is a fundamental problem with the mindset of the present leadership of the department. They misunderstand their role. Their role is to be accountable: accountable as a component of an effective Westminster system where the public sector is responsible, through the Minister, to the Parliament. We have a range of mechanisms that are established through this House and this Parliament in terms of how we effect that role of providing accountability to the Parliament, and the estimates process is one of those mechanisms.

It goes to the question of what is the role of a senior public servant at an estimates hearing. It is certainly not to run interference for the Minister. It is not their role, when asked questions of fact, to obstruct the committee in its process of inquiry from obtaining the facts. Unfortunately, in the case of Ms Cachia, I think she seriously erred in her approach. The sequence of events has been spelt out by the Hon. Mark Latham. It is clear that when she appeared before the committee on 2 March she had within her possession the requisite information to provide a full and honest answer to the question she was asked, and she did not do that. It beggars belief. In fact, on the balance of probabilities, it is quite clear that if she signed off on that email—which she clearly did—she had the knowledge and should have provided that information to the committee.

This is a significant cultural problem that we cannot just let lie. We must convey to the departmental leadership and to the Minister that this standard is not something that we are prepared to accept in this Parliament. We must insist on higher standards. We must insist that witnesses at estimates hearings give honest answers. We know from bitter experience with this department that it is more than happy to provide information well in excess of the information specifically asked for in questions in order to soak up time and further obstruct the inquiry of the committee. Those witnesses are perfectly capable of elucidating an answer in an honest, genuine way to illuminate the committee, rather than trying to obstruct or disguise or limit the capacity of the committee to find out the truth of the matter.

There are many examples. I cite one from my experience. I asked a question around the issue of absences due to COVID. The committee was told, "No, no, workers are all provided information in terms of their workers' comp entitlements." That was a complete fabrication, a complete lie. It is clear from information provided by teachers on the ground that such information is not getting through and yet the departmental officers sought to gaslight the committee, insisting that this was not the case when clearly the facts on the ground told us otherwise.

Mr JUSTIN FIELD (20:58): I contribute to this debate on a matter of public importance, "The need for honesty and integrity in the New South Wales Education portfolio". I would like to focus on some quite specific concerns that I have about education infrastructure planning on the South Coast, particularly around the Milton-Ulladulla area where I live. My local community has been concerned for some time about the adequacy of education facilities on the South Coast. They have raised it not just during this term but throughout the previous term of this Government, and to the point where it seemed there was recognition of the problem when the former planning Minister, the Hon. Rob Stokes, came to Milton to announce the Government's purchase of the closed Shoalhaven Anglican School site.

The Government purchased the site a number of years ago now and it was very much the understanding of the community—many of whom appeared alongside the Minister and the local member when they announced the purchase—that the site was going to be made available to extend education facilities in the area either at a primary or secondary level. A number of years on—I think four-odd years on—there is no master plan for that site. There

is no plan for additional secondary or primary facilities at that site. Everyone has welcomed the use of that site for a new special school for the region. The Budawang School is being moved to a more appropriate site where it can be larger and meet the needs of our local community. But there is a desperate need in the primary and secondary space in that region.

Despite these concerns, maybe last year or the year before we had the absurd situation where all of a sudden fences and a "for sale" sign went up on another education site, a greenfield site in the village of Mollymook itself. It was just before lockdowns. This greenfield site, which was owned by the Department of Education and which everyone understood was going to be made available for a future primary school, was being sold to the highest bidding developers. It took an extraordinary effort by the community—raising the issue directly with the Government through the local member, with the Minister, through media campaigns and by going after the real estate agent that was trying to sell this site—to get an undertaking from the Government to pull that auction. It is still going through a process to try to understand what it is going to do with that site. The community has hardly been engaged on the planning for that site despite a commitment that it would be. There is no commitment to an education facility.

There is a desperate need. There are three public schools down in my area: two primary schools, Milton Public School and Ulladulla Public School; and Ulladulla High School. For the benefit of members I will give a sense of the need here. The enrolment cap on Milton Public School is 555 students based on permanent facilities. Currently there are 728 enrolments—an increase of over 10 per cent since 2016. It is 173 students or 31 per cent over cap, with eight temporary buildings. At Ulladulla Public School the enrolment cap is 509 but actual enrolments are 749. It is 240 students or 47 per cent over the cap, with only 11 temporary buildings. The enrolment cap at Ulladulla High School is 220. It is currently only 2 per cent over the cap. However, members would imagine that if our primary schools that feed that high school are so far over cap, we are going to have a problem in a couple of years' time. The public understands that. The local community gets that. There is education space in our region, both at Garside Road and at this Shoalhaven Anglican School site purchased by the Government. But it is refusing to engage with the community over a plan for that site.

I have Banjo, who has just started at kinder. It really does sharpen your mind to these issues. You are thinking about schools and high schools, and which school will have the facilities to best support your child's learning. Every parent with school-aged kids is thinking about that. It is bleedingly obvious to everyone that we have a problem here. We have been raising it with local members and with the Minister. In fact, I wrote to the Minister outlining these statistics and saying, "I think we have a problem here." We have huge COVID growth happening in the area. It is identifiable to everyone there. There are no properties available but there is a huge influx of people, particularly young families. They are young professionals who can—and good on them—get out of the city and recognise the value of doing so during COVID. They can employ their skills in an online way. It has been really attractive to those people, and we have had a huge influx of kids. All of the childcare centres are absolutely full. The response I got from the Minister stated:

The department has assessed the needs for the Milton-Ulladulla area and has determined that, based on current housing plans, population projections and existing schools available in the area, potential growth can be serviced with existing assets.

If there is potential growth, it cannot be serviced by existing assets because the existing assets are already not able to cope with the people who are there. What an absurd thing to say. When I challenged the department in budget estimates and other correspondence to explain how the projections are reached, I got meaningless answers. There is no way of being able to determine the basis on which this department is deciding where investments in future school infrastructure are to be made.

It is infuriating to the local community, who can see as clear as day that we have a problem coming down range. They are offering solutions and this Government is not acting. I understand that pressure will be felt in communities right across the State. I am not saying we are worse off than others or that we deserve it before others. What I am saying is there is a lack of clarity and it goes to the question raised in this matter of public importance about honesty and integrity. There is a lack of understanding because the community is not getting advice from the Government about when they will get the education facilities that are needed in their community.

If we are not at the top of the list, where are we? Just give us a sense of how long it will be before we can expect those resources so the communities and parents can work with the schools with what they have so they can get the best outcome until they know those additional resources are coming. Just tell us what the plan is and we can work with that. The Government does not even do that. It misdirects us and provides half answers. That is why frustration is growing right across New South Wales. I am glad to contribute to the discussion and I thank the Hon. Mark Latham for bringing it to the House. I encourage the Government to hear what has been said. I know my local community of Milton-Ulladulla presented to the education committee on Monday and raised those issues. They did not do that lightly. It was good testimony. They have a point and the Government should be listening and taking notice.

The Hon. JOHN GRAHAM (21:05): The details of this discussion have been covered well, so I will not canvass them. On behalf of the Opposition, I add my voice to the concern raised by the Hon. Mark Latham and I thank him for bringing this discussion forward. In doing that, I add a couple of caveats. My colleague added one, which is that the Opposition disagrees with the position on vaccine mandates. We should make that clear up-front before putting the case about potential misrepresentation. My second caveat is that I do not agree with the member about gender fluidity. I am very angry with the state of the education system, and the fact that working-class kids have less chance of making it through and achieving their potential. The State has less potential as a result of what has been done to the education system. That is what I am angry about. From my point of view, the other issues are not so much a concern or a priority.

My third caveat is that I have deep respect for the public servants who serve right across the board, in education and elsewhere. I am the son of public servants. My parents did not serve in senior roles like those that are being talked about here. Dad was a probation and parole officer pretty much all his working life and Mum worked as a sound recordist in the court system. Their work gave me a real sense of the value of public service. I thank all public servants for their work not for the reward but literally for the value of serving the public. There should be more discussion about the importance and value of that because we would draw more people into the public service if that was emphasised and we talked about it more. With those caveats, I add to the comments made by Opposition members who have already strongly endorsed some of those concerns. I simply say that we have a lot on and, if there were no issues, the Chamber would not have devoted this amount of time to this discussion, multiple political parties would not be raising this concern, and whistleblowers would not be coming forward in the way that the members have described. That is the view I place on record.

My colleague the Hon. Anthony D'Adam made an excellent point and I have felt over time it is one part of the culture in New South Wales that we have to emphasise. Public service agencies are accountable to both the Minister and the Parliament. He put it this way: They are accountable through the Minister to the Parliament. I put it slightly differently: They are accountable to the Minister and to the Parliament. It is a dual accountability and agencies have to give accurate answers to this Parliament. That is part of their obligation as we try to do our job. He made the point, but I agree with it. Finally, we want serving in the Department of Education to be a source of pride. It was always a key part of the profession to raise those questions in the way they have been raised. To have these doubts raised in the Chamber is a real pity. We want to move back to a position where serving in any part of the public service is a source of pride, especially in the Department of Education.

The Hon. MARK LATHAM (21:09): In reply: I thank each of the contributors to the debate. I was particularly struck by the contribution of the Hon. Anthony D'Adam. He raised a point that the Hon. John Graham addressed also. It is not a question of whether or not you support the vaccine mandates at schools; it is a question of whether or not you support the truth being told by senior public servants at the budget estimates hearings and by the Minister in this place. That is what this is about. My own view is that unvaccinated teachers should have stayed in the classroom and undergone rapid antigen testing every morning to ensure that there was no COVID outbreak. The vaccinated are no guarantee that there will be no COVID outbreak. In fact, the opposite has been true. The vaccinated have COVID in massive numbers.

But that is not the question before the Chamber and that is not the purpose of the matter of public importance [MPI]. It is about two important Westminster traditions. One is the tradition of an independent public service that is not political. It does not act as a handmaiden to the Minister but acts in the public interest with fearless, independent advice and information at all stages. Public servants do not rehearse before a budget estimates hearing on how they can withhold vital information that the committee might seek. They go with an open mind to provide the information frankly and directly under all circumstances. That is the Westminster tradition.

If public servants do not want to abide by that, they should get a different job. They can run for parliament. There is a Federal election soon and a State election next year. If they want to be political, there are plenty of chances to run for elected office. I am always curious about people who are quasi politicians but never put their name on a ballot paper. It is not that hard. You nominate, fill it out, sign it and away you go. Sometimes it can be fun and sometimes there are disappointments, but you roll the dice and see how you go. That is the beauty of democracy. I say to those political public servants: Just nominate and have a crack. They could find that it is quite a rewarding experience.

The Westminster tradition of an independent public service is vital and it has been breached in this circumstance; of that, I have no doubt. The other tradition is that the Minister should take responsibility. In instances where she has misinformed the House, she should apologise and be held accountable. There is no point her reading speeches in this place that were written in the ministerial office or by the department to answer these allegations. The Minister must front up with her own words and in her own way. She has not done that tonight and that says something damning about her.

In her address she made a point that is just so difficult to believe. It is almost delusional to say that some of the staff we are talking about in the email that was sent to Yvette Cachia by her assistant on 23 February might have been vaccinated. The point is very clear. The email is headed "Unattested staff and eCPC flag". That is the electronic casual payroll claim and the flag inside the department means "Do not employ". Those people are 3½ months into the mandates and have not attested their vaccination and are not allowed to be employed.

The advice also went out to principals to say, "Don't employ them because they haven't attested their vaccination." That is the implementation and the monitoring of the mandate. We are clearly talking about 9,000 active casuals under this electronic casual payroll claim who are red-flagged as "Do not employ". The advice went out to principals to say, "You can't employ these people. They are contrary to the mandate. They haven't attested their double vaccination status." That is crystal clear from the email that went from Ms Cachia's assistant to her to say, "We are going to send out the 9,000 emails and also SMS messages and we're seeking your approval." It was sent on Wednesday 23 February at 5.49 p.m.

The Hon. Anthony D'Adam asked if Ms Cachia approved it and, yes, she did. The next morning on Thursday 24 February at 9.30 a.m. she wrote back to her assistant, "Approved". It was a one-word email that said, "Approved". What is more, cc'd into the email was David Withey, who is the chief operating officer. At 9.30 a.m. he wrote, "Ditto". Within seconds it was approved by the chief people officer and agreed to by the chief operating officer. I raised this with David Withey at budget estimates. I said, "You approved this. You knew 9,000 emails were going out to these active casuals unattested." He sat at budget estimates and did not pipe up to say, "We do know those numbers," because he was part of the email chain where he approved them. He sat there mute. Was he culpable? I think so.

When questions are asked in a budget estimates hearing, public servants have an obligation to tell the truth. It is not hard to do. They are not going to be sacked for telling the truth, and they should not be sacked for telling the truth, but it shows how politicised this department has become. Yvette Cachia refused to provide the information even though she approved the email five days earlier. David Withey sat there silent. The head of the department did not say anything. The only reason this is being raised now is I got hold of the email. If it had not been sent to me by honest people, we would still be in the dark about the real impact of the mandates—whether you support them or not—on the teacher staffing crisis in our schools.

The Hon. Courtney Houssos: We should not be relying on leaks.

The Hon. MARK LATHAM: We shouldn't.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I remind members that interjections are disorderly.

The Hon. MARK LATHAM: We should not be relying on the dissatisfied honesty of departmental staff who have to come forward at great risk to themselves. There is a witch-hunt underway to track them, and they know they are goners if they are identified. These whistleblowers are to be commended, and we must condemn those who had an obligation to put forward the truth. The Minister said it is a case of me not understanding what has gone on in tracking down the truth, holding Yvette Cachia to account and saying, "We may well take you to the Privileges Committee, and there is an Evidence Act and severe penalties for misleading a parliamentary committee." A response was furnished on behalf of the chief people officer by the departmental secretary, Georgina Harrison. We received it yesterday, at the very last moment that it could have been lodged. It clearly says:

I can advise that on 24 February 2022 8,080 school-based staff who had not yet attested to their vaccination status were sent a letter advising they had to be double vaccinated if they wanted to perform work for the department.

It is very clear. There is no confusion here; it is not complex. It is a simple matter of a collaboration between the Minister and senior departmental staff to say, "It is a bit embarrassing if we tell the facts of what has gone on here." Politically, the Minister will be blamed for the teacher shortage. The more than 5,000 teachers and 8,000 school staff who cannot work are her responsibility because she implemented the mandate. That dwarfs the 300 per day who have had COVID. The Minister had a political decision on her hands. The honourable member opposite said, "We support the mandates, but they have a downside. There is a consequence that some teachers in these circumstances will not be able to teach, particularly casuals who are not attested, and we will have shortages in the schools."

The Minister just needed to confront the truth, along the lines of what the Hon. Anthony D'Adam outlined. He said that he supported the mandates for health reasons, but they have got a downside, and we need to understand that and be honest. The dishonesty of it is striking and unacceptable, and it cannot stand before this Parliament. I have seen a few parliamentary debates. The Minister read out notes, material and a text from her office or the department and had no direct response to the serious allegations being made. I do not think she is up to the job, and she should seriously consider her position because there is a lot at stake. The future of our young people is at

stake. It is a question of ensuring that we have staffed schools and, most importantly for the proceedings of this Parliament, that we have honest answers at budget estimates and in question time. Clearly, that has not happened.

The Minister is not up to it. The honesty and integrity of the department has fallen apart. These shysters have been exposed for what they are up to, which is a political collaboration to run interference for the Minister to run a politicised department in her electoral interests instead of doing the job they are being highly paid to do. My recommendation is for the Minister, Georgina Harrison and Yvette Cachia to go. If they had any honour or integrity they would do that at the first available opportunity. It is sad to have to say that, but the stakes are high. We are talking about the future of public education.

If we do not have honesty and integrity in the system, we have nothing. Unless we have accurate information about our schools, what do we have? The Minister and the secretary of the Department of Education have called in CESE, the Centre for Education Statistics and Evaluation. It is basically researching ways of lifting student results, while not being politicised by having to produce a report. Yvette Cachia, David Withey, Georgina Harrison and the Minister had to simply table the evidence before our committee and let it stand in its own right. How hard was that? [*Time expired*]

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

Motion agreed to.

Bills

STATE REVENUE AND FINES LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2022

Second Reading Speech

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations)
(21:19): I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

Together with the GST revenue this State obtains, the revenue we get directly through State taxes and charges funds our schools, hospitals, roads, public transport and other vital services.

The State's revenue legislation is therefore of critical importance. It needs to be effective and up to date.

The State Revenue and Fines Legislation Amendment (Miscellaneous) Bill 2022 amends the provisions of a number of Acts as part of the Government's ongoing program of maintaining the effectiveness and integrity of the revenue statutes.

The reforms in this bill fall into three broad categories:

1. Amendments to **State taxation and grant legislation** to enhance revenue integrity, ensure the equity of exemptions and concessions, address anomalies, respond to court decisions, close tax avoidance loopholes and reduce red tape;
2. Amendments to **State debt legislation** to enhance Revenue NSW's role in delivering an end-to-end payment collection and debt recovery capability for the State; and
3. Amendments to **finances legislation** to improve customer service and strengthen enforcement of overdue fines.

Separately, the bill also contains some amendments to the Liquor Act 2007, which I will outline at the conclusion of this speech.

Starting with the first category of amendments.

1. Amendments to State taxation and grant legislation

This bill's State taxation and grant reforms encompass amendments to the Duties Act 1997, Land Tax Act 1956, the First Home Owner Grant (New Homes) Act 2000 and the Taxation Administration Act 1996.

I will deal firstly with the Duties Act amendments set out at schedule 1 to the bill.

Duties Act 1997

The Duties Act amendments include two important revenue integrity measures.

Duty is chargeable on certain transactions of dutiable property. The broad intention of the Act is that changes in ownership of property—be they changes in legal or beneficial ownership—will, subject to some exceptions and concessions, attract duty.

Currently, however, there is scope to avoid duty by structuring affairs such that, while there is no change in the legal ownership of dutiable property, the beneficial ownership changes.

I will give you one example: a fixed trust holding land in New South Wales that has two beneficiaries, each with an equal interest and one of these beneficiaries disposes of their 50 per cent interest to the other beneficiary. There is no change in the legal ownership of the land, which is held by the trustee, but the remaining beneficiary has now acquired an additional 50 per cent beneficial interest in the land, without any duty being incurred. This is obviously contrary to the intentions of the Act.

This bill will clarify that a change in beneficial ownership of land is a dutiable transaction, aligning our provisions with Victoria. This will help to prevent avoidance of duty.

The second key proposal to improve the integrity of the duty laws concerns the imposition of duty on a declaration of trust.

A recent Supreme Court decision, *Benidorm v Chief Commissioner of State Revenue [2020]*, overturned what had long been the accepted interpretation of the relevant provisions.

Prior to this decision, unless there was an applicable duties concession, a declaration of trust was always liable to duty because the Act prescribes a declaration of trust *to be a dutiable transaction*. However, on this occasion, the court held that the declaration of trust in question was not liable to duty because it did not effect a "transaction".

This decision has introduced considerable uncertainty into the law and leaves open the possibility that duty on a declaration of trust will be challenged on the basis that the declaration falls short of effecting a transaction. It will undoubtedly give rise to disputation.

The amendments in this bill will overcome the issues identified in this decision, ensuring that a declaration of trust continues to be taxed in the same way that it was taxed prior to the decision.

I am delighted that this bill will improve the fairness of several duty exemptions and concessions.

One of these concerns the transfer of property when a de facto relationship ends. When a marriage ends, the Chief Commissioner may exempt a transfer of land or vehicle registration if satisfied that the transfer has been effected by an agreement made for the purposes of dividing matrimonial property. However, there is no equivalent exemption available when property is divided following the breakup of a de facto relationship. To get an exemption from duty, the parties to such a relationship need to have a family law financial agreement or a court order, both of which cost more.

The proposed amendment will enable transfers of land or vehicle registration resulting from a de facto relationship breakdown to be exempt from duty on the same basis as transfers resulting from marriage breakdowns. This will ensure that marriages and de facto relationships are treated equally for the purposes of this duty concession.

Another duties concession allows for family farm transfers to be exempt from duty when the transfer is between family members. This allows older members of a family to retire and a younger generation to take control of the farm.

Currently, the exemption allows the original owner of the property to be a company controlled by the family, but the new owner must be an individual family member. However, these days many family farms have a business structure which uses a partnership, trust or company. It is uncommon for a family farm to be owned in individual names.

The amendment will allow the exemption for family farm transfers to apply where the land is transferred to company or other entity, so long as that entity is directed by a family member. This will make the exemption fairer and bring it into line with the structures commonly used by farming families.

To maintain the integrity of the exemption, the family member will be required to maintain control of the transferee entity for at least three years after the transfer, consistent with the current requirement that the transferor entity must have been controlled by a family member for a minimum of three years prior to the transaction.

A further concessional duty change relates to the residence requirement for off-the-plan purchases. People who buy a home off-the-plan can defer payment of transfer duty for up to an additional 12 months after an agreement to purchase is signed. However, there is a requirement that the purchaser, or at least one purchaser, occupy the property as their residence for a minimum of six months within one year of purchase. This is known as the residence requirement.

Compliance with the residence requirement can be difficult for defence force personnel because of the nature of their employment. This difficulty is already acknowledged under other concessions, with exemptions from the residence requirement in the First Home Buyer Assistance Scheme and the First Home Owner Grant (New Homes) Scheme.

This amendment will exempt defence force personnel from the residence requirement and bring the off-the-plan concession into line with other first home benefit schemes.

The final change to duties concessions concerns the Chief Commissioner's discretion to waive the residence requirement under the First Home Buyer Assistance Scheme and the First Home Owner Grant (New Homes) Scheme.

Under the former, the discretion may only be exercised within 12 months of purchase. Under the latter, the discretion may be exercised at any time including after expiry of the 12 months.

There is no policy rationale for the discretion under the First Home Buyer Assistance Scheme to be narrower than that in the First Home Owner Grant (New Homes) Scheme.

The proposed amendment will therefore enable the Chief Commissioner to exercise the discretion to waive the residence requirement under the First Home Buyer Assistance Scheme on the same basis as First Home Owner Grant (New Homes) Scheme.

Turning now to insurance duty.

The first of the proposed amendments will remove an inconsistency in the exemption from duty for private health insurance. Currently, the exemption only applies to private health insurance for hospital benefits, medical benefits, or both. A policy which provides only ambulance cover is not considered to be either a hospital benefit or a medical benefit, and thus is not exempt from duty.

There is no sound basis for this exclusion, as ambulance insurance falls within the class of medical -related services that the exemption is intended to cover. The amendment will ensure that ambulance only policies are also exempt from duty.

The exemption from duty for crop and livestock insurance requires clarification to ensure that it operates as intended.

The current definition of "livestock insurance" includes insurance covering loss due to the death of, or physical damage to, any animal, whether domesticated or wild. The breadth of this definition has led some taxpayers to argue that "pet insurance" is covered and is thereby exempt from duty.

We are all fond of our pets, but it was never intended that pet insurance be covered by the livestock insurance category for duties purposes. The amendment will clarify that the definition of "livestock insurance" excludes pet insurance.

The final change to insurance duty extends the exemption for the hull of a floating vessel to the entire vessel.

As policies often cover the entire vessel, an apportionment must be made between the exempt hull and the other components of the policy. This is unnecessarily complicated for both administration and compliance. The amendment will remove this complexity.

I now turn to two miscellaneous duties related amendments.

The first of these concerns the Act's reference to "goodwill" in the context of transactions involving goods and other dutiable property.

As transfer duty on goodwill was abolished on 1 July 2016, the reference to goodwill is redundant. The amendment removes the reference to goodwill.

The second amendment modernises the list of stock exchanges recognised for duties purposes.

Currently, a listed company or listed trust is defined as having shares or units quoted on a list of specified stock exchanges, including any exchange of the World Federation of Exchanges. A stock exchange may also be declared by Ministerial order. Only the Australian Pacific Exchange has been recognised through this mechanism.

Today, many stock exchanges are no longer directly members of the World Federation of Exchanges. Rather, it is more common for the parent company or group of the stock exchange to be a member. This means that some stock exchanges are not recognised for duties purposes, which can impact the recovery of landholder duty.

As the creation and membership of stock exchanges is now more fluid than it used to be, there needs to be an efficient mechanism by which to ensure that exchanges are recognised for duties purposes. This is important for protecting the revenue.

The amendment will therefore permit the Chief Commissioner, acting under delegation of the Minister, to add to the list of stock exchanges. This will streamline administration by ensuring that the list of stock exchanges is kept updated.

I now turn to the surcharge purchaser duty and related surcharge land tax amendments, which are set out respectively in schedules 1 and 5 to the bill.

The New South Wales Government has identified precincts for significant economic investment, such as the new Western Sydney Aerotropolis. Commercial and industrial redevelopment is being encouraged to revitalise these areas and create jobs.

I am sure that members would agree that as New South Wales continues to deal with the global pandemic such programs are more important than ever.

Unfortunately, however, these programs are being impeded by costs that were not originally foreseen. The reason for this is that, although the land within the precincts is vacant and has been rezoned for commercial or industrial use, because such land may have a dwelling on it, technically the land is "residential". Land that is residential is liable for the surcharges if acquired by a foreign person.

This means that Australian-based companies with foreign ownership that wish to develop these precincts face additional costs that are not faced by their Australian owned competitors.

The foreign owner surcharges were not intended to impose additional costs on Australian-based, foreign-owned companies that want to develop land which, for all intents and purposes, is not residential and is clearly intended for commercial or industrial use.

Such costs can dissuade potential investment or affect the nature and scale of investment, which is not in the interests of ensuring effective, value for money development of these precincts.

The proposed amendment gives the Chief Commissioner the power to provide surcharge relief in respect of land used wholly or predominantly for commercial or industrial purposes.

The amendment will operate in a similar way to the existing surcharge relief provisions for Australian -based developers of new homes and build-to-rent properties. As such, the new provision will be subject to similar checks and safeguards to ensure that the land is used for the stated purpose, including powers for the Chief Commissioner to impose conditions, to revoke a surcharge concession at any time, and to reassess a taxpayer for surcharge following revocation.

The next surcharge related amendment specifically concerns the power of the Chief Commissioner to reassess a surcharge liability after a surcharge concession has been revoked.

Section 9 (3) of the Taxation Administration Act 1996 generally limits reassessment of a tax liability to five years after the initial assessment. While reassessments after the five years can be made where expressly authorised by a taxation law, there is no such authorisation in respect of the surcharges.

This five year limitation on reassessments is problematic in the context of the various surcharge relief provisions about which I have just been speaking. This is because those provisions often require the taxpayer to fulfil certain obligations within 10 years of acquiring the land or meet other conditions imposed by the Chief Commissioner when surcharge relief is granted. For example, the provisions relating to new home development require the Australian-based developer to sell the new homes within 10 years of the developer acquiring the land.

If, for example, the Chief Commissioner decided to revoke a surcharge concession seven years after the land was acquired by a developer, the Chief Commissioner's ability to issue reassessments would be significantly constrained because of the five-year limitation on making reassessments.

The proposed amendments will expressly permit reassessments to be made more than five years after an initial assessment when a surcharge concession is revoked. This will encourage taxpayers to adhere to their obligations, thereby supporting the integrity of the provisions.

The final surcharge amendment concerns the principal place of residence exemption from surcharge land tax for permanent residents. The exemption applies to permanent residents in respect of residential land that they "use and occupy" as their principal place of residence for a continuous period of 200 days in the land tax year. This is called the "residence requirement".

The meaning of the words "use and occupy" has become subject to dispute in recent years, with some taxpayers arguing that it does not require a close physical connection to the property for the 200 days. In one case, a permanent resident was only in Australia for less than half a year due to work yet maintained that the property was their principal place of residence. This uncertainty poses a revenue risk.

The amendments clarify the exemption so as to require that the permanent resident be physically in Australia for the 200-day period, except in limited circumstances where a brief period of absence may be permitted at the discretion of the Chief Commissioner, such as attending a funeral overseas. The Chief Commissioner will issue guidelines outlining the types of limited circumstances where an absence may be allowed.

These amendments will ensure that the exemption applies as originally intended, whilst allowing the Chief Commissioner to deal with exceptional circumstances as they arise.

Turning now to the First Home Owner Grant amendments at schedule 4.

First Home Owner Grant (New Homes) Act 2000

To be eligible for the First Home Owner Grant, the total value of the transaction must not exceed the eligibility caps specified in the First Home Owner Grant (New Homes) Act 2000. For a first home builder, the cap is \$750,000.

Whether the total value of a transaction falls below the eligibility cap is determined as at the commencement date of the contract and by reference to the consideration payable for the building work.

Because the value of the transaction is anchored to the commencement date of the contract, there is a weakness by which it is possible for parties to a contract to enter into post contract variations that take the total value of the transaction above the cap and yet still claim the grant because the value of the building work as at the date of contract is below the cap.

It is also unclear whether in such situations grants paid in advance can then be required to be repaid. There is a provision requiring that a grant recipient, who has been paid in anticipation of meeting the eligibility cap, notify the Chief Commissioner of State Revenue and repay the grant if they become aware that they will exceed the cap. However, this provision only applies to owner-builders.

The amendments will ensure that the provisions cannot be circumvented through post contract variations, and that if the total value of a contract exceeds the eligibility cap the grant can be required to be repaid.

This amendment is consistent with the first home owner grant legislation in Victoria, Western Australia and Queensland.

I now turn to the amendments to the Taxation Administration Act 1996 at schedule 8 to the bill.

Taxation Administration Act 1996

Collectively, these reforms represent one of the most significant enhancements to the integrity of the New South Wales taxation system in its history and make New South Wales a leader in promoting tax compliance.

These amendments consist of three core elements:

1. New general provisions relating to tax avoidance schemes;
2. Penalties to deter the promotion of tax avoidance schemes; and
3. New penalty tax provisions.

Starting with the first of these.

Historically anti-avoidance provisions at the State level have been focused on duties transactions. Though not used often, the general anti-avoidance provisions of the Duties Act 1997 are nonetheless an important tool available to the State to both deter and tackle schemes aimed at reducing or avoiding liability for duty.

However, with the exception of the Payroll Tax Act 2007 which deals with a specific kind of avoidance practice in the payroll tax sphere, none of the other taxation laws of New South Wales enjoy the protection of such provisions.

There is no compelling reason why New South Wales should not have general anti-avoidance provisions which apply to all taxes administered by the Chief Commissioner. The economic environment in which we live is constantly evolving, with new business structures and practices emerging globally. Our tax system needs to be able to deal with such challenges to protect the revenue base. It needs to be fit for purpose.

This bill therefore proposes the insertion of general anti-avoidance provisions into the New South Wales Taxation Administration Act 1996. This means that the provisions will apply to all New South Wales taxes that fall within the reach of that Act, including duties, land tax, mineral royalties, payroll tax, gaming machine taxes and various levies.

These provisions are based on those currently contained within the Duties Act 1997 but have some modifications to enhance their effectiveness.

I want to stress that it is not the intention of the Government to start chasing large numbers of taxpayers for avoidance. The chief value of such provisions lies in their deterrent effect - in sending a clear signal to taxpayers that they may be used where tax avoidance is detected. The aim of these reforms is to ensure that if tax avoidance is detected we are in a solid position to deal with it.

I now move on to the second core element of these taxation administration integrity measures—promoter penalties.

In New South Wales, the law in relation to tax avoidance focuses exclusively on the taxpayer. However, this overlooks the role that other parties can play in designing and promoting tax avoidance schemes to taxpayers.

In 2006, the Federal Government introduced promoter penalty laws to deter the promotion of tax avoidance schemes, and this bill introduces such laws modelled on the Federal provisions.

Under these new provisions, the sanctions available to deal with promotion of tax avoidance schemes consist of the following:

- Civil penalties imposed by the Supreme Court of up to 10,090 penalty units for individuals and 50,450 penalty units for corporations.
- Injunctions imposed by the Supreme Court to stop promoter behaviour.
- Enforceable voluntary undertakings under which the Chief Commissioner of State Revenue may accept an undertaking by a promoter to implement remedial action and publish such undertakings if considered appropriate.

Anecdotal evidence from the ATO suggests that the promoter penalty laws have been successful, particularly the use of enforceable undertakings as a way of deterring or correcting avoidance behaviour without the need to seek substantial penalties from the courts.

Like the Federal laws, the New South Wales provisions have safeguards to protect those who are not wilfully promoting tax avoidance schemes, including—

- tax advisers when they provide independent and objective advice,
- where there is a reasonable mistake of fact, or
- where the prohibited conduct occurred as a result of something beyond the entity's control.

The third key element of these tax administration integrity reforms concerns the penalty tax provisions of the Taxation Administration Act 1996.

Penalty tax is applied when a tax default occurs. Penalty tax is calculated as a percentage of the tax default and is based on a taxpayer's behaviour. The base penalty tax of 25 per cent applies if a taxpayer fails to take reasonable care. This may be increased up to 75 per cent of the liability for intentional disregard of the law.

These rates apply irrespective of the type of taxpayer, whether they be an individual, small business or a large corporation.

The amendments reform the penalty tax system to operate similarly to the ATO's penalty tax regime which is more tailored to the type of taxpayer. This involves:

- Increasing the base penalty rate to 50 per cent for large multinational entities, such as entities whose global income is \$1 billion or more
- Empowering the Chief Commissioner to provide penalty relief for genuinely inadvertent errors made by individuals or small businesses in accordance with guidelines published by the Chief Commissioner.

These reforms will make the penalty tax system fairer whilst also more effective at deterring non-compliance by large enterprises who have more resources and acumen available to them in managing their tax affairs.

And I now want to detail three other important tax administration reforms, two of which concern disclosure of taxpayer information.

A tax officer is generally prohibited from disclosing any information about a taxpayer unless the disclosure falls within a specified exception. These exceptions permit disclosure where the taxpayer consents, disclosure is authorised or required by law, or disclosure is to certain persons or organisations.

A number of the entities to whom information may be provided have an investigative or law enforcement role, such as the Commissioner of Police and the Australian Crime Commission. This recognises that there is a clear public interest in such bodies being able to access taxpayer information to assist in performing their functions.

Over time, the list of entities to whom taxpayer information may be provided has been added to but is out of date.

Currently, several New South Wales and Federal government agencies are not listed in the exceptions despite having a clear investigative, law enforcement or complaint handling roles. For example, SafeWork NSW, NSW Fair Trading, Liquor and Gaming NSW, Transport for NSW and the NSW Environment Protection Authority all perform critical investigation and enforcement functions. Likewise, Safe Work Australia, the Australian Competition and Consumer Commission, Australian Transaction Reports and Analysis Centre and Australian Border Force are not listed.

The bill therefore incorporates a general power to disclose information to a New South Wales or Federal government agency for the purpose of investigation, complaint handling or law enforcement. This avoids the need for having to amend the legislation whenever there is a need to disclose such information that could not have been anticipated, such as the creation of a new investigative or law enforcement body.

The disclosure would be limited to information that is necessary for an investigative, complaint handling or law enforcement purpose.

The amendments will support law enforcement and investigative activities and ensure that there is no undue delay in providing information for such purposes. They are also consistent with New South Wales privacy law, which provides an exemption from the limits on disclosure of personal information where the disclosure is for law enforcement purposes.

A further amendment will enable Revenue NSW to provide tax clearance checks to other New South Wales government agencies that are seeking confirmation that a potential supplier has no tax debts or compliance issues before entering into a contract with them.

Currently, Revenue NSW cannot provide this assurance unless the supplier consents or declares that they do not have any unpaid tax liabilities. This is a reputational risk to the New South Wales Government if agencies award contracts to suppliers that are later revealed to have been avoiding their State tax obligations.

This amendment will enable agencies to obtain assurance from Revenue NSW about a supplier's tax compliance, while also providing a greater incentive for suppliers to be tax compliant if they wish to be able to do business with the New South Wales Government. This will also cover a supplier's related entities, including entities under the practical, if not legal, control of the supplier.

Disclosure to agencies will only be at the request of the agency. The amendment will also broadly align with the practices of the Federal Government, which currently requires businesses and subcontractors tendering for Commonwealth contracts over \$4 million to obtain a clear tax record from the ATO.

The final tax administration amendment is in keeping with this Government's drive to provide better customer service through digital technologies.

Currently, the methods by which Revenue NSW may give a document to a taxpayer include personal service, post, document exchange, and an email address specified by the taxpayer.

As members would know, customers of both public and private services are increasingly accessing documents, invoices and so on through secure website links or portals. The amendments therefore expand the methods of electronic service under a tax law to include notification advising how a customer can access documents via a link or portal.

These amendments are in line with amendments made to the Fines Act 1996 in 2020.

That brings to conclusion the amendments relating to tax.

I now turn to the second category of amendments in this bill—those relating to State debt recovery at schedule 7.

State Debt Recovery Act 2018

The State Debt Recovery Act 2018 provides the means by which public authorities—New South Wales government bodies and local councils—can refer civil debts to Revenue NSW.

This allows those bodies to focus on their core responsibilities, rely upon the expertise of the State's specialist debt collection agency, and generally avoid having to go to court in order to recover outstanding debts.

At present, it is unclear whether the Act authorises a public authority to refer amounts that have been paid under an administrative, non-legislative scheme (such as a grant program) and which subsequently become repayable because the recipient has not complied with a condition of the payment or grant.

The amendment makes clear that a referable debt includes such amounts, and so will help ensure the integrity of programs under which monetary assistance is provided to people.

Some public authorities want Revenue NSW not just to collect outstanding debts but also to issue the initial invoice to the customer on behalf of the agency—effectively to provide an end-to-end debt management service.

Although the Act authorises Revenue NSW to perform functions of a public authority under a debt recovery agreement, there is no express provision for Revenue NSW to issue an initial invoice on behalf of a public authority even though the authority agrees to it.

The bill amends the Act to make clear that a public authority may authorise Revenue NSW to issue an initial invoice. This is a sensible amendment to ensure that Revenue NSW can provide an end-to-end debt management service where an agency considers this to be in their interests.

The Act currently enables the Chief Commissioner to access certain information about a debtor held by various bodies including the Police Force, New South Wales Government agencies and the debtor's past or current employer.

At present, obtaining such information must be for the purpose of taking debt recovery action against the debtor, that is, once the debt has escalated to the point of Revenue NSW having to resort to enforcement action such as seizing a person's property.

Members of this House would be aware that over the past few years Revenue NSW has increased its efforts to engage with customers early to minimise the extent to which enforcement action needs to be taken. Revenue NSW offers many options to help people resolve their debts, including extending the due date for payment and allowing people to enter into payment plans.

This is in everyone's interest—ultimately it means less cost and distress for customers.

There is therefore a need for Revenue NSW to be able, where necessary, to obtain information about a debtor before a debt gets to the stage where enforcement action needs to be taken.

The bill amends the Act to permit Revenue NSW to seek information from the specified entities for the purpose of exercising functions under the Act, not just enforcement action.

In addition, the bill authorises credit reporting bodies to disclose the contact details of a debtor's employer, such as address, email address and phone number of the employer. Currently, a credit reporting body may only disclose the name of the employer. This change will further assist Revenue NSW to locate and engage early with debtors to resolve their fines.

These amendments are consistent with amendments that this bill also proposes to the Fines Act 1996.

The final amendment to the State Debt Recovery Act 2018 is in the same vein as the amendment to the Taxation Administration Act 1996 concerning service of documents which I have just spoken about.

This amendment allows documents to be served through a notification advising how the customer can access such documents through a secure website link or portal.

I now come to the final set of amendments in this bill. These consist of amendments to the Fines Act 1996 and Fines Regulation 2020 at schedules 2 and 3.

Fines Act 1996 / Fines Regulation 2020

The first amendment I want to outline is part of the same theme which underpins a number of the amendments in this bill, of facilitating engagement between Revenue NSW and its customers so that fines, debts or taxes can be dealt with without the need for enforcement action.

This amendment repeals a provision of the Act which, to be frank, has been outdated for some time and causes distress to some members of the community.

The provision in question empowers the Commissioner of Fines Administration to warrant the imprisonment of a fine defaulter who has breached a community service order. Under a community service order, a fine defaulter may be required to perform community service work as a way of paying off the fine.

Community service orders have largely been replaced by the work and development order scheme, which enables fine defaulters to voluntarily undertake work and development activities to pay off their fine.

Revenue NSW has not issued a community service order since 2011 and the power to warrant imprisonment has never been exercised.

Despite this, the potential for the Commissioner to imprison a person has been found to create a sense of distrust particularly in First Nations communities. This can be a roadblock to productive engagement between fine defaulters and Revenue NSW on resolving fines.

There is no value in the retention of the Commissioner's power to imprison a fine defaulter and its existence is actually deleterious to the effective administration of the Act. For this reason, we propose the repeal of this power.

The second amendment concerns the Work and Development order scheme and is designed to improve its accessibility.

At present, where a work and development order involves medical or mental health treatment, the person supervising such treatment must be a health practitioner, defined as a registered medical practitioner, a registered psychologist or a nurse.

Mental health treatment is often provided by social workers, but such workers cannot provide such treatment as a work and development order sponsor because they do not fall within the definition of "health practitioner".

The bill permits social workers to be sponsors subject to having the required qualifications. These qualifications will be detailed in the work and development order guidelines. In addition, as with any sponsor, a social worker will need to be approved by the Department of Communities and Justice, requiring them to submit the required documentation relating to training, qualifications, insurance and so on.

The second group of amendments to the Fines Act strengthen Revenue NSW's capacity to enforce fines in certain respects.

As I said in connection with the amendments to the State Debt Recovery Act 2018, Revenue NSW now invests a lot of effort in engaging with customers early so that debts do not spiral out of control. This approach also applies to fines debts.

Nonetheless, enforcement action is sometimes necessary, particularly for persons who deliberately and consistently avoid paying their fines.

Interstate driver licences and interstate registered vehicles can currently be used to avoid paying fines. Let me illustrate.

- A fine defaulter with a New South Wales driver licence can have enforcement action taken against their licence for any unpaid fine, not just traffic related offences. However, for fine defaulters with an interstate driver licence, enforcement action can only be taken where the fine defaulter has two or more unpaid traffic related fines. This is inconsistent with the treatment of persons with New South Wales driver licences and is vulnerable to abuse by persons who commit offences and do not want to have to pay their fines.
- The second deficiency is that, unlike vehicles registered in New South Wales, Revenue NSW is not able to direct Transport for NSW to withdraw any permission for a vehicle that has been registered in another jurisdiction to be driven in New South Wales. This creates a loophole whereby a fine defaulter may deliberately register a vehicle in another jurisdiction to avoid enforcement.

The bill amends the Act to address these weaknesses.

As I have mentioned, Revenue NSW may direct Transport for NSW to take enforcement action against a fine defaulter in respect of a motor vehicle.

As Transport for NSW also administers maritime licences, there is reasonable argument to extend this power to a fine defaulter's maritime licence including their boat driving licence, personal watercraft driving licence or vessel registration. The bill makes this extension.

The last of the amendments in this particular group simply addresses an inconsistency between the Road Transport Act 2013 and the Fines Act in relation to statutory declarations sought in connection with driver nominated offences.

While failure to provide such a declaration is a penalty notice offence under the Road Transport Act 2013, it is not so under the Fines Act. This is an oversight which the bill corrects.

The second group of amendments is designed to facilitate information sharing to improve the administration of the Act.

The Act already empowers Revenue NSW to access certain information held by other bodies including government agencies, employers of fine defaulters and credit reporting agencies. This bill expands the types of information that may be sought in three ways:

Firstly, to enable Revenue NSW to obtain information about a bank account to inform decisions around enforcement action. One of the actions which Revenue NSW may take when a person repeatedly fails to respond to notifications to pay a fine is to issue a garnishee order to a bank.

However, at the time of issuing the order Revenue NSW will not know whether the person banks with the institution or the amount of funds in any account held. This process can be "hit and miss".

The bill therefore amends the Act to permit Revenue NSW to request a bank to verify whether a person banks with that institution and, if so, the amount held in the account. This will enable Revenue NSW to better target the use of garnishee orders.

The second improvement authorises credit reporting bodies to disclose the contact details of a fine recipient's employer, such as address, email address and phone number of the employer. This mirrors an amendment to the State Debt Recovery Act 2018 which I have spoken about.

And the third change concerns the information which Revenue NSW can request from government agencies. The types of information that can currently be obtained are a person's criminal record, address, property, date of birth or driver licence.

The amendment will enable Revenue NSW to also request information about a person's electronic contact details including email and phone number. Again, as with other amendments contained in this bill, this amendment will support earlier resolution of fines.

Liquor Act 2007

And finally, I turn to the proposed amendments to the Liquor Act 2007 in schedule 6.

These amendments correct a drafting error in the Customer Service Legislation Amendment Bill 2021. This bill was intended to delay the repeal of part 12 of the Liquor Act 2007 from 11 December 2021 to 11 December 2022.

To ensure the provisions under part 12 did not repeal, both the prescribed period defined in section 165 and the repeal clause in section 167 required amendment. Due to a drafting oversight the prescribed period in section 165 of the Liquor Act was not amended in the Customer Service Legislation Amendment Bill. This resulted in section 166 of the Act unintentionally lapsing.

Section 166 of the Liquor Act grants councils powers to quickly and easily approve the use of roads and certain other spaces for outdoor dining, foyer space or performance space. These powers have been integral in facilitating outdoor events aimed at revitalising high streets, promoting economic recovery and encouraging compliance with public health advice.

The proposed amendments will reinstate these powers, by amending section 165 of the Liquor Act so that the prescribed period for council powers under section 166 will now end on 11 December 2023 and changing the repeal date under section 167 to 11 December 2023.

Rather than extending part 12 until 11 December 2022 as the Customer Service Legislation Bill originally proposed, the current amendments mean that part 12 of the Act will now repeal on 11 December 2023.

This additional time will provide certainty to councils that they can rely on these powers to run outdoor street parties, festivals and outdoor dining events in the next summer period and enable them to plan ahead.

The additional time will also support the permanent transfer of the provisions in part 12 of the Liquor Act to the Roads Act 1993, which is the primary legislation governing roads-related approvals. The transfer of the provisions to the Roads Act was foreshadowed during the introduction of the Customer Service Legislation Bill.

Finally, the amendments insert a validation provision to ensure that any approvals granted under section 166 of the Liquor Act after its expiry on 11 December 2021 are not considered invalid. Councils should be reassured that they are protected for any decisions and approvals they made during this period in good faith. I reiterate the importance of these amendments in supporting New South Wales' economic recovery efforts, and for the businesses and residents who benefit from enlivened local streets.

Second Reading Debate

The Hon. DANIEL MOOKHEY (21:20): I lead for the Opposition in debate on the State Revenue and Fines Legislation Amendment (Miscellaneous) Bill 2022. As a connoisseur of miscellaneous amendment bills that apply to our State revenues and fines legislation, it is an honour. Our taxation system is based on the public's confidence that every taxpayer is treated fairly and consistently, everyone plays by the rules and everyone pays their fair share of taxes owed to the public. Our tax system is greatly undermined, however, if individuals or organisations engage in outright non-payment of their liable tax, apply aggressive tax avoidance schemes or work the system to receive concessions or exemptions to which they are not entitled. We are a law-abiding citizenry. Australians would be and are appalled by those who do not pay the fair share they owe to their fellow citizens through the taxation system.

The bill has been presented as an integrity measure to close tax loopholes and provide greater clarity in the current legislative framework. Taking out the legislative ambiguity is aimed at preventing legal disputation and litigious actions for both the State and the individuals involved. Litigation is costly in time and finances for all parties involved, with the only winners being certain members of the legal fraternity and their increasing billable hours. In addition, schedule 8 seeks to deter and "prohibit" individuals and organisations from the "promotion of tax avoidance schemes".

A number of the integrity measures in the bill are worth pointing out, as did my colleague in the other place the member for Macquarie Fields. For example, schedules 2 and 3 deal, among other things, with the removal of the power to enforce imprisonment of a fine defaulter. The Opposition is advised that such powers have never been exercised and are not likely to ever be exercised. To be clear, debtor prisons are not expected in the twenty-first century, and certainly not in a State like New South Wales. In fact, debtor prisons were inherently unjust and did inspire the very first wave of organising. I cannot help but note that the Peterloo uprising in Manchester was partly related to debtor prisons—but I digress, as the Minister for Finance is indicating to me via his facial gestures.

The DEPUTY PRESIDENT (The Hon. Wes Fang): As is the Deputy President.

The Hon. DANIEL MOOKHEY: As is the Deputy President. Further, any enforcement of the imprisonment powers would disproportionately impact more socially and economically disadvantaged groups. Such punitive measures would be and are likely to be disproportionate to the offence of defaulting on a fine. In the United States, where people are imprisoned for fine non-payment, that is a huge reason for the mass incarceration of people of colour in that country, and it is something we must avoid as best we can. Certainly, if the Government has taken soundings on that view and believes it is necessary to bring such a bill to that effect, then I understand that that is part of the reason why the Government is moving the bill.

Individuals might be experiencing economic challenges at any point in time for a range of complex personal, employment, emotional or psychological reasons that would prevent them from meeting their infringement financial payments. The use of a supervised work and development scheme in certain circumstances can be a more suitable, fairer and more effective way for an individual to repay their fine if they are unable to meet the financial requirements. Nevertheless, to be very clear, fines have their place and their role. Of course, as we always do, the Opposition will judge closely how Revenue NSW applies its powers and pay close attention to how it uses them.

For the vast majority of Australians, their first property is the biggest asset they will acquire in their lives and will take the longest time to pay off. The First Home Owner Grant scheme assists first home buyers, who would predominantly be younger Australians, to enter the housing market and own their personal slice of Australia. Eligibility to receive duties concessions is based on the estimated value of the home or land being purchased. To maintain the scheme's integrity, schedule 4 has been amended to ensure that eligibility is based on when a contract is completed, not when it is made. The semantic change from "a contract made" to "a contract completed" is significant. This measure prevents post-contract variations being made which potentially result in the purchase price threshold being surpassed and thereby affecting an applicant's eligibility for the grant. Applicants who have made post-contract variations that put their purchase values beyond the threshold and who have received a duties concession will be rightly required to pay it back.

Despite the positive measures and the bill's well-intended purpose as an integrity measure in closing loopholes and deterring tax avoidance activity, it should be recognised that sometimes in drafting legislation the intention does not always produce the required result. An unintended gap can occur between the policy objectives and the way legislation can be interpreted, especially when ambiguity exists or at least is perceived to exist. Such a scenario could lead to increased litigation and disputation, which is the opposite of the bill's original intention of providing greater clarity and consistency in the administration of duties, fines and revenue legislation. In the consultation that the Opposition has undertaken with various parties who are experts in our State's finance and revenue laws as well as others who have a close interest in them, a number of issues have been raised. In the other place, the Opposition has sought to get a better understanding of some of the sections of the bill that would likely cause greater debate. As an opposition, we were delighted to hear suggestions from stakeholders on how the bill could be interpreted and its potential impact, both intended and unintended, on taxpayers.

On a personal level, I acknowledge the many tax experts in the State who got in touch with me to discuss the bill. The concerns that were raised with me and with the member for Macquarie Fields in the other place fall into three main categories. I will deal with them individually. Firstly, I understand that the Duties Act 1997 amendments represent a material expansion and broadening of the tax base—that is, they would cover more transactions and taxpayers than originally envisaged. The Opposition is advised that that also applies to changes in beneficiary ownership liable for duties, which represents a new category of dutiable transactions. For example, property transactions covering the granting of options on a property or a lease or a security interest, which are currently excluded from duties, may now become dutiable transactions. In addition, the excluded or exempted duties transactions list is at this stage incomplete and not detailed in the legislation. This scenario creates uncertainty as to what future transactions could now become dutiable. It would provide greater clarity if the Government, through this legislation, had provided a much more explicit list of transactions that were exempt, rather than through the use of regulations.

The second issue relates to the use of regulation rather than the tabled legislation containing the details. Whilst regulation as a mechanism can provide greater flexibility, it is this same flexibility that creates uncertainty and potentially increases administrative costs for taxpayers. Regulation does not go through the same level of oversight, scrutiny and public or parliamentary debate as legislation. Any political change in government or ministerial complexion could result in rapid regulatory changes, which could catch the public unaware. For example, the lack of a completed exempt transaction list in the legislation means that regulation can be used to amend the list, and of particular concern is the expansion of new dutiable transactions. Such a scenario adds heightened market risk for property-related transactions and compliance and administrative costs for taxpayers. It has been suggested to the Opposition that if the bill was never intended to cover specific property transactions, then it is better to have those detailed in the legislation rather than through regulation. This will provide greater clarity and will limit any potential unintended overreach of the bill.

The last major concern relates to how the Taxation Administration Act 1996 amendment could potentially capture professional tax advisers who are not involved in actively promoting a tax avoidance scheme but merely providing commercial transaction advice. The Opposition understands that the removal of the words "artificial, blatant or contrived" requirements from the Duties Act significantly expands the scope of professional advice activities which could potentially come under tax avoidance provisions. That could also result in penalties being imposed. It could be difficult for professional advisers to define and navigate the difference between advising about a scheme versus promoting a scheme. The former activity could lead to a professional adviser being inadvertently captured as promoting tax avoidance, despite that not being the original intention of the advice.

Further, defining a scheme to include in section 106H (1) (b) "a scheme, plan or proposal whether implemented or not" has the potential to restrict discussion, debate and advice on property proposals or transactions with potential tax implications. However, I acknowledge that section 106N (3) provides that a person is not considered a promoter of a tax avoidance scheme if a person provides advice or distributes information or material about the scheme prepared by another person. Nevertheless, there is certainly some debate and contestability about the untested definition of what constitutes advice or promotion that has caused angst amongst some stakeholders. The consequence is that professional advisers would be reluctant to provide efficient, clean sign-off on transactions, creating market inefficiencies and delays as well as adding additional compliance and administrative costs to the public.

In the light of the Opposition's comments and discussions with the stakeholders we came to the view that it would be worthwhile to hold a 24-month statutory review of the proposed amendments in the bill. That will ensure that the policy and legislative intentions are one and the same. The review need not cover all legislation in the bill, only the Duties Act 1997. The Opposition adds that within the Duties Act the focus is on the change in beneficial ownership and declaration of a trust. It does not necessarily need to review, for example, the ambulance or pet insurance surcharge because they are not really areas of contention. It is those two in particular within the Duties Act, and also the Tax Administration Act, which cover the points around tax avoidance that we have commented on. Labor does not oppose the bill and has in the other place already moved an amendment for a statutory review on those two areas of legislation. As always, Labor will judge the Government by the results it produces as it applies to the passing of this particular legislation.

We thank all stakeholders, the Minister's office—which helped coordinate some of the amendments that Labor is proposing—and the Minister's staff for the responsiveness they have shown towards us. At a personal level, I again thank all the State's tax experts who got in touch with me to raise concerns about this bill. As I said to them, it is difficult for the Opposition to construct perfectly worded amendments, particularly when it comes to something as complicated as tax, tax regimes and tax administration. We will judge this Government—which I note is the highest-taxing government in Australia—according to the results it produces. The statutory review, which will take place in 24 months, will be an opportunity for both Parliament and the government at the time to properly consider whether or not this bill has achieved its intended purpose.

Ms ABIGAIL BOYD (21:32): On behalf of The Greens, I speak in debate on the State Revenue and Fines Legislation Amendment (Miscellaneous) Bill 2022. The amendments that will be introduced through this bill are in most cases of a minor or tidying up nature, such as closing loopholes and better reflecting the original intentions of the relevant provisions—for example, ensuring that a change in beneficial ownership of assets attracts a duty, even when matters are structured to ensure that legal ownership has not changed. The Greens welcome inclusion of amendments that would make the imposition of duty fairer, such as by treating the break-up of a de facto relationship similarly to the break-up of a marriage.

In relation to the amendment which seeks to change the effect of *Benidorm Pty Ltd v Chief Commissioner of State Revenue* [2020], I understand that the intention here is to ensure that all declarations of trusts that might otherwise not be seen to be a transaction and thus subject to duty do, in fact, attract duty. However, I flag that we have concerns about the operation of this change and have suggested an amendment to make it very clear that there will not be a duplication of any duty that has effectively already been paid on such a transaction. I also flag that The Greens will be moving an amendment to bring New South Wales into line with Victoria, South Australia, Queensland, Western Australia and the Northern Territory in relation to self-managed investment funds. This is an issue I raised with the Minister in October last year during budget estimates. I am disappointed that it has not been dealt with by the Government already in this bill. Finally, I flag that The Greens will be moving amendments to remove the provisions that allow debtors to be chased through their employers or through their banks. We believe this to be overkill, but I will deal with those issues in more detail during the Committee stage.

The Hon. JOHN GRAHAM (21:34): I indicate that I will be moving an amendment on behalf of the Opposition in relation to reporting. It deals with the liquor aspects of the bill. I will contain my contribution to that area, but otherwise I commend the comments of my colleague the Hon. Daniel Mookhey.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (21:34): In reply: I thank the Hon. Daniel Mookhey and Ms Abigail Boyd for their contributions and for the further contributions that they will no doubt make in the Committee stage. It is worth reiterating what my colleague the Hon. Victor Dominello indicated in his closing remarks on the bill in the other Chamber. The vicissitudes of the past two years highlight just how important it is that our revenue laws operate effectively.

The State's revenue laws are integral to the health of the public finances. They need to be constantly updated and modernised to keep pace with developments in the broader community. If they do not operate effectively, the revenue that we need to fund schools and hospitals and to provide support for the community during difficult times, like those we have encountered over the past two years and that we continue to face, is placed at risk. A key focus of the bill is protecting revenue. The amendments in the bill go a long way towards addressing current and emerging risks to revenue integrity.

I briefly highlight some of the revenue integrity measures in the bill. The bill overcomes weaknesses in the duty charging provisions that allow certain transactions that result in changes in beneficial ownership of property to avoid duty. The bill ensures that declarations of trust continue to be taxed in the same way they have always been taxed, thereby addressing a potential revenue risk arising from a recent Supreme Court decision. The bill supports the integrity of the duty and land tax surcharge provisions by permitting the Chief Commissioner of State Revenue to reassess more than five years after an initial assessment in connection with certain surcharge concessions, such as those available to Australian-based, foreign-owned developers of new homes.

The bill clarifies the principal place of residence exemption from surcharge land tax to ensure that permanent residents who receive the exemption are required to be physically present in Australia for a continuous period of 200 days during the land tax year, subject to exceptional circumstances. The bill ensures that the threshold applying to the First Home Owner Grant cannot be circumvented through post-contract variations. In addition, the bill significantly enhances the State's capacity to both deter and tackle tax avoidance. It achieves that by extending anti-avoidance provisions that currently only apply to duties to all taxes falling within the reach of the Taxation Administration Act 1996.

The bill further ensures deterrence of tax avoidance by introducing promoter penalty provisions modelled on those at the Federal level that specifically target promoters of tax avoidance schemes and modifying the penalty tax provisions to make them fairer and more targeted. Those changes will double the rate of penalty tax payable for a tax default by a significant global entity whilst also giving the Chief Commissioner of State Revenue increased flexibility to determine that no penalty tax is payable in certain situations.

At the same time, the bill provides some important tax concessions. Notably, the bill ensures that transfers of land or vehicle registration resulting from the breakdown of a de facto relationship are exempt from duty on the same basis as transfers resulting from a marriage breakdown. The bill extends the duties concession for transfers of farming property between family members so that the transferee can be a company trust or other entity that is controlled by the family member. That is in line with current concessions that allow the transferor to be an entity controlled by a family member and recognises the business structures that are often used by farming families in managing their affairs. That is a really important amendment for protecting the businesses that are operated by farmers.

The bill relaxes residence requirements relating to off-the-plan purchases by Defence Force personnel in recognition that, on account of the nature of their employment, it can be difficult for such personnel to satisfy the requirement to live in the property for six months within one year of purchase. The bill provides for surcharge relief when land is used wholly or predominantly for commercial or industrial purposes, addressing an unintended cost barrier to the development of precincts identified for significant economic investment, such as the Western Sydney Aerotropolis. Such relief will be contingent on the land being used for the proposed purposes, with the Chief Commissioner of State Revenue retaining the right to withdraw such relief and to reassess the landowner.

The bill contains a number of amendments to the Fines Act 1996 and the State Debt Recovery Act 2018, including amendments to remove the power of the Commissioner of Fines Administration to warrant the imprisonment of a fine defaulter, and I welcome the support of the Opposition in relation to that provision; to permit qualified social workers to supervise work and development orders; to close loopholes that result in interstate driver licences and interstate registered vehicles being used to avoid enforcement action; and to ensure that payments made by agencies to individuals under administrative, non-legislative schemes can be referred to Revenue NSW for recovery. In the other place the Opposition expressed support for the bill but moved some amendments requiring a review of certain provisions at the two-year mark of the new legislation. The Government did not oppose those amendments. Likewise, the Government does not oppose the amendments that will be moved by the Opposition in this Chamber.

I now turn to the amendments foreshadowed by Ms Abigail Boyd. The first amendment seeks to add a transaction to the list of excluded transactions in new section 8 (3) of the Duties Act 1997 concerning changes in beneficial ownership. The transaction would be one where a person obtains a capital gain, and that gain may be reduced by a concession under the Commonwealth Income Tax Assessment Act or where rollover relief is available for the restructure of a small business. It is an unusual amendment because it appears to be based on a fairly fundamental misunderstanding of the beneficial ownership provision and of the operation of the Duties Act generally. The Commonwealth's capital gains tax [CGT] provisions allow for the taxing of capital gains resulting from the disposal of assets, and concessions which apply in certain instances. I emphasise that it relates to the disposal of assets, not the purchase of assets.

The Duties Act is completely different. It operates to charge duty on the acquisition of dutiable property. The beneficial ownership provision is entirely consistent with that. The beneficial ownership provision would not operate to tax a person who disposes of an asset, resulting in a capital gain. It is simply outside the scope of the provision and the Duties Act more broadly. The amendment misunderstands the difference between disposal and acquisition. The point of duty is when someone acquires, not when they dispose, and the capital gains tax provisions apply to people who dispose. The amendment would have even more perverse consequences, which I am sure are not intended. Because the Duties Act and the beneficial ownership provision generally operate to charge duty on acquisition of assets, the amendment could result in an exemption from duty for a person who acquires a beneficial interest in a property as a result of another person who disposes of property and who is eligible for a CGT concession, so the person buying the property gets the benefit. Surely that is not intended, because it would be totally contrary to the way in which the Duties Act operates.

While I appreciate the member looking out for the interests of people who dispose of assets and who are eligible for CGT concessions, such people have nothing to fear from the application of the beneficial ownership provision in this Act, because this Act is not designed for those persons to be paying duty. It is the people who acquire the property who pay duty, and I am surprised that the member would make that mistake. The provisions simply do not come into operation in that scenario. The amendment put forward by The Greens would simply serve to exempt people from duty merely because they acquired an asset from a person who was eligible for a CGT concession. In fact, it may result in the no doubt unintended consequences of effectively subsidising the acquisition of property from a small business by a multinational enterprise.

The amendment put forward by The Greens also seeks to exclude transactions under which rollover relief is available for certain small business restructures under the Commonwealth income tax legislation. The Duties Act already specifically caters for restructures of businesses through the corporate reconstruction and consolidation exemption contained in chapter 11 of the Act. Accordingly, the proposed amendment is unnecessary and would simply add complexity by incorporating new provisions relating to business structures framed in different terms in a different part of the Act. That is not in the interests of taxpayers. If the member wishes to raise any issues with me concerning the existing corporate reconstruction and consolidation exemption in the Duties Act, I am happy to listen. The second proposed amendment concerns a new provision in the Duties Act dealing with an acknowledgment of trust. The amendment is unnecessary and it is not supported. The intended operation of the provision is clear from the context in which it appears.

Ms Abigail Boyd: Point of order: Mr Assistant President, I am a bit confused. Ordinarily, we would do this during the Committee phase, where one member puts forward the reasons for their amendment and then the Government might respond to that amendment. It is clear from his contribution so far that the Hon. Damien Tudehope does not understand the amendments that have been put forward, whereas the ordinary process would allow that to occur.

The Hon. DAMIEN TUDEHOPE: I do understand. I will repeat this when the amendments are moved. The amendment is unnecessary and is not supported. The intended operation of the provision is clear from the context in which it appears, and there is no need to muddy the waters by the inclusion of unnecessary amendments to the legislative scheme. The third proposed amendment essentially seeks to exempt from duty transfers of property from self-managed superannuation funds to members of the fund. The Government cannot support a proposal for which the financial and policy implications have not been fully assessed. In New South Wales, concessional duty of \$500 is already charged on the transfer of property to a self-managed super fund. However, transfers out of the fund are subject to full duty. That has been the case since 2010, and I note that other jurisdictions such as Tasmania, the Australian Capital Territory and Northern Territory have similar provisions.

Proposed amendment No. 4 removes certain amendments to the Fines Act 1996, which will assist Revenue NSW to do its job—that is, helping people to resolve their fines, minimising as far as possible the need to take enforcement action. The Government does not support the amendment for the following reasons. At present, the Act permits Revenue NSW to obtain certain information about fine recipients from employers, past employers and credit reporting bodies but only for the purposes of enforcing a fine. In other words, Revenue NSW can only

obtain such information once the fine has not been paid and has escalated to the point of Revenue NSW having to take enforcement action, such as seizing property. Revenue NSW would prefer to avoid enforcement action, if at all possible, because it increases the costs for all parties concerned.

The better way is to engage early with fine recipients so that fines can be resolved. That way, fine recipients, particularly those who may be experiencing financial difficulties, can discuss their circumstances with Revenue NSW. Suitable payment plans and other options can be arranged. That cannot happen, however, if Revenue NSW is unable to contact the fine recipient. At present, the Fines Act impedes Revenue NSW's ability to engage early with fine recipients by not allowing it to obtain information for the purposes of exercising functions that precede enforcement, such as issuing penalty notices or penalty reminder notices. The amendments in the bill will fix this problem and will also allow a credit reporting body to provide the contact details of a fine recipient's current or last known employer, not just the name of the employer.

In addition, the amendments permit Revenue NSW to request information from a financial institution as to whether a person holds an account and, if so, the amount in the account. This is designed to do more than help Revenue NSW to determine whether to issue a garnishee order to the fine recipient. This is a good thing because it will help to avoid the issuing of garnishee orders for any persons whom Revenue NSW has identified as being potentially vulnerable or in financial difficulty. Finally, The Greens amendment No. 5 would remove from the bill certain amendments to the State Debt Recovery Act 2018. To a large extent those amendments mirror the amendments to the Fines Act, about which I have spoken and which The Greens would like removed from the bill. My reasons for not supporting The Greens' revision of the changes to the Fines Act are therefore largely applicable to The Greens amendment No. 5. The Government does not support that amendment. I commend the bill to the House.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that this bill be now read a second time.

Motion agreed to.

In Committee

The CHAIR (The Hon. Wes Fang): There being no objection, the Committee will deal with the bill as a whole. There are three sets of amendments: the Government amendments on sheet c2022-066C, the Opposition amendments on sheet c2022-078F and The Greens amendments on sheet c2022-039E. I believe the Government will move its amendments first.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (21:52): By leave: I move Government amendments Nos 1 and 2 on sheet c2022-066C in globo:

No. 1 Surcharge land tax exemption

Page 18, Schedule 5[4]. Insert after line 24—

(6AA) Surcharge land tax may not be refunded under this section if—

- (a) completion of the transfer of the residential land to the Australian corporation occurred before 21 June 2016, and
- (b) an application for the refund was not made on or before 21 June 2021.

No. 2 Surcharge land tax exemption

Page 18, Schedule 5[5], line 26. Omit “section 5C(6)”.

Insert instead “section 5C(6AA), as inserted by item [4]”.

As I have sought to impress upon the House, the State Revenue and Fines Legislation Amendment (Miscellaneous) Bill 2022 is critical to the Government's program of keeping our revenue laws robust, effective and up to date. Since the bill's introduction to the Chamber the Government has carefully considered one matter and proposes these amendments to the bill. The amendments are roughly in keeping with the bill's emphasis on revenue integrity.

I will explain the amendments, which relate to surcharge land tax exemptions. Surcharge land tax duty is paid by foreign persons who hold New South Wales residential land. The 2017-18 budget introduced provisions that provided relief from surcharge land tax for Australian-based, foreign-owned developers that acquired residential land, constructed houses or apartments and sold the new dwellings. Under these provisions, developers were required to sell the dwelling within a specified time frame. Those developers who acquired the land after the introduction of the surcharges—that is, 21 June 2016—were required to build and sell homes within 10 years of acquiring the land.

Developers who acquired land before 21 June 2016 were required to build and sell the homes no later than 21 June 2021. For both classes of developer, failure to meet the specified time frames would result in a claw-back of the surcharge land tax that would have been paid. This was important for ensuring that surcharge relief facilitated development and supply of new homes. Some developers who had acquired land before 21 June 2016 were not able to complete construction within the required time frame and have been reassessed by Revenue NSW in accordance with the legislation.

Separately, schedule 5 [2] to 5 [6] to the bill deal with surcharge land tax. In preparing those amendments, the deadline for foreign-owned developers who had acquired land before 21 June 2016 and had built and sold homes by 21 June 2021 was inadvertently removed. If these provisions are passed in their present form, corporations that acquired land before 21 June 2016 but did not meet 21 June 2021 deadline for building and selling all planned new homes would likely be able to apply for a further reassessment and obtain a refund of the surcharge land tax which had been paid. The Government's amendments essentially restores the existing deadline of 21 June 2021 for those foreign-owned developers who had acquired land before 21 June 2016, and will ensure that the surcharge land tax recovered from those developers remains in public hands. In conclusion, I ask the Committee's support for the Government amendments.

The Hon. DANIEL MOOKHEY (21:56): The Opposition does not oppose the amendments.

The CHAIR (The Hon. Wes Fang): The Hon. Damien Tudehope has moved Government amendments Nos 1 and 2 on sheet c2022-066C. The question is that the amendments be agreed to.

Amendments agreed to.

The Hon. JOHN GRAHAM (21:57): I move Opposition amendment No. 1 on sheet c2022-078F:

No. 1 **Reporting on implementation of Liquor Amendment (Night-time Economy) Act 2020**

Page 19, Schedule 6. Insert before line 2—

[1A] Section 163 Reporting on licensing and planning alignment

Omit section 163(4). Insert instead—

- (4) The Minister must, by 1 November each year, give a report to the Presiding Officer of each House of Parliament about the Minister's progress in addressing each of the priorities set out in subsection (1) during the previous financial year.
- (4A) This section is repealed at the end of 31 December 2025.

[1B] Section 163A

Insert after section 163—

163A Reporting on implementation of Liquor Amendment (Night-time Economy) Act 2020

- (1) The Minister must, for financial years 2021–2022 to 2023–2024, give a report to the Presiding Officer of each House of Parliament about the effectiveness of the reduction of fees and the extension of trading hours for dedicated live music and performance venues consequent on the enactment of the *Liquor Amendment (Night-time Economy) Act 2020* and its related legislation.
- (2) The report must be given to the Presiding Officers by 1 November following the end of each financial year concerned.
- (3) The report must include information about the following matters or things—
 - (a) live music and live performance events conducted under Part 12,
 - (b) extended hours for dedicated live music and performance venues under section 12A,
 - (c) any licensing incentives developed or implemented to encourage licensed premises to program live entertainment, being licensing incentives of the kind or similar to those referred to in section 163(1)(b),
 - (d) special entertainment precincts,
 - (e) small live music and performance venues,
 - (f) exempt development for low impact entertainment,
 - (g) the use of loading zones by musicians,
 - (h) the operation of the *Environmental Planning and Assessment Act 1979*, Schedule 8, Part 1 (Playing and performing music),
 - (i) the temporary use of outdoor spaces under section 166,

- (j) interim small bar authorisations under the *Liquor Regulation 2018*, Part 3, Division 4, Subdivision 1.
- (4) The report must, where possible, include information about the numbers and locations, including the local government areas, of the matters and things referred to in subsection (3) and details of the planning and licensing processes related to those matters and things.
- (5) A copy of a report given to the Presiding Officer of a House of Parliament under this section must be laid before the House within 5 sitting days of the House after it is received by the Presiding Officer.

I indicated in my contribution to the second reading debate that I would give some background in the Committee stage, so I will do so now. This amendment is fundamentally about reporting and about a range of measures that are in the night-time economy space, in the music space and particularly outdoor activity that has been so important during COVID. I thank the Government for indicating that it will support the amendment, and the Minister and the Minister's office particularly for being quite open-minded about the amendment. The Government and the Opposition have often agreed on this set of issues. I will confess freely some of my frustrations about the pace of the process later, but I genuinely thank the Minister for indicating his support of this amendment. We are lucky to have a Minister in this role who I know is a musician, a very good guitarist, and I thank him for his support for this measure. This amendment will require the Minister to report to this House on 1 November each year on a series of measures that this House has driven through into the law.

But there is frustration on the part of the Opposition. We believe that there should be frustration on the part of the House, including on the Government's side, about how quickly these things have moved. They should have moved more quickly. One of the things we can do is keep them under scrutiny. We can turn the spotlight of this Chamber on them, using this mechanism and this amendment to keep these issues a priority. What sorts of issues are we talking about? We are talking about a range of live music measures and live performance measures that have been passed through this House, including, in particular, giving extended hours to venues that are putting on music. We are talking about the use of special entertainment precincts. We are talking about the use of exempt development for low-impact entertainment. That is about retail spaces or hairdressers or barbers being able to put music on. It is about loading zones for musicians—

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

The Committee continued to sit.

The Hon. JOHN GRAHAM: It is about the interim small bar authorisation, which is a good flexibility provided for in the Liquor Act, to allow small bars to get up and running straightaway. We want to know how many of those authorisations are being used. Crucially, it is about the use of outdoor space, about getting people out onto roads, out onto footpaths and out of venues, which has been so important during the COVID-19 pandemic. But there has been real frustration on behalf of the Opposition and on behalf of this House generally about how much those measures are being used.

To recall some of that frustration, when we debated the night-time economy bill about which we are calling for annual reporting to this House, and when those measures were introduced, we were well into the pandemic. Right through the end of 2020 there had been a massive amount of talk about moving events outdoors. Remember the alfresco revolution and the multiple photos of Government Ministers celebrating in the open air. When debating that bill at the end of 2020, that far into the pandemic, how many venues had actually used those authorisations that had been so much trumpeted? Only 17 venues at that point in the whole State of New South Wales had. All of them were in The Rocks. Because the Government controlled The Rocks, it was able to roll the provisions out there, but that is the only place where they had been rolled out. They had not made it even to the City of Sydney at that point. They had not made it out to Wagga Wagga, which is one of the key places where there is an interest in using them. They had not made it to Newcastle, Wollongong or the suburbs of Sydney.

There was this government-controlled area, this little Potemkin village, where the only 17 venues that had been given this outdoor authorisation during a pandemic were able to operate. It was a place where senior Ministers in the Government would go to roll up their sleeves and drink beer, where men of the Government would gather together and pretend that it was 1952. That is what was going on there. The Opposition said, "Well, this should be available to people across the State. It shouldn't be available just in The Rocks. It shouldn't be available just to senior members of the Government to go down and take photos as they gather together. It should be available to the citizens to keep them safe during a pandemic." That was our frustration. That is the frustration I express on behalf of the Opposition and also, I feel, on behalf of the House.

When we fast-forward, we find that those measures are still not being adopted. I think that the most recent answers I have are from 22 April of this year. They reveal just how little the measures had been rolled out across the State still at that point. When it came to outdoor use on roads, when it came to outdoor use on other lands, the

majority of these uses were still in the City of Sydney. These uses must be across the State. From a pandemic safety point of view, that is still important, but it is also important to change the culture in New South Wales. You cannot talk about the alfresco revolution and have it stop at Parramatta Road. That is the position of the Opposition. When it comes to the measures in this bill that the Government is moving to change the Liquor Act—measures the Opposition championed in the debate here—we asked, "How many street closures have been approved under part 12E of the Act?" We think that the answer was six, all of them in the City of Sydney.

That is a shocking number and a shocking use of the provisions that the Government and the Opposition backed, and which the crossbench backed enthusiastically. The Opposition is asking: Why have they not been used? There is a real frustration from the Opposition. The House has given these powerful legislative tools to the Government. It wants to use them—the Government has happily expressed that view—but it has been unable to. The frustration is it feels like we have given a 1,000-piece puzzle to a toddler and they are still playing with the box. Perhaps that is too harsh. I invite the Leader of the Government to tell us if it is correct that there have only been six uses of the roads powers that the Government introduced. How many outdoor use authorisations are being used? Is it still the case that the majority are in the City of Sydney, or have they been rolled out elsewhere?

The CHAIR (The Hon. Wes Fang): I remind the member that we are debating the amendment. Given the time, it would be the preference to keep the debate very tight. The member will be very tight with his contribution.

The Hon. JOHN GRAHAM: I accept that guidance. I will refer to two other measures in the amendment that go to this issue. The amendment calls for the number of venues that have taken up the extended hours provisions to be reported. Venue operators who I have talked to say that they have never been told about them. How many venues have taken up the provisions? And how many special entertainment precincts, which are granted under the Liquor Amendment (Night-time Economy) Act 2020, are in place? I invite the Minister to respond.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (22:06): The Government supports the amendment. Regarding the items raised by the Hon. John Graham, it is unreasonable for me to have that specific detail because it requires some research or advice on the number of applications that have been made, or at least an analysis of the number of exemptions that have been provided. I am certainly not in a position to provide that to the member. Given his good relationship with the Minister responsible for the amendment to the Liquor Act, I am happy to take his questions on notice and seek the Minister's advice on the issues that have been raised. I repeat that the Government does not oppose the amendment.

The Hon. MARK LATHAM (22:07): I think I can assist the Chamber with the valid questions asked by the Hon. John Graham. For some time I have been lobbying various planning Ministers, and the Hon. Dominic Perrottet when he was Treasurer, to introduce an integrated planning model for approvals—a one-stop shop to sort out the noise and liquor trading issues, and the development approvals, for entertainment precincts to get them moving for jobs and tourism. The Government made an announcement—

The CHAIR (The Hon. Wes Fang): Mr Latham, I remind you—

The Hon. MARK LATHAM: It is in the bill, isn't it?

The CHAIR (The Hon. Wes Fang): —of my guidance to the Hon. John Graham.

The Hon. MARK LATHAM: This is a big thing about the State's future that I am raising. This is the amendment on the entertainment precincts; this is the amendment to the Liquor Act.

The CHAIR (The Hon. Wes Fang): Mr Latham, I am seeking—

The Hon. MARK LATHAM: Do you want to give the speech?

The CHAIR (The Hon. Wes Fang): —to keep the contributions very tight tonight.

The Hon. MARK LATHAM: That's not your job. I am making my contribution; you are there to chair the debate.

The CHAIR (The Hon. Wes Fang): Actually, Mr Latham, it is my job.

The Hon. MARK LATHAM: To abbreviate me? I don't think so.

The CHAIR (The Hon. Wes Fang): It is.

The Hon. Damien Tudehope: Make sure you speak to the—

The Hon. MARK LATHAM: I am speaking to the amendment concerning the changes to the Liquor Act.

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

The Hon. MARK LATHAM: It is not the role of the Chair to keep members to a certain time limit.

The Hon. Anthony D'Adam: Members should be silent when the Chair is speaking.

The Hon. MARK LATHAM: No, only when he stands up.

The Hon. Anthony D'Adam: This interaction is disorderly. The Chair should call the Hon. Mark Latham to order.

The CHAIR (The Hon. Wes Fang): It is late—

The Hon. John Graham: To the point of order: I make the point that the amendment is about reporting on the things that are being discussed. I hope that you will allow some latitude, Chair, because the amendment goes to the reporting that Hon. Mark Latham is speaking to.

The CHAIR (The Hon. Wes Fang): Regarding the point of order that was taken by the Hon. Anthony D'Adam, members will resume their seats when the Chair is speaking. In relation to the point that was raised by the Hon. Mark Latham about the role of the Chair, it is well established and clear that it is the Chair's job to ask the member to come back to the amendment and to speak to it as drafted. On that point, which was the point that I was trying to communicate to the member who was speaking at the time, I would ask him to keep his comments tight in relation to the amendment that was moved. The Hon. Mark Latham has the call.

The Hon. MARK LATHAM: I would have been finished by now. I am not going to be interrupted after 35 seconds when you ramble on for much longer. I am done. You chair the meeting properly, please.

The CHAIR (The Hon. Wes Fang): I call the Hon. Mark Latham to order for the first time.

The Hon. JOHN GRAHAM (22:10): I thank the Minister for the offer to convey my questions to the Minister responsible for the Liquor Act. I do not accept that that is good enough when we are asking about exactly this reporting. The Government has had access to this amendment. It shows why the House has to insist on this reporting, if the information is not available. I want to give the Minister credit. The fact that we know there have been only six uses of the road closures is precisely because the Minister's office briefed the Opposition in the lead-up to the bill. To give full credit to the Government, that is the only reason we are aware of that. That was one of the questions we asked.

I will answer one of those questions. It is on one matter that this House debated and enthusiastically supported, one that the Government, crossbench and Opposition members backed, and something that we think is crucial to driving this through across the State: How many special entertainment precincts are in place across New South Wales more than a year after we debated the bill and put this in place? There are none. That is why we want to keep the spotlight on this area. That is why we want this reporting. That is why we are moving this amendment. That is why we thank the Government for backing it.

The CHAIR (The Hon. Wes Fang): The Hon. John Graham has moved Opposition amendment No. 1 on sheet c2022-078F. The question is that the amendment be agreed to.

Amendment agreed to.

Ms ABIGAIL BOYD (22:12): By leave: I move The Greens amendments Nos 1 to 5 on sheet c2022-039E in globo:

No. 1 Excluded transactions

Page 3, Schedule 1[3], proposed definition of *excluded transaction*. Insert after line 36—

- (ja) a transaction in relation to which—
 - (i) a capital gain may be disregarded or reduced by a concession under the *Income Tax Assessment Act 1997* of the Commonwealth, Division 152, or
 - (ii) a roll-over is available under the *Income Tax Assessment Act 1997* of the Commonwealth, Subdivision 328-G,

No. 2 Acknowledgment of trust

Page 4, Schedule 1[4], proposed section 8AA. Insert after line 13—

- (3) To avoid doubt, section 18(1), (6) and (6A) extend to the making of the statement as if the making of the statement were a declaration of trust.

No. 3 Duty concessions

Page 4, Schedule 1. Insert after line 33—

[9A] Section 62C

Insert after section 62B—

62C Transfers from self managed superannuation funds

- (1) Duty of \$500 is chargeable on a transfer of, or an agreement to transfer, dutiable property from the trustee or custodian of the trustee of a self managed superannuation fund to a member or members of the self managed superannuation fund but only if—
 - (a) there are no other members of the superannuation fund besides the member or members to whom the property is transferred or agreed to be transferred, or the dutiable property is segregated from other fund property, and
 - (b) each member of the superannuation fund to whom the property is transferred was a member at the time the property first became part of the fund, and
 - (c) the dutiable value of the property does not exceed the value of the member's interest in the fund.
- (2) Dutiable property is segregated from other fund property if—
 - (a) the property is held specifically for the benefit of the member or members to whom the property is transferred or agreed to be transferred, and
 - (b) the property, or proceeds of sale of the property, cannot be pooled with property held for any other member of the superannuation fund besides the member or members to whom the property is transferred or agreed to be transferred, and
 - (c) no other member of the superannuation fund, besides the member or members to whom the property is transferred or agreed to be transferred, can obtain an interest in the property or the proceeds of sale of the property.
- (3) If a member would be entitled to an exemption from duty under subsection (1) but for subsection (1)(c), the member is entitled to a concession from duty in relation to so much of the dutiable value of the dutiable property that does not exceed the value of the member's interest in the fund.
- (4) A reference in this section to dutiable property becoming or first becoming part of a fund includes a reference to property from which that dutiable property was derived, by subdivision or consolidation of titles, becoming or first becoming part of the fund at a time when the transferee was a member of the fund.
- (5) This section does not apply in relation to a transfer of, or an agreement to transfer, dutiable property if, as a result of the transfer, the superannuation fund will cease to be a complying superannuation fund.
- (6) A superannuation fund that has not been confirmed as a complying superannuation fund may be treated as a complying superannuation fund for the purposes of this section only if the trustee is satisfied, at the time a liability for duty arises, that the fund will be confirmed as a complying superannuation fund.
- (7) A superannuation fund is **confirmed** as a complying superannuation fund when the Regulator first gives a notice to the trustee under the *Superannuation Industry (Supervision) Act 1993* of the Commonwealth, section 40 stating that the fund is a complying superannuation fund.
- (8) The Chief Commissioner may assess or reassess the duty chargeable in relation to a transfer or agreement to transfer if the Chief Commissioner is not satisfied that the superannuation fund was a complying superannuation fund at the time the liability for duty arose.

No. 4 Access to information—Fines Act

Pages 14 and 15, Schedule 2[20]–[23], line 19 on page 14 to line 3 on page 15. Omit all words on those lines.

No. 5 Access to information—State Debt Recovery Act

Page 20, Schedule 7[6]–[8], lines 25–36. Omit all words on those lines.

Amendment No. 1, which is related to excluded transactions, was obviously drafted by Parliamentary Counsel to capture the definition under those sections. The effect of this amendment is to ensure that we are not capturing those transactions that are effectively not transferring the beneficial interest. The effect is that we are excluding a transaction that does not have the effect of materially changing which individual has or which individuals have the ultimate economic ownership of the asset. From what I could tell from the Minister's response to this, he seemed to think that this was about something having been effective under the Commonwealth legislation that we are referring to, but in fact this is referring to transactions that otherwise would have been able to take advantage of those Commonwealth divisions. It is purely a way of incorporating a definition, rather than having to explain in detail in this place what we mean by a transaction that does not have the effect of materially changing which individual has or which individuals have the ultimate economic ownership of the asset. We would think that was

pretty straightforward. I understand that the Government will not support the amendment. I am not particularly surprised.

I come now to amendment No. 2, which has been the subject of much debate with a number of constituents at my office. I understand those same constituents have also approached the Opposition. It is not a fancy of The Greens. The issue was raised by Minter Ellison, Herbert Smith Freehills and a number of eminent law firms that are concerned about the impact of reversing the Benidorm case in this way. The Greens negotiated a number of different options with those constituents to try to find something that the Government would accept. In the end, we went with what we thought was as reasonable as we could possibly go, and that was to make it very clear that even when we have a declaration caught by proposed section 8AA, it would not apply where effectively duty will already have been paid on the transaction concerning the declaration. It is pretty standard stuff, but I understand that this Government will not accept it.

I raised amendment No. 3 with the Minister and his department in October 2021. I will read from the budget estimates transcript dated 29 October 2021 because it encapsulates the issue most clearly. It states:

Ms ABIGAIL BOYD: Another issue that has been drawn to my attention because of a constituent concern is in relation to the concession from transfer duties when transferring a property from a self-managed super fund [SMSF] to the members of the fund as a benefit. Under the current legislation, you can transfer a property to the SMSF with only a nominal transfer duty fee. I think it is \$500. But if you then try to transfer it back then you are stung with the entire cost as though you were transferring it to a wholly unrelated person. I understand that Victoria, South Australia, Queensland, Western Australia and the Northern Territory all have exemptions or concessional rates in those exact circumstances. It is quite an impost on self-funded retirees. This is surely just an oversight in our New South Wales legislation.

The question was referred to Mr Smythe. He stated:

Mr SMYTHE: Minister, we are constantly reviewing the exemptions and the various charging provisions within our legislation. There are a couple of interesting factors that attach to transfers between entities.

Mr Smythe indicated that he was aware of the issues related to super fund transfers and said, "... that is something that we are considering at the moment". I pressed further:

Ms ABIGAIL BOYD: So you are considering changing the legislation?

Mr SMYTHE: I need to consider a couple of different factors in order to put it forward to the Minister.

Ms ABIGAIL BOYD: Thank you. Minister, obviously subject to receiving the advice, is that something that you would be interested in taking forward?

The Hon. DAMIEN TUDEHOPE: I would be happy to.

I concluded the discussion by saying:

Ms ABIGAIL BOYD: Thank you. The other States seem to have got their heads around it and been able to provide that exemption for self-funded retirees, so that would be very helpful if you could, Minister.

The CHAIR (The Hon. Wes Fang): While the history is interesting, I ask the member to return to the subject of the debate.

Ms ABIGAIL BOYD: It encapsulates the issue and by saying it is unnecessary, that is a direct response to the pre-emptive contribution of the Minister in relation to this amendment. Clearly this is a live issue and does not come out of the blue. We have done the Minister's job for him and drafted the amendment. I understand the Government will not support the amendment, but I hope that it will be considered in future legislation. Amendments Nos 4 and 5 are an attempt to prevent overreach by this Government when intervening in an individual's personal life and causing real harm as a result.

Speaking to a person's former employer to try to get some details about them, or speaking with their bank to find out what accounts they have, is extraordinary overreach and can have a really damaging impact on these people who are, in many cases, doing it tough and are unable to pay in the first place. It is just compounding the damage. That is why we are suggesting that that provision be removed. Again, I understand from the pre-emptive contribution of the Minister that he will not be supporting the amendments, but I put on the record that The Greens believe that is extraordinary overreach and should be deleted.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (22:19): I rely on the observations that I have previously made and will not be repeating them. The Government will not be supporting the amendments.

The Hon. DANIEL MOOKHEY (22:20): Chair, I do not wish to risk your wrath about what constitutes a relevant contribution to a Committee of the Whole debate, but I have listened carefully to the contribution made by the mover of these particular amendments—and I respect the member's intention—and I have assumed that the Minister replied in good faith. Dare I say that owning property through beneficial trusts is a pretty atypical scenario for most people. Secondly, it is not an issue which has been raised with Labor members, which is not

surprising. Equally, the movement of property in and out of beneficial trusts is itself rare amongst people who own property through beneficial trusts. Therefore, I am of the view that perhaps the member's issues may not be as large as have been portrayed.

But I could be wrong, and someone who is amongst that very small category of people who owns property through a beneficial trust is as deserving of good tax laws as someone who is not. The Opposition does not dispute that. But this is precisely why Labor has argued for a statutory review to examine these issues in the future: to see whether some of the member's fears are realised in a way that would prompt the House to pass a law. I reiterate the principle that Labor applies in general when it comes to tax: You can love a tax, you can hate a tax, but if the tax is legal then you should pay it. Everyone should be up-front and clear about their revenue, precisely, and not hide behind legal artifices to avoid their obligation to pay tax—their obligation to their fellow citizens. That colours the Opposition's views.

So the Opposition will not be supporting those particular amendments because our view is that we should await the statutory review that the Opposition has already won in order to see whether or not the issues relating to dutiable property owned through beneficial trusts require the response that has been proposed by the member. This brings me to the issues with self-managed superannuation funds [SMSFs]. Of course, self-managed superannuation funds are more common. There are a lot of them—fair enough. Whether they are good or not is really not a matter we have to discuss here. The scenario that the mover proposes amendment No. 3 will deal with—that is, whether a person moving a property from a trust of which they are a trustee to themselves ought to be a dutiable transaction—is, again, a very technical matter. These are not easy issues. It is not clear at all that—

The Hon. Damien Tudehope: They get the benefit of being in the super scheme.

The Hon. DANIEL MOOKHEY: I acknowledge the interjection of the Minister. Under Federal law, the ability to own assets through an SMSF structure does provide certain tax advantages which are not available to others and which, as an allowance in the Federal scheme, do cost a lot. But, Chair, I am definitely now risking your wrath by straying too far beyond the amendments. I know that members of the Liberal Party have a deep fascination with SMSF funds and how much they cost. I understand that Peter Costello established these arrangements, which is something I am sure is dear to the heart of the Minister. But nevertheless—

The CHAIR (The Hon. Wes Fang): The Hon. Daniel Mookhey will move on.

The Hon. DANIEL MOOKHEY: I am now certainly provoking you, Chair, to intervene and call me to order. So I will just simply say again, as it applies to these particular issues that have been raised in respect to SMSFs, the Opposition awaits the outcomes of a statutory review. We think that the review should consider the contribution of the member, and we would be open to advice in that statutory review as to whether the amendments as proposed are a good idea for New South Wales and whether it is a good idea for New South Wales to align with other States, as the mover of the amendment suggested it should. The Opposition will reserve judgement on that until we see the outcomes of the statutory review. The same position applies to the mover's other amendments.

The CHAIR (The Hon. Wes Fang): Ms Abigail Boyd has moved The Greens amendments Nos 1 to 5 on sheet c2022-039E in globo. The question is that the amendments be agreed to.

Amendments negatived.

The CHAIR (The Hon. Wes Fang): The question is that the bill as amended be agreed to.

Motion agreed to.

The Hon. DAMIEN TUDEHOPE: I move:

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

Motion agreed to.

Adoption of Report

The Hon. DAMIEN TUDEHOPE: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. DAMIEN TUDEHOPE: I move:

That this bill be now read a third time.

Motion agreed to.

MINING AND PETROLEUM LEGISLATION AMENDMENT BILL 2022**Second Reading Speech**

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (22:27): On behalf of the Hon. Sarah Mitchell: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Mining and Petroleum Legislation Amendment Bill 2022. The bill sets in place legislation to establish the Royalties for Rejuvenation fund. This program is a key part of the regional development strategy set out in the Government's 20-Year Economic Vision for Regional NSW, providing the framework for reliable access to energy, a skilled labour force and sustainable economies. The establishment of this fund honours a key commitment made during the Upper Hunter by-election. The bill includes a suite of changes to both the Mining Act 1992 and the Petroleum (Onshore) Act 1991 that harmonise, modernise and update the legislation to ensure that it remains fit for purpose for the ongoing responsible development of resources in our State.

These changes will ensure more effective decision-making over the life cycle of a mine, from exploration through to rehabilitation. The updates include practical changes to the applications for, and administration of, titles to help streamline processes, remove duplication and give greater certainty to titleholders and the community. The bill also includes improved compliance tools which will discourage illegal and fraudulent activities, provide a clear operating framework for the mining and petroleum industries, and encourage sustainable and responsible development of mineral resources and an appropriate return to the State.

I seek leave to incorporate the remainder of my speech in *Hansard*.

Leave granted.

The bill also rules mining for mercury to ensure Australia's compliance with the Minamata Convention.

A number of housekeeping and administrative changes are included in the bill that will update and modernise operational processes to reflect a modern-day business environment.

The amendments are sensible and practical, improving consistency across the legislative framework and updating policy and processes to support best practice in the management and regulation of extractive industries in New South Wales.

These amendments are the result of extensive consultation and we have listened to the feedback from a range of stakeholders on the need to remove unnecessary barriers to doing business and to update and modernise the legislation and government processes.

For landholders, I would like to emphasise that there are no changes to the current land access framework or the requirements for an exploration licence holder to have a valid land access agreement before they can access the land.

We have shown how mining and farming can co-exist, and there are strong protections for productive agricultural land through a robust assessment process, activity approvals and lease conditions, and the strong regulatory regime for rehabilitation.

Agricultural land is critical to a strong and sustainable future for our State, and I want to be clear that nothing in this bill changes the commitment the Government has to supporting the farmers and agricultural sector, which has such a vital role to play across regional New South Wales.

Our Regional plans reflect this balanced approach and acknowledges the range of different industries and land uses that make up our diverse regional economies.

Mining contributes more than \$26 billion to our economy each year, as well as significant employment and economic development in regional communities throughout New South Wales.

Future technologies and products will continue to require mining, especially for critical minerals which form a vital part of the supply chain for a whole host of new and existing items which we use every day.

New South Wales is well placed to meet this demand and holds significant resource potential, particularly for copper, titanium rare earth elements, nickel, and cobalt, with further unexplored potential.

In November 2021, I released the Government's Critical Minerals and High-Tech Metals Strategy to help unlock this potential and make New South Wales a leading global supplier.

I want to make New South Wales the number one mining investment and advanced manufacturing destination.

The Strategy provides a platform to assist miners and mineral processors to establish and grow the critical minerals and hi-tech metals value chain, creating jobs and driving investment in regional New South Wales.

As such, it is vital that the Mining Act and Petroleum (Onshore) Acts are updated and remain relevant in this changing landscape.

I now turn to the amendments in the bill.

Royalties for Rejuvenation

The bill delivers on the Government's commitment to introduce a Royalties for Rejuvenation Fund to support regional towns and communities that are reliant on coal mining and associated industries.

The New South Wales coal sector is an engine industry — not only for regional New South Wales but for the entire New South Wales economy.

It is a key employer in regional New South Wales and it is on track to deliver record royalties again this financial year, and this will have flow-on benefits for our communities.

We are currently seeing increased demand and record coal prices.

In the medium-term demand is likely to remain relatively stable, and under some scenarios global demand for thermal coal could be sustained for the next two decades or more.

But we also recognise that our domestic reliance on coal is gradually declining — many of the mines supplying coal-fired power stations have the capacity to pivot to export.

And that's why now is the time to introduce this Fund, while demand for New South Wales thermal coal is strong.

As set out in our Strategic Statement on Coal Exploration and Mining in NSW, our goal is to manage diversification during the coming decades without unnecessarily undermining businesses, jobs, and communities.

This approach strikes a balance between supporting responsible coal development in areas suitable for mining, while recognising the need to support and diversify the economies of coal-reliant communities.

Through the Royalties for Rejuvenation Fund, every year at least \$25 million will be contributed to the fund to go towards supporting coal mining communities by diversifying their economies.

This money will come from coal mining royalties and is an investment in future economic opportunities and creating future jobs and growth that will ensure our regional communities continue to thrive.

The Royalties for Rejuvenation Fund delivers on a key commitment to support the growth of new jobs and industries in traditional coal mining communities.

This will not happen overnight but requires detailed, long-term planning to ensure the regions continue to have growth industries that offer skilled, well-paying jobs.

The new section of the Act specifies the purpose of the Fund:

to alleviate economic impacts in affected coal mining regions caused by a move away from coal mining, by supporting other economic diversification in those regions, including by the funding of infrastructure, services, programs and other activities.

Locals are best placed to understand their community's needs and develop emerging opportunities.

That is why the bill provides for the Minister to establish expert panels to advise the Minister and make recommendations about the payments from the Royalties for Rejuvenation Fund.

This will ensure that regional communities and industries play a central role in shaping the Fund's priorities through support and provision of comprehensive advice that will guide long-term decisions on the Fund's investment.

The bill establishes a requirement to review the Fund after three years to consider whether the Fund is meeting its policy objectives and whether the provisions in the bill remain appropriate.

This review period will give the Government time to see how the Fund is operating and provide an opportunity to make improvements or adjustments to the legislative framework if required.

Fit for purpose

It is important that legislation remains fit for purpose in the twenty-first century, as the resource landscape evolves and as we strive towards a more customer-focused approach to applications and titles management and an outcomes-based focus on regulation.

During the past two years, the Government has created clarity and certainty for industry and communities with four key strategies: the New South Wales Minerals Strategy, the Strategic Statement on Coal Exploration and Mining in New South Wales, the Future of Gas Statement and the Critical Minerals and High-Tech Metals Strategy.

Each is a transparent statement for industry and communities on the future of mining in the State.

The Minerals Strategy outlines how the State will grow investment in exploration and mining to position New South Wales as a major global supplier of minerals.

The statements on coal and gas provide the framework for securing supplies of these critical energy resources for the people of New South Wales into the near and medium term. They also outline the State's balanced approach to exploration, coal mining and gas production, including greater clarity to industry and community about where coal and gas exploration and extraction will and won't occur.

The Critical Minerals and High-Tech Metals Strategy provides a platform to assist miners and mineral processors to establish and grow the critical minerals and high-tech metals value chain, creating jobs and driving investment in regional New South Wales.

As the resources sector responds to changing needs and expectations, the bill aims to provide the legislative framework to support this evolution.

The bill seeks to reduce redundant processes and duplication to reduce the administrative burden for business, providing a clear structure for mining and petroleum businesses to operate, and encouraging environmentally sustainable and responsible development of mineral and gas resources and an appropriate return to the State.

The bill moves some of the more prescriptive and procedural requirements from the Acts into the Regulations, which is a better way of dealing with them.

This will provide more flexibility for the Government to modernise and adapt to changing circumstances.

Many of these changes are house-keeping and best practice updates to clarify and simplify requirements for industry and improve government processes associated with applications and authorisations.

I would like to reassure the Parliament that we will release a consultation draft of the Regulations for public consideration before they are introduced.

Fit and Proper Persons and compliance

The concept of a fit and proper person is fundamental to determining a person's honesty, integrity and reputation.

The fit and proper test is used to ensure that a person is an appropriate person to participate in our mining sector and that they will take seriously the privilege and responsibility involved in being granted an authorisation to explore or extract the resources that belong to the people of New South Wales.

The Acts currently include a fit and proper test that give the decision maker power to restrict operations, suspend or cancel and authorisation or refuse to grant an authorisation if the person is found to be not fit and proper.

The bill broadens the scope of the provisions, enabling the decision maker to make a stand-alone declaration, at any time, that the person is not a fit and proper person.

It provides for a suite of enforcement actions including a caution or reprimand, disqualification from making applications for a specified period of time or for an indefinite period, directions to do or refrain from activities associated with an authorisation, and rejection of applications made by a disqualified person.

Penalties for not complying with directions made against those who don't meet the fit and proper person test will be set at up to \$1.1 million and, for a continuing offence, a further penalty of \$110,000 each day that the offence continues.

The bill also introduces new penalties for prospecting without a valid access arrangement.

Provisions to protect inspectors and other authorised persons have been expanded to ensure that it is an offence to assault, threaten or intimidate a government official in the course of their duties.

Best practice

New flexibility has been included for the renewal of exploration authorisations, focusing more directly on an area that is genuinely required to meet the exploration work program, rather than a nominal percentage figure.

This will encourage more efficient exploration by promoting a "use it or lose it" approach, to ensure that the development of resources is providing an appropriate return to the State.

The bill continues to support the State's updated framework for rehabilitation. Recent operational reforms and amendments to the Mining Regulation require mining lease holders to undertake progressive rehabilitation over the lifetime of the mining operation.

This legislation amendment supports these reforms, ensuring that a security deposit is always held against a rehabilitation liability by requiring a security deposit to be held on registration of a transfer of an authority, such as the sale of a mine.

The provisions for ancillary mining activities will also be updated to ensure that non-mining activities that directly facilitate mining are subject to rehabilitation obligations under the Act, whether they are directly adjacent to the mine or some distance away.

The bill will also help ensure Australia's compliance with the Minamata Convention to ban mining for mercury by removing the ability to apply for a mining lease for mercury.

Conclusion

The mining industry, like all industries, is evolving over time. New technologies create new opportunities and communities demand higher standards and protections.

It is our role as Government, and for me as Minister responsible, to manage competing demands and ensure that mining can continue to provide the critical resources and benefits to New South Wales.

This bill is the result of a long process of consultation and development. The resulting amendments to the legislation will ensure it remains fit for purpose to support investment and growth in the resources sector in New South Wales.

I commend the bill to the House.

Second Reading Debate

The Hon. MICK VEITCH (22:29): I lead for the Opposition on the Mining and Petroleum Legislation Amendment Bill 2022. Last financial year the mining industry contributed \$14.6 billion to the New South Wales economy and supported 30,000 full-time equivalent jobs—an increase of 1,000 jobs from the previous year. When viewed at the regional level, the economic contribution of the mining industry is even more significant, with the direct contribution of mining companies equivalent to 29 per cent of the gross regional product for the Hunter region; 19 per cent for the Central West region; 8 per cent for the Illawarra region; 14 per cent for the north-west region; and 45 per cent for the Far West region of New South Wales. Those figures are telling and starkly demonstrate how great an impact the closure of regional coalmines and energy stations like Eraring will have on regional communities. The closure of Eraring Power Station alone is likely to cause the loss of around a thousand jobs, which will be devastating for those people and the communities affected.

With that in mind, I turn to the Mining and Petroleum Legislation Amendment Bill 2022. The bill seeks to amend the Mining Act 1992 and the Petroleum (Onshore) Act 1991 to make further provision about mining and petroleum laws. In April 2021 the New South Wales Government announced the Royalties for Rejuvenation fund to set aside \$25 million per year of coalmining royalties to assist coalmining communities in diversifying their economies. The proposed changes to the Mining Act will give that fund a legislative basis. As I have mentioned, the impact of coalmine closures will be incredibly significant for the life and livelihoods of our regional communities—which highlights the importance of the Royalties for Rejuvenation fund.

While the creation of the Royalties for Rejuvenation fund is welcomed by NSW Labor, we have very serious concerns about the current lack of accountability and transparency measures in the legislation regarding the allocation and distribution of moneys from the fund. Without adequate accountability measures, there is a very real risk that this Government will continue its shameful practice of pork-barrelling public money into areas and organisations based not on need or worthiness but simply based on special favour, ministerial discretion and the opportunity to boost electoral success. NSW Labor strongly believes that the payment of public money should be administered fairly and honestly, and should be subject to the highest accountability and transparency measures.

Why is NSW Labor so concerned with the way in which the Liberal-Nationals Government hands out public money? Well how could it not be, with countless recent examples making one despondent at best and enraged at worst. For example, 96 per cent of the \$252 million Stronger Communities Fund grants went to Coalition-held or marginal electorates; 92 per cent of the projects chosen for the Schools Renewable Energy Infrastructure Pilot Project were in Coalition electorates; between 2013 and 2021 nearly 75 per cent of the Clubgrants Category 3 Fund grants were awarded to projects in Coalition electorates; 75 per cent of the Greater Sydney Sports Facility Fund grants were awarded to Liberal electorates in the lead-up to the March 2019 election; and backbench Liberal and National MPs and MLCs were given the right to assess and announce grant funding in non-government electorates.

NSW Labor has been talking about the New South Wales Liberal-Nationals Government's blatant abuse of public money for a long time now. But we have not just been talking about it. We have put our money where our mouth is with our own anti pork-barrelling legislation: the Government Grants Administration Bill 2021. In November last year that bill was moved by the shadow Special Minister of State, the Hon. John Graham, before passing this House in an historic vote. In the coming months it is due to be debated in the Legislative Assembly. The passing of that bill in this House drew a clear line in the sand when it comes to how Labor will treat not only the payment of New South Wales public money but also the people of New South Wales.

This issue is essentially about trust. The people of New South Wales need to be able to trust that the hard-earned money they contribute to New South Wales State taxes is being allocated and distributed in a fair and honest way. That brings me to the amendments I will be moving, which will go some way towards repairing the broken trust the public has in this Liberal-Nationals Government to allocate and distribute public money fairly and honestly.

As part of Labor's campaign to end the toxic pork-barrelling of the Liberal-Nationals Government, the following amendments will be moved to increase the accountability and transparency of the distribution of the Royalties for Rejuvenation fund. I will speak to those amendments in the second reading debate to expedite the Committee stage, if I can. The amendment to proposed section 292W inserts new subsection (5A) to allow the establishment of clear eligibility criteria for potential recipients of the Royalties for Rejuvenation fund. It must be known on what basis a recipient can receive money from the fund and what criteria a potential recipient must meet in order to receive money from the fund. At the moment that is unclear and needs to be addressed.

The amendment to insert new section 292WA allows the Auditor-General to investigate and report on any moneys distributed from the Royalties for Rejuvenation fund, including "follow the dollar" powers as included in our own Government Grants Administration Bill 2021 relating to non-government entities in receipt of funds from the rejuvenation fund. The Auditor-General must absolutely be able to investigate and report on not only the allocation of funds but also third-party recipients of the rejuvenation fund moneys, and they should be able to assess the need to do so.

The amendment to new section 292W (5) (a) (i) ensures that the Minister can only distribute funds from the Royalties for Rejuvenation fund following written advice and a recommendation from the secretary. It is entirely reasonable that the Minister must consider the advice of the departmental secretary on the day before allocating and distributing money from the rejuvenation fund. That is a commonsense check and balance on the Minister's discretion and should be wholeheartedly adopted by the Government. The amendment inserting new section 292W (5B) states that should the Minister deviate from the secretary's recommendations regarding the allocation and distribution of the Royalties for Rejuvenation fund, the Minister must publish their reasons for doing so to ensure public accountability. The Minister may have valid reasons for deviating from the secretary's recommendation and, if that is the case, the requirement to publish those reasons should not cause undue concern.

The amendment to new section 292W (5) (a) (ii) removes the words "if requested by the Minister" to ensure that the Minister must consider the advice of the relevant expert panel when determining allocations from the Royalties for Rejuvenation fund. As with amendment No. 3, NSW Labor believes that is a commonsense check and balance on the Minister's discretion and should be wholeheartedly adopted by the Government. The amendment inserting new section 292W (5C) requires the establishment of a public register of all moneys allocated from the Royalties for Rejuvenation fund and its updating within seven days of a payment being made, ensuring transparency regarding the administration of the fund. All members of the public are entitled to know where and to whom moneys from the rejuvenation fund are being allocated and distributed.

Another central component of the major part of the fund is the establishment of the Royalties for Rejuvenation fund expert panels, which will provide advice and make recommendations to the Minister consistent with the purpose of the fund and ensure that coalmining communities are supported. The creation of expert panels to provide advice to the Minister about the allocation and distribution of moneys from the rejuvenation fund is a positive inclusion in the bill. As currently drafted, the creation of one or more expert panels is completely left to the Minister's discretion. NSW Labor will move the amendment to new section 292X (1) so that the Minister must establish at least one or more Royalties for Rejuvenation expert panels.

The amendment makes the creation of at least one Royalties for Rejuvenation fund expert panel mandatory and no longer discretionary, as currently drafted in the existing bill. It is unacceptable to leave the creation of the rejuvenation fund panels to the mercy of the Minister of the day. The creation of at least one expert panel should be mandatory to ensure the effective distribution of the fund. I note that the shadow Minister has been advised that the Minister intends to create at least four expert panels by regulation, the detail of which is yet to be finalised.

In order to ensure the adequate representation of coalmining regions across the State, the following regions should be represented by a Royalties for Rejuvenation fund expert panel: the Hunter region, comprising Cessnock, the City of Lake Macquarie, Maitland, Muswellbrook, the City of Newcastle, Port Stephens, Singleton and Upper Hunter shire local government areas; the Central Coast region, comprising the Central Coast local government area; the Namoi region, comprising the Gunnedah and Narrabri local government areas; the western region, comprising the Lithgow and mid-west regional local government areas; and the Illawarra region, comprising the Wollondilly and Wollongong local government areas.

Another issue NSW Labor has with the current drafting of this section of the bill is that it says the constitution of the expert panels is to be set by the regulations. The rejuvenation fund expert panels are an important check and balance on the Minister's discretion, and it is imperative that the make-up of the panels is enshrined in the legislation to ensure that they are appropriately representative across the community and industry. NSW Labor believes leaving the constitution of the rejuvenation fund expert panels to relatively minor regulations is unsatisfactory, so it is proposing the following amendment:

No. 5 Expert Panels—constitution

Page 25, Schedule 1[123], proposed section 292X. Insert after line 2—

- (3A) A panel is to consist of persons appointed as members by the Minister, including at least 1 person from each of the following—
- (a) employees in the mining sector and their representatives,
 - (b) employers in the mining sector and their representatives,
 - (c) mining industry associations,
 - (d) persons who have expertise in at least 1 area of planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism or government and public administration,
 - (e) if the Panel is constituted for a particular locality—
 - (i) Local Aboriginal Land Councils in the locality, and
 - (ii) local business associations, and
 - (iii) local community groups, and
 - (iv) local community members.
- (3B) The Minister must cause the membership of each panel to be published on the department's website.

Labor will move the amendment because it is imperative that the rejuvenation fund expert panels advising the Minister are constituted with appropriately qualified people and not Liberal-Nationals Coalition hacks and hangers-on. NSW Labor also proposes that the membership of each panel is published on the department's website and that public consultation is required to be undertaken by a panel before giving advice or making recommendations regarding the rejuvenation fund.

Other changes contained in the bill relate to changes to the Mining Act regarding objections to mining leases on the ground and that relevant land is agricultural land. The current amendments will introduce additional requirements for landholders to demonstrate that land is agricultural land and will also allow the decision-maker to request additional information from an objector. While Labor accepts that it is reasonable for an objector to demonstrate that the relevant land is agricultural land, it notes the concern that the requirement to provide further information as requested by the secretary could impose an overly burdensome cost on the objecting landowner.

Labor will be keenly consulting with the relevant stakeholders once this legislation comes into effect to ensure that objecting landowners have not been forced to expend unreasonable amounts of time and money to provide additional information in support of their objection at the behest of the secretary. Related to this point, and of significant concern to Labor, is the fact that the bill as currently drafted allows the secretary to request additional information from an objecting landowner within the period specified by the secretary. Labor believes it is manifestly unreasonable to expect a landowner to produce effective information, records or reports within a potentially unreasonable time frame as possibly prescribed by the secretary. The Minister in the other place stated in his second reading speech:

I want to be clear that nothing in the bill changes the commitment that the Government has to supporting farmers and the agricultural sector.

It is obvious that secretarial power to prescribe the required time frame for a landowner to provide additional information in support of their objection could easily be abused and is completely inconsistent with the Minister's professed claim to be supporting farmers. In order to ensure a process of fairness for objecting landowners, genuine safeguards are required. To provide such safeguards, Labor proposes amendments to proposed schedule 2, clauses 2A (2) and 2A (4), allowing objecting landowners at least 28 days to provide additional information requested by the secretary in support of their objection.

I note that, after numerous discussions with stakeholders across the mining and resource industries, unions, and community and environmental groups, the general consensus was that it would have been preferable to consider the regulations in tandem with the legislation, as so much detail appears to be contained within the regulations. I assure the House that Labor will be reviewing the regulations made under the legislation very carefully to ensure that all stakeholder concerns have been addressed. Labor will move a number of amendments in the Committee stage. Depending on how those amendments go, it will give consideration to the bill.

The Hon. MARK LATHAM (22:44): One Nation supports the Mining and Petroleum Legislation Amendment Bill 2022 but will move a series of amendments that will improve the bill. The bill acts on a promise made by the National Party during the Upper Hunter by-election to establish four areas for royalty rejuvenation schemes along with four panels. There is one around Lithgow; there is one for the Hunter Valley, where an interim panel has been established; there is one for the Far West, in Narrabri and Gunnedah; and there is one for the Illawarra. All of those regions are critically important to the future of the State, but our amendments give special focus to the Hunter Valley, where jobs are under siege from the green left. In the Hunter Valley those jobs are indispensable. There are 15,000 direct mining jobs and another 60,000 indirect mining jobs, so we are talking about 75,000 jobs.

In a local government area like Muswellbrook, three out of five homes are either directly or indirectly coal-income reliant. If you go down a typical street in Muswellbrook, it is coal house, coal house, coal house, non-coal, non-coal. That level of dependence on a particular industry is unequalled in any other part of the State. Those jobs cannot be ripped out and replaced with wacky schemes. We must recognise that coal has a great future. The international price is at a record high. The international environment in Europe, the Ukraine and the rise of China points to the need for Australia to have growing energy self-sufficiency. There is a madness in what we do. We export our coal, gas and uranium resources to other countries, which they use to create cheap, reliable baseload power to gain economic, competitive advantages for their manufacturing, and then they export those goods as imports to Australia to further destroy our jobs.

It is an act of national self-harm to be in a cycle where we send our resources overseas for countries to use productively, in a way that we will not, and for that manufacturing to be imported back into Australia in a way that further destroys Australian employment. The cycle is all wrong. It is driven by the false impression of some—indeed, they have a God complex—who think they are saving the world. Alan Finkel, the renewables guru and former Australian Chief Scientist who was appointed by Malcolm Turnbull, pointed out that even if Australia eliminates its 1.3 per cent of global carbon emissions, it will have virtually no impact on global temperatures. Why anyone thinks that destroying working-class jobs in the Hunter Valley and turning it into a wrecked region is productive when it has no impact on the climate change objective beggars belief.

The Hunter requires special attention. The Government's promise originated in the Upper Hunter by-election. This sort of scheme, which puts royalties back into the upper Hunter and the lower Hunter, is badly

needed. Everyone who went through that by-election experience was very surprised at the paucity of major infrastructure schemes. Where was the Muswellbrook bypass? Where was the Singleton bypass? Where was the advanced polytechnic training facility? The National Party, in all of its proficiency in pork-barrelling, had a missing link in the upper Hunter.

The Hon. Sam Farraway: We won.

The Hon. MARK LATHAM: You won, but not on the merit of what you have been doing for the region. Even your people acknowledged that because there was an announcement every couple of hours and then there was the promise of this scheme.

The Hon. Sam Farraway: We could not keep up.

The Hon. MARK LATHAM: You could not. Barra was a dynamo. Let us admit it: He was up there with a chequebook, which was badly needed, including for the Singleton police station. As you walked past him he would be dropping money out of his pocket for every community group or project that needed it. You might have won, but you were down to the low thirties in the primary vote.

The Hon. Sam Farraway: Dale is a good bloke.

The Hon. MARK LATHAM: Dale McNamara is a good bloke, and hopefully the next Federal member for Hunter. But let us recognise the truth: Everyone saw the neglect of the electorate and recognised that a scheme like this was needed. One Nation is supportive of the National Party keeping its promise, but by our amendments we want to further improve job creation and make sure that there are substantial employment schemes in a region that unfortunately is under siege, employment-wise, for other reasons. Some of the replacement schemes are absurd. When people talk about "transition" to a different type of economy in the Hunter, inevitably what they are really talking about is transition to long lines at the Centrelink office. That is the unfortunate truth. The Hunter Alliance up there is basically run by the failed Australian Manufacturing Workers' Union [AMWU], which has managed to halve its membership in the past 10 years and which comprises lock-the-gate type people. It has two big transition projects for the Hunter.

The first is to fill the open-cut coal pits with water and have water parks. How many jobs are in that? How many people are going to go to the Hunter Valley to float around on an artificial lake in a region that has plenty of water already? It is not a viable employment creator. It is something that has been worked out on the back of a beer coaster after a long night. It is not something that is ever going to fly. The second proposal is to have offshore windmills up and down Bar Beach, the coast of Newcastle, as some sort of employment creator. Obviously the windmills are being built, but in inland western New South Wales the wind is stronger and manufacturing and production costs are cheaper. Nobody believes that the Hunter economy is going to be saved by a series of offshore wind farms being built, which effectively would be so close to the coast that they would destroy property values and amenity and cause massive disturbance.

In fact, the wacky Newcastle city council is proposing to put them in Newcastle harbour. It has a map showing the new wind farm actually in the harbour. How viable would that be with tugboats and steamers running into them? Not a lot of viable, hard-headed, economic thinking has gone into the so-called transition. The Royalties for Rejuvenation fund needs to do a lot better for the Hunter Valley. Certainly our amendments are pointed in that direction. The first that I foreshadow is an amendment to ensure that cost-benefit studies are undertaken for projects funded under the Royalties for Rejuvenation fund. Those projects must pass a cost-benefit study approved and verified by Treasury, and if the Minister funds a project contrary to the recommendation of the cost-benefit study, the Minister must publish the reasons for his decision on the website. I think that is good public policy. The Parliament and this Chamber in particular have acknowledged that The Nationals are world-class pork-barrellers.

The Hon. Adam Searle: Fast-breaking news.

The Hon. MARK LATHAM: They do this stuff at scale. They have organised industrial-scale pork-barrelling.

The Hon. Adam Searle: They've had a decade of practice.

The Hon. MARK LATHAM: They have had a decade of practice, and the pork-barrelling is phenomenal. Even the new Premier Perrottet acknowledged that. At the suggestion of one genius, he commissioned the Achterstraat and Coutts-Trotter review of the grants allocations. We now know that the leading recommendation was to ensure that if there is a viable assessment of projects, a cost-benefit study, and if any Minister deviates from the rational economic analysis—we had a young fellow here earlier today claiming he was an economic rationalist. But then he blew himself to pieces by saying he supports the arts. That is the first department you abolish if you are an economic rationalist. Then he got into climate change action. I hope he is listening, wherever

he is celebrating. This is real economic rationalism, not supporting the arts—seriously? you're kidding me—and climate change action and saying, "I read Milton Friedman." This is the real deal: Treasury approves a cost-benefit analysis and if the Minister deviates from it he has to publish the reasons on the website. That is the leading recommendation of Achterstraat and Coutts-Trotter.

I do not think we should be dealing with this bill in a snap-happy way, without building on the recommendations of the new anti-pork-barrelling report and without the anti-pork-barrelling device that has been recommended so skilfully by the former Auditor-General and the head of the Premier's department. So One Nation is doing that work. We are doing that work hot off the presses after that report dropped on Saturday and providing a lesson on real economic rationalism in practice. We need to keep an eye on The Nationals. Their pork-barrelling has been phenomenal. I think they even had one guy down there in Wagga—an MP who was on the committee—to allocate the grants on behalf of a sitting member in the lower House.

So there is no limit to what they do and the things they get up to. It is unreal, is it not? It puts the old Labor Party and the things that used to happen—getting people jobs at the Water Board and all that—to shame. The Nationals are a cut above anyone else, but we have to put up some boundaries, some systems, to try to constrain their tendencies and have a rational, efficient allocation of economic resources. Another thing needs to be acknowledged for the Hunter Valley; again this came out of the by-election campaign. That same genius who I mentioned posed a question on the *Questions and Answers Paper* asked:

How much coal royalty revenue did the Government collect from the Singleton and Muswellbrook Local Government Areas (LGAs) in 2018/19?

The answer that came back from then Treasurer Perrottet stated:

... the NSW government collected \$1.1 billion in coal royalties—

so it is relevant to this bill—

from mines in the Singleton and Muswellbrook Local Government Areas (LGAs), accounting for 55 per cent of total coal royalties collected in 2018-19.

Then for the following year—and this was asked during the by-election campaign itself—it came back at \$0.86 billion and those two local government areas in the upper Hunter accounted for 57 per cent of total coal royalties. It would make a lot of sense to say, "Look, you can't run a scheme like this where Singleton and Muswellbrook on coal royalties are going to cross-subsidise National Party seats in Lithgow, Narrabri and Gunnedah. You have to actually hypothecate some of this money back into the Hunter." Our proposal is for a hypothecation rate of at least 50 per cent so that people in Singleton and Muswellbrook feel that they are getting a fair return on the wealth generated out of their region.

I think they are the two main proposals that I would mention in the second reading debate. A third one, which is ancillary, is to delete what I would term the Greenwich amendment in the other place. They tried to put a test as to whether the payment would lead to a negative impact on the environment. It is the folly of muddle-headed environmentalism that is getting us into this problem in the first place. If we left the Hunter alone and did not try to destroy jobs in the name of an impossible environmental path, we would not have this problem. Writing in environmental sensitivity begs the question: What is that going to mean in practice? We need real jobs. Building manufacturing plants and establishing retail areas, new industries and high-tech will, in the eyes of some, diminish the environment. But there is something worse than that, and that is mass unemployment in the Hunter—a rust bucket region where the parents would be long-term unemployed and the kids are on drugs. That is the American experience which shows what happens if you hollow out manufacturing and mining. We cannot allow that to happen in the Hunter.

The lesson is clear: Create the jobs, but let us not put on them excessive environmental restrictions. We do not need that clause, and it will be One Nation's purpose to try to delete it from the bill. I do not know why the National Party agreed to it in the other place, but understanding the wokeness of some of these old parties these days is beyond me. I do not see the need for that amendment. The bill itself is pretty solid. The idea is good but it certainly needs some improvement in the areas I mentioned. We will attend to those amendments in the Committee of the whole.

Ms ABIGAIL BOYD (22:56): On behalf of The Greens, I speak in favour of the Mining and Petroleum Legislation Amendment Bill 2022. We welcomed the announcement of the Royalties for Rejuvenation program. It is a scheme that is long overdue. It would result in mining-impacted communities receiving a very small portion of the royalties—generated by an extractive and destructive industry—by reimbursing some of the money at least in communities that have been impacted. While the announced funding amount of \$25 million per year is wholly inadequate, it is at least a step in the right direction.

I am really pleased to note that the Government has been paying attention to what The Greens have been saying for decades: That what we need in communities that are reliant on coal is community-led and community-directed programs that lead towards economic diversification and away from the fossil fuel industry. The Greens have been saying for decades that coal communities have kept the lights on for ages and they need to be looked after as we now transition away from coal and coal-fired power. Overseas experience shows us that the very best way to diversify our economies is something that we have already seen the Newcastle community do so well, with an alliance of business and industry, universities, workers and First Nations communities all coming together and looking at opportunities for economic diversification away from the fossil fuel industry.

While the Government's model leaves much to be desired, it is nevertheless a long overdue acknowledgement of the realities of the situation facing coal-impacted communities. They are communities that have been taken for granted by this Government and preceding governments. We are seeing it again right now during the current Federal election debate. There is such an extreme discussion when it comes to what we do as we are transitioning our economy away from its reliance on coal.

If I were living in a coal community, I would be pretty worried about my future. That is not because there are not opportunities in renewables or other industries if we actually invested in them as a society; it is because successive governments at State and Federal levels have let down those communities. They have taken us to the point where the writing is now very much on the wall. Those communities are not stupid; they can see that coal has a limited lifetime and that that will impact on the economics of their regions. For years the major political parties have argued about whether that will happen, instead of actually making a plan and assisting those communities to do what they do best, which is coming together to plan for themselves.

This locally led diversification is vitally important because there is no single type of mining-impacted community and so there is no single form in which diversification away from coalmining should take place. The Hunter is a very different place to Lithgow or to Wollongong. They are very different places with different opportunities and different community interests. There is evidence that economically diverse communities appear better able to absorb some of the negative impacts associated with mining in their region, so any measure that facilitates that diversification should be encouraged. It remains to be seen how far this \$25 million will go towards supporting economic diversification. But as I said at the beginning of this contribution, it is a step in the right direction and we do not want to take that away. After consultation with our stakeholders and following the really important and valuable amendments that were made in the other place, The Greens are broadly happy with the shape of this legislation. We will support it passing through the House tonight.

Mr JUSTIN FIELD (23:01): I make a quick contribution to debate on the Mining and Petroleum Legislation Amendment Bill 2022. The reality is that New South Wales will transition out of coalmining. I think it will happen more quickly than those currently in Government expect, or certainly the way they present the story of the coal industry as they see it over the next 20 or 30 years. We have already seen a dramatic downturn in demand for coal for domestic electricity generation; we will see a dramatic fall in demand for our coal on the export markets as well, particularly for energy generation overseas. It may take a little longer for us to transition to green iron or steel production, so we may see a market for exporting our coking coal for a little bit longer, but the writing has been on the wall for a long time.

The Government has recognised it, albeit slowly, and the Federal political debate has probably unnecessarily slowed it even more. But there is a recognition in the bill that there will be a change, an economic shift, in those coal communities. The bill goes some way to recognising that there is a need for a community-driven response to that transition to enable those communities to prepare, to look for opportunities to re-skill and to develop the industries of the future in coal-affected communities. A lot of the focus is on the Hunter Valley but, of course, there are coal communities spread more broadly across New South Wales in the Illawarra, the Central West and up in New England.

Let us be clear, \$25 million will be nowhere near enough to address the issues that those communities will face in making that transition and preparing for the industries of the future. It is about 1.4 per cent of the current annual coal royalties received by the New South Wales Government. The position on seaborne coal markets and on the expected changes in India and China held by most economists and people who study this is that we will see a pretty dramatic fall in coal exports, potentially even to zero, by the middle of this year. So we have less than 30 years—in reality, probably about 20 years—to prepare those communities. It is unrealistic and, I think, a bit of a slap in the face to communities to put up that small amount—1.4 per cent of the money that the Government receives in coal royalties—to assist those communities that have been providing that economic resource to the State for decades with their transition. But let us take it as a down payment and expect that, in the future, this Government or future governments will recognise the need to top that up substantially.

There is a broad view of stakeholders within the sector, the union movement, the environment movement and the communities in the Hunter in particular, where this has been most clearly exercised already—and we

know that there is an expert panel in place in the Hunter Valley already—that this is a step in the right direction and that we want to get it going. We want the legislative basis for this panel and the work that it is going to do to be established. I do not think that it is perfect in its current form. I have concerns about the make-up of the panel. I have concerns about the transparency of decision-making within the panel. And, as others have expressed, I have concerns about ensuring that the decisions made by that panel are in the best interests of the community. But I think we owe it to that community to get this process started.

There is good engagement across all stakeholders. There was goodwill in the debate over amendments that went through the Legislative Assembly; I certainly can acknowledge that. I am very concerned that if amendments are made tonight which may not then be able to pass through the lower House we will unnecessarily delay the establishment of the legislative basis for this panel in the Hunter Valley, and for others that will come in future, to operate. But I also want to be clear that it is not the expectation of many in the community that their transition will be decided by a relatively secret panel of experts whose remit and decision-making is not clear and transparent when they may be allocating public money. They may be gifting it to certain businesses.

The DEPUTY PRESIDENT (The Hon. Wes Fang): Order! There is too much audible conversation in the Chamber. Mr Justin Field has the right to be heard. I ask members to please lower their voices.

Mr JUSTIN FIELD: A transition like this has to have much bigger thinking. We saw how they did it in Germany and the way they brought together stakeholders and developed a very clear plan for the wholesale transition of that industry and the development of new industries. If we want to do something similar for the Hunter Valley and other coal-affected communities, we are going to need to think bigger than an expert panel with \$25 million a year. The call of many in the Hunter Valley in particular—and this might be a model for New South Wales more broadly, or for other regions—is for a public authority that is able to allocate those resources themselves, not just advise Ministers, and that has the support of the community, has a clear remit and legislative basis, has a clear set of funding and is able to work through that economic transition in support of and in collaboration with governments at the State, Federal and local levels, and with stakeholders.

That is a much bigger idea than this expert panel. I think many people in that region see this panel as a stepping stone to what will be needed if we are going to make this transition work meaningfully for the community. I put on the record that support for this panel does not mean that ultimately this is how we think we can ensure that the community in the Hunter Valley and other coal-affected communities will get the economic support they need to develop the industries of the future in their regions. I do not think that is viable, certainly not with \$25 million a year. To some of the points raised by the Hon. Mark Latham in criticism of the Hunter Jobs Alliance and those involved, it is absolute nonsense to say that such groups are proposing filling the coal voids with water to create tourism with waterskiing or scuba-diving on the old disused coal machines at the bottom of those pits. In fact, the last report that was released by that group—

[A member interjected.]

The DEPUTY PRESIDENT (The Hon. Wes Fang): Order! Interjections are disorderly. Mr Justin Field has the call. I remind members that responding to interjections is also disorderly.

Mr JUSTIN FIELD: I was not responding to interjections; I was responding to the Hon. Mark Latham's speech. To be clear to you, Mr Deputy President, and to be clear to all members, the last report on the group's website was about recognising the need to prepare for a transition for the aluminium industry—not to move it somewhere else but to ensure that there is the energy supply, the skills and training to maintain an aluminium industry in the Hunter Valley. Those groups are thinking about the industries of the future and how we can sustain those industries that are currently in the area and modernise them to deal with the future changes that are coming.

It is absurd to try to play off those who are environmentally minded and recognise the catastrophic ecological damage of unimpeded scope-one and -two carbon emissions, largely coming from coalmining and the burning of that coal. There is a recognition that that is untenable, so we need to plan for the future. There are people up there, including in the environment movement and in the union movement, who are thinking about that in a calm, rational way, but thinking about it in a big enough way that it can make for meaningful economic transition for those communities. It is nonsense to try to pit environmentalists against the communities of the Hunter Valley, who read the newspapers as well and can see that the coal industry does not have the future that some members, particularly from One Nation, continue to present to this House. It is just nonsense. The bill will be a good first step. Much more is needed. I look forward to the debate on the amendments.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (23:11): On behalf the Hon. Sarah Mitchell: In reply: I thank all members who contributed to the second reading debate: the Hon. Mick Veitch from the Opposition, the Hon. Mark Latham, Ms Abigail Boyd and Mr Justin Field. To keep it short and sweet, I commend the bill to the House.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question is that this bill be now read a second time.

Motion agreed to.

In Committee

The CHAIR (The Hon. Wes Fang): There being no objection, the Committee will deal with the bill as a whole. I have two sets of amendments: Opposition amendments on sheet c2022-028E and One Nation amendments on sheet GN1. As the Opposition's sheet was received first, the Hon. Mick Veitch has the call.

The Hon. MICK VEITCH (23:14): I will seek leave to move Opposition amendments Nos 1 to 9 on sheet c2022-028E in globo but I also ask that they then be put in seriatim, because I believe some members want to support some amendments and not others. By leave: I move Opposition amendments Nos 1 to 9 on sheet c2022-028E in globo:

No. 1 Royalties for Rejuvenation Fund

Page 24, Schedule 1[123], proposed section 292W(5)(a)(i), line 5. Omit all words on the line. Insert instead—

- (i) written advice about the payment given by the Secretary, including advice as to—
 - (A) how the payment complies with the eligibility criteria specified under subsection (5A), and
 - (B) whether, in the Secretary's opinion, the payment is appropriate, and

No. 2 Royalties for Rejuvenation Fund

Page 24, Schedule 1[123], proposed section 292W. Insert after line 16—

- (5A) Money must not be paid from the Rejuvenation Fund under subsection (5)(a) unless it is paid in accordance with eligibility criteria specified in the regulations.
- (5B) If the Minister authorises that a payment be made from the Rejuvenation Fund under subsection (5)(a) against the written advice of the Secretary, the Minister must, within 7 days, cause a written explanation of the Minister's decision to be published on the Department's website.

No. 3 "Follow the dollar" performance audits

Page 24, Schedule 1[123]. Insert after line 41—

292WA "Follow the dollar" performance audit

- (1) The Auditor-General may, when the Auditor-General considers it appropriate, conduct an audit of activities of a non-government entity if—
 - (a) the non-government entity has received money under section 292W(5)(a), and
 - (b) the non-government entity is conducting or delivering an object of the Royalties for Rejuvenation Fund, and
 - (c) the audit of the non-government entity's activities only relates to conducting or delivering the object of the Royalties for Rejuvenation Fund, and
 - (d) the audit of the non-government entity's activities could not be conducted under the *Government Sector Audit Act 1983* or the *Government Sector Finance Act 2018*.
- (2) The purpose of the performance audit of a non-government entity is to determine whether—
 - (a) the entity is carrying out the activities effectively, and
 - (b) the entity is doing so economically and efficiently and in compliance with all relevant laws.
- (3) A performance audit of a non-government entity may also include the audit of any associated entities employed or engaged by the non-government entity to conduct or deliver the object of the Royalties for Rejuvenation Fund.
- (4) In this section—

non-government entity means the following—

 - (a) an entity that is not a GSF agency within the meaning of the *Government Sector Finance Act 2018*,
 - (b) an entity of a kind prescribed by the regulations.

No. 4 Expert Panels—establishment

Page 24, Schedule 1[123], proposed section 292X(1), line 43. Omit "may establish 1 or more advisory panels". Insert instead "must establish at least 1 advisory panel".

No. 5 Expert Panels—constitution

Page 25, Schedule 1[123], proposed section 292X. Insert after line 2—

- (3A) A Panel is to consist of persons appointed as members by the Minister, including at least 1 person from the each of the following—
- (a) employees in the mining sector and their representatives,
 - (b) employers in the mining sector and their representatives,
 - (c) mining industry associations,
 - (d) persons who have expertise in at least 1 area of planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism or government and public administration,
 - (e) if the Panel is constituted for a particular locality—
 - (i) Local Aboriginal Land Councils in the locality, and
 - (ii) local business associations, and
 - (iii) local community groups, and
 - (iv) local community members.
- (3B) The Minister must cause the membership of each Panel to be published on the Department's website.

No. 6 Expert Panels—constitution

Page 25, Schedule 1[123], proposed section 292X(6)(a), line 10. Omit "the constitution of a Panel, including".

No. 7 Expert Panels—public consultation and reporting

Page 25, Schedule 1[123], proposed section 292X(6), lines 13 to 15. Omit all words on those lines. Insert instead—

- (b1) public consultation required to be undertaken by a Panel before giving advice or making recommendations under this section,
- (b2) reporting on the activities of a Panel,

No. 8 Agricultural land

Page 38, Schedule 1[171], proposed Schedule 2, clause 2A(2), line 15. Insert ", being a period of at least 28 days" after "objector".

No. 9 Agricultural land

Page 38, Schedule 1[171], proposed Schedule 2, clause 2A(4), line 19. Insert ", being a period of at least 28 days" after "Secretary".

I have actually spoken at length about these amendments in the second reading debate, so I would be keen to open the debate up and hear what other honourable members have to say in regard to the Opposition's amendments.

Ms ABIGAIL BOYD (23:15): I understand that some of the nine amendments are likely to have the support of the Government and be passed tonight. I foreshadow that The Greens will also be supporting each of those on the understanding of what they are, but we will not support the remainder of the amendments. I will touch on two of them. The first one is amendment No. 5, which relates to the expert panels. We believe that this goes in the wrong direction to what we would like to see. In fact, many of the Opposition's amendments are quite prescriptive.

In my contribution to the second reading debate, I was trying to make the point that what each of these expert panels would look like and how they would most effectively harness the voices that need to be heard in the community would be different depending on which region they are in. The composition of the expert panels does appear to favour the mining sector quite heavily. It does not make sufficient allowance, in our view, for community members, environmental associations, workers associations et cetera. For that reason, we do not support amendment No. 5.

Amendment No. 3 is about the "follow the dollar" performance audits. We absolutely agree with the intention of this. We have been paying attention and we do understand the lack of trust in the Government when it comes to the way that it is spending discretionary money. We absolutely look forward to seeing some amendments to the Government Sector Finance Act 2018 and associated legislation being put forward to try to tighten that process, but we do not think that trying to put that into this mining legislation is the way to do it. In circumstances where that would not be supported by the Government, The Greens believe that we would then end up with the bill being sent back to the lower House and potentially ping-ponging between the lower House and the upper House.

So, although we appreciate the intention of that amendment, The Greens will not be supporting it at this time because we believe that the legislation as a whole is worth supporting and getting on with. We would like to

see it passed today and then sent back to the lower House to be passed without it coming back to us again. I believe there are going to be perhaps amendments to amendments Nos 1 and 2, which we will support. I think that has covered everything. We understand amendments Nos 8 and 9 will be agreed to. In relation to amendment No. 7, we believe that that is not necessary and that the amendments moved and passed in the lower House cover its ground.

The Hon. MARK LATHAM (23:18): One Nation supports the Labor amendments both in globo and in seriatim.

The Hon. ROBERT BORSAK (23:19): The Shooters, Fishers and Farmers Party will support Labor amendments Nos 1, 2, 3, 8 and 9.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (23:19): I move that Opposition amendments Nos 1 and 2 on sheet c2022-028E be amended as follows:

- (1) In Opposition amendment No. 1 on sheet c2022-028E:
 - (a) omit "(B) whether, in the Secretary's opinion, the payment is appropriate, and".
- (2) In Opposition amendment No. 2 on sheet c2022-028E:
 - (a) omit in the proposed sub-clause (5A) "specified in the regulations", and
 - (b) omit "(5B) If the Minister authorises that a payment be made from the Rejuvenation Fund under subsection (5)(a) against the written advice of the Secretary, the Minister must, within 7 days, cause a written explanation of the Minister's decision to be published on the Department's website".

I seek to amend Opposition amendment No. 1 on the basis there is no need to rely on the secretary's opinion as any funding commitment would have been the subject of a rigorous discussion and consideration by the relevant expert panel. I seek to amend Opposition amendment No. 2 on the basis the secretary would be informed by the advice of the relevant expert panel following community consultation. The Government does not support Opposition amendment No. 3 as the more appropriate way to deal with those concerns is through the Government Sector Finance Act 2018. Additionally, the funds can only be spent in mining-affected areas, as laid out in the bill and the draft regulation.

Although Opposition amendment No. 4 is unnecessary, it can be supported because the Minister has already committed to four separate expert panels. The Government opposes Opposition amendment No. 5 because it is far too prescriptive and ignores the fact that different regions have different needs over differing time frames. The Government opposes Opposition amendment No. 6 because it ties in directly with Opposition amendment No. 5. The Government opposes Opposition amendment No. 7 because it duplicates existing transparency measures agreed to in the other place and is further emphasised by clause 89B (c) of the draft regulation. The Government supports Opposition amendments Nos 8 and 9. They would have been agreed to previously had the Government had sufficient time to consider them prior to the debate in the Legislative Assembly.

Mr JUSTIN FIELD (23:21): In my contribution to the second reading debate I briefly outlined my concerns about the risk of the bill being amended in the upper House, not being supported in the lower House and the upper House not getting the legislative basis up and running for expert panels. I share some of the concerns raised in Committee. As others have, I will step through each of the amendments. It is clear that an expert panel is empowered to conduct public consultation. It provides advice, which goes through the secretary to the Minister, and decisions are made about any expenditure through the fund. Amendment No. 1 is redundant. I accept the proposed Government amendment to deal with that.

The secretary filters advice from the expert panel. I want to support a program that empowers the local community as much as possible to engage in questions around this economic transition. This is not the model I would pick but this is an advance, and we should be empowering that advice as the primary one. When it comes to whether or not the Minister has gone with that advice, I understand the concern. Unfortunately, it is very difficult to Minister-proof legislation if he or she is ultimately going to be the decision-maker on expenditure. Requiring that to be published does not necessarily address those issues. However, there is nothing that would prevent this House from using its other powers if it wants to seek the correspondence, communications and the full nature of the advice.

The Minister's staff and officials are listening, and I advise them that some transparency concerns exist around how expert panels are operating, how they are conducting their meetings, and how agendas and minutes are accessed. I know there will be commercial-in-confidence information, but I implore the Government to publish as much as possible so that the community can be actively engaged in these decisions and be aware of the sorts of things that are being considered by the panels, and then, when decisions are ultimately taken, release as much information as possible about how those decisions are taken. That is how we will build confidence in the role of these panels and this important work into the future.

Regarding the "follow the dollar" provisions, I certainly support "follow the dollar" in principle. In fact, I have moved amendments in this House. I nearly caused a bit of trouble around that too. Unfortunately, they were knocked back in the other place. I look forward to a future Labor government—if a Coalition government will not do it—implementing "follow the dollar" across all government expenditure to enable the Auditor-General to reach out into those non-government entities and look at how public money is being spent. However, I recognise that this was one of the things that was considered in the lower House, not by amendment but there were discussions around it. It did not get support to be debated as an amendment in the lower House. I am really concerned that that is a stickler and could undermine getting this legislation up and running.

However, again I would say that I am sure the panels will have a great interest in demonstrating transparency around decision-making and seeing evidence that the decisions that are taken and the money that is spent are actually benefitting the community and that they are getting the outcome sought with the expenditure of those funds. Both sides of politics when in government should be looking to extend "follow the dollar" provisions across all government expenditure.

I share the concern raised by stakeholders and expressed by Ms Abigail Boyd around the make-up of the expert panel, which is that these proposed amendments heavily favour those who currently have an interest in mining. We want to see these panels set up to support that economic transition to new industries, so I do not want this to be so prescriptive. The Government should be focused on ensuring those panels have the best possible community representatives who can engage and have the confidence of those local communities. I have trust issues here with the Government on these sorts of decisions, as many people do, but I do not think we can be so prescriptive here. That is certainly the advice I am getting from stakeholders who have been watching this very closely. That obviously has consequences for amendments Nos 6 and 7. I support amendments Nos 8 and 9.

The CHAIR (The Hon. Wes Fang): The Hon. Mick Veitch has moved Opposition amendments Nos 1 to 9 on sheet c2022-028E. A request has been made that the amendments be put seriatim. The Hon. Sam Faraway has moved an amendment to Opposition amendment No. 1. The question is that the amendment moved by the Hon. Sam Faraway to Opposition amendment No. 1 be agreed to.

Amendment of the Hon. Sam Faraway to Opposition amendment No. 1 agreed to.

The CHAIR (The Hon. Wes Fang): The question now is that Opposition amendment No. 1 as amended be agreed to.

Opposition amendment No. 1 as amended agreed to.

The CHAIR (The Hon. Wes Fang): The Hon. Sam Faraway has moved an amendment to Opposition amendment No. 2. The question is that the amendment moved by the Hon. Sam Faraway to Opposition amendment No. 2 be agreed to.

The Committee divided.

Ayes 18
Noes 15
Majority..... 3

AYES

Amato	Field	Mitchell
Boyd	Franklin	Pearson
Cusack	Hurst	Poulos
Faehrmann	Maclaren-Jones	Taylor
Farlow (teller)	Mallard (teller)	Tudehope
Faraway	Martin	Ward

NOES

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

PAIRS

Barrett

Secord

PAIRS

Mason-Cox
RathHoussos
Moselmane**Amendment of the Hon. Sam Faraway to Opposition amendment No. 2 agreed to.**

The CHAIR (The Hon. Wes Fang): The question now is that Opposition amendment No. 2 on sheet c2022-028E as amended be agreed to.

Opposition amendment No. 2 as amended agreed to.

The CHAIR (The Hon. Wes Fang): The question is that Opposition amendment No. 3 on sheet c2022-028E be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.**The Committee divided.**

Ayes15
Noes18
Majority.....3

AYES

Banasiak
Borsak
Buttigieg (teller)
D'Adam (teller)
DonnellyGraham
Jackson
Latham
Mookhey
MoriartyPrimrose
Roberts
Searle
Sharpe
Veitch

NOES

Amato
Boyd
Cusack
Faehrmann
Farlow (teller)
FarawayField
Franklin
Hurst
Maclaren-Jones
Mallard (teller)
MartinMitchell
Pearson
Poulos
Taylor
Tudehope
Ward

PAIRS

Houssos
Moselmane
SecordBarrett
Mason-Cox
Rath**Amendment negatived.**

The CHAIR (The Hon. Wes Fang): The question is that Opposition amendment No. 4 on sheet c2022-028E be agreed to.

Amendment agreed to.

The CHAIR (The Hon. Wes Fang): The question is that Opposition amendment No. 5 on sheet c2022-028E be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.**The Committee divided.**

Ayes13
Noes20
Majority.....7

AYES

Buttigieg (teller)
D'Adam (teller)Latham
MookheyRoberts
Searle

AYES

Donnelly
Graham
Jackson

Moriarty
Primrose

Sharpe
Veitch

NOES

Amato
Banasiak
Borsak
Boyd
Cusack
Faehrmann
Farlow (teller)

Farraway
Field
Franklin
Hurst
Maclaren-Jones
Mallard (teller)
Martin

Mitchell
Pearson
Poulos
Taylor
Tudehope
Ward

PAIRS

Houssos
Moselmane
Secord

Barrett
Mason-Cox
Rath

Amendment negatived.

The CHAIR (The Hon. Wes Fang): The question is that Opposition amendment No. 6 on sheet c2022-028E be agreed to.

Amendment negatived.

The CHAIR (The Hon. Wes Fang): The question is that Opposition amendment No. 7 on sheet c2022-028E be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.

The Committee divided.

Ayes13
Noes20
Majority.....7

AYES

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

Latham
Mookhey
Moriarty
Primrose

Roberts
Searle
Sharpe
Veitch

NOES

Amato
Banasiak
Borsak
Boyd
Cusack
Faehrmann
Farlow (teller)

Farraway
Field
Franklin
Hurst
Maclaren-Jones
Mallard (teller)
Martin

Mitchell
Pearson
Poulos
Taylor
Tudehope
Ward

PAIRS

Houssos
Moselmane
Secord

Barrett
Mason-Cox
Rath

Amendment negatived.

The CHAIR (The Hon. Wes Fang): The question is that Opposition amendment No. 8 on sheet c2022-028E be agreed to.

Amendment agreed to.

The CHAIR (The Hon. Wes Fang): The question is that Opposition amendment No. 9 on sheet c2022-028E be agreed to.

Amendment agreed to.

The CHAIR (The Hon. Wes Fang): According to sessional order, it being midnight, I will now leave the chair and report progress.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The Committee reports progress. Further consideration of business before the Committee is set down as an order of the day for a future day.

*Adjournment Debate***ADJOURNMENT**

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): I propose:

That this House do now adjourn.

UN CLIMATE SUMMIT ENVIRONMENTAL MUSIC PRIZE WINNER RORY PHILLIPS

The Hon. WES FANG (00:00): It may surprise members but my adjournment speech tonight has been indirectly influenced by Greta Thunberg. Before The Greens get too excited and hand me a membership form, it is because a young man from Tumut named Rory Phillips has just been named a finalist for the UN Climate Summit Environmental Music Prize for his song *The Truth*, inspired by the youth-led movement on climate change. Three years ago, when Rory was only 12 years old, the talented musician co-wrote *The Truth* with Roger Corbett of The Bushwackers. The single premiered on ABC's JJ in 2020, with Rory being the youngest artist ever featured on the show.

The Truth, which is a passionate call to action, went to number one on the Australian Music Radio Airplay project regional charts and is now competing against the likes of Paul Kelly, Lime Cordiale, Briggs, Tim Minchin, Eskimo Joe, King Gizzard and the Lizard Wizard and Holy Holy for the \$20,000 prize. Established as a way of broadcasting environmentally conscious artists, the Environmental Music Prize is currently showcasing 24 finalists from more than 200 entries. Rory, now 15, is often described as an old soul and fell in love with music at an early age. Captured by the music of Joe Walsh of the Eagles fame, Rory picked up his first guitar at age five and has never looked back. In 2015 Rory attended a rain-soaked Eagles concert in regional Victoria, holding aloft a sign reading "Hey, Joe, I play guitar because of you." Walsh gave Rory a wave, took two guitar picks out of his pocket and passed them to him. People were destined to hear Rory's music from that moment on.

For someone so young, Rory has already accomplished so much. To name but a few achievements, Rory has played at the Tamworth Country Music Festival and Byron Bay's Bluesfest, appeared with Australian blues legend Lloyd Spiegel, supported ARIA award winners Shane Nicholson and Bill Chambers, and was named the Australian National Busking Champion in 2016. I met Rory when he was named the 2020 Snowy Valleys Young Citizen of the Year, and I can say with confidence that he truly is one of the most talented young artists in the country. It is obvious how much music means to him and that he is a young man with wisdom and confidence beyond his years. With his name alongside the likes of his idols, including Paul Kelly, Rory's star continues to rise. He is an inspiration for many young artists in regional towns to follow their passion and make a career out of their talents.

Tumut and the broader Riverina can be proud to have such a talented young citizen representing the region on the national stage. I encourage everyone to listen to Rory's single *The Truth* and follow his story closely. I am sure that in a few short years he will be headlining shows around the country. At the Australia Day presentation in Tumut, where the Hon. Mick Veitch and I were present, Rory was performing and it was fantastic. I went up to his mother, who was also the recipient of a prize on the day, and told her what an amazing talent her son is. It was remarkable. The Hon. Mick Veitch and I both recognised that day that he is in line for big things. I wish him the best of luck in the Environmental Music Prize.

BIOSECURITY

The Hon. MICK VEITCH (00:04): Members may be aware that I am a strong advocate for greater action on weeds and pests, which is a key pillar in ensuring that the State and the nation improve their performance in biosecurity. A changing climate and a liberalisation of trade present new and emerging threats to a biosecure

Australia. It not only threatens our environment but also represents a grave threat to our primary industries sector. To put this in context, New South Wales has a food and fibre sector that produced almost \$18 billion in output last year. The nation's food and fibre sector produced around \$80 billion. Biosecurity incursions, along with the growing menace of weed and pest populations, could not only threaten aims to grow the sector but also shrink its size. The recent Japanese encephalitis outbreak will impact our pork industry in the short term, with outbreaks resulting in a potential 60 per cent to 80 per cent fall in production.

There is also the emerging threat of lumpy skin disease to our beef and dairy producers. Last week we received reports of 1,700 cases of foot-and-mouth disease detected in Indonesia. Should the likes of lumpy skin disease and foot-and-mouth disease reach our shores, it would have serious animal health and welfare issues for cattle and buffalo and could lead to major trade impacts on Australian beef and dairy products. We have seen precious little from the current Federal and New South Wales governments in the very important biosecurity space in recent times. In 2017, on the back of an independent review into the capacity of Australia's biosecurity system, a biosecurity imports levy was proposed that would have boosted our frontline defences against biosecurity threats by more than \$100 million annually. That was shelved in 2020, and we have not seen a long-term biosecurity plan from the Morrison Government since then. In my view, a long-term biosecurity plan is essential for Australia.

It was only last month that the Federal Minister labelled members of the farming sector as "ignorant" and called them "sideline critics" over their lack of enthusiasm for his Government's response to biosecurity in the recent budget after the National Farmers' Federation dared to raise concerns over the insufficient investment to address imminent biosecurity threats. It is laughable to think that the federation could be considered ignorant or on the sidelines on such matters. It shows how far the National Party has moved away from its traditional base. This dithering and the delay by the Federal Government is matched by an inadequate response from the New South Wales Government in recent times. I make it very clear that, in my view, the Department of Primary Industries biosecurity team does well with the limited funding it receives. There is, however, a lack of appreciation or understanding in other areas of government about the impact and growing threat of weeds and pests in the biosecurity space.

The former Minister for Primary Industries, the Hon. Niall Blair, brought the Biosecurity Bill 2015 to this Chamber on 11 August 2015 and it was debated on 8 September 2015. It was a base on which to build a bigger and better response to biosecurity. Labor supported that bill. It was built on the ethos that biosecurity is everyone's responsibility. That is something that everyone should take to heart, even our city colleagues, yet we have seen little from the Government since the 2017 *NSW State of Biosecurity Report*, which former Minister Blair tabled. I recently wrote to several State Ministers requesting a review into the statewide threat associated with worsening weed and pest infestations. I specifically asked that the Natural Resources Commission be charged with providing an update on the impact of weeds and pests on the environment and our primary industries sector.

We are relying on outdated figures when discussing the impact of weeds and pests, especially on farm productivity. Some of the figures are almost a decade old, stretching back to 2014. Recently I received a negative response from the Minister for Planning, the member for Lane Cove. Maybe I should give him some leeway. After all, he is someone who probably thinks weeds are prison contraband and pests are members of the moderate faction of the New South Wales Liberals. Nevertheless, he wrote back and I thank him for that courtesy. It does not always happen from Ministers in this Government. Unfortunately, I was advised that he did not consider biosecurity, weeds and pests a sufficient threat and said that it did not warrant further work by the Natural Resources Commission. Where are the National Party members to convince the Liberal Party that action on weeds and pests is needed right now?

Our farm sector is ever alert to the growing risks of climate change. It is crying out for an adequate response from the Government. I look forward to a substantial commitment to biosecurity, particularly weeds and pests, in the upcoming State budget. I say to the Minister for Agriculture, the member for Dubbo, that if he wants to seriously take on weeds and pests in this State, I will be there beside him with my sleeves rolled up. It is a very serious matter for the people of New South Wales and for our economy. No MP, whether they are regional or city-based, should disregard it.

ABORIGINAL CHILD SEXUAL ABUSE

The Hon. MARK LATHAM (00:09): The lasting parliamentary legacy of former Greens leader David Shoebridge has been a legal framework for child sexual abuse in Indigenous communities in New South Wales. That wrong must now be reversed. The perpetrators must be brought to justice. The children must be made safe so that they can sleep soundly at night without being interfered with. Mr David Shoebridge promoted, and even legislated, two doctrines that have trapped Indigenous children in a world of horror. He has bookended their lives, leaving them with no escape from serial sexual abuse.

The first doctrine is the presumption of harm when Aboriginal children are removed from their families. Even though what we are talking about is a world apart from the time and circumstances of the Stolen Generation, the leftists have reacted to the errors of that period to create a new tragedy for Indigenous youth—an inability to escape from the paedophiles, monsters and sick animals who prey on them night after night. The presumption of harm has been reversed. Is the harm from an Aboriginal child being removed from a home really greater than the harm that comes from paedophilia?

The second doctrine is the propaganda surrounding deaths in custody. Not a single police officer or prison officer has been found guilty of the offence in the 31 years since the royal commission, yet it has been used to create an official New South Wales Government policy of minimising the number of Indigenous people who go to jail. In too many cases, that lets child sexual abusers off the hook. Soft, woolly-headed judges think that colonisation in 1788 is an alibi for Indigenous men raping little girls in 2022. In an era of gender-focused politics—indeed, in any era—what an atrocity.

The Shoebridge legacy can be seen in towns like Bourke, Wilcannia and Toomelah, where the police work on the assumption that every Indigenous child over the age of five has been sexually abused. They are called out to houses where girls, and sometimes boys, have to barricade themselves in their bedrooms to get away from their uncles. The safer course for most of those children is to leave home for the night, to wander the streets where the uncles cannot find them. That leads to a vicious cycle of street crime and school absenteeism.

The children sleep of a day, missing school and their best chance in life to get ahead. But at least they are safe, as the uncles sleep by day as well while the drugs and alcohol wear off. Then the whole pathetic, tragic cycle repeats itself the next night. As long as the children are stuck in those homes under the presumption-of-harm policies and the uncles are never arrested and convicted, none of them has any decent future. The children experience the life-destroying trauma of sexual and physical abuse and then, in a double jeopardy, the life-destroying habits of missing school and becoming street crims.

The intergenerational cycle of despair and destruction is obvious, yet nobody does anything about it. The system, which includes members of this place, has learned to turn a blind eye and lives with the obliteration of young Indigenous lives, generation after generation. Blaming James Cook, Arthur Phillip or the authors of the reports on the Stolen Generation and on deaths in custody—which have not occurred—has become an all-purpose cop-out for Ministers, bureaucrats, MPs and the media. It must end. We must stand up collectively to end this horror.

As our own children sleep safely tonight and tomorrow night and go to school tomorrow and the day after, how can we fail the young Indigenous children whose lives are falling apart every night? Forget the virtue signalling, the flags on the Sydney Harbour Bridge and all of that nonsense; forget cleansing our guilt by saying the Aboriginal affairs budget increases year after year; and forget the excuses and the avoidance of truth. In the name of decency and a normal, civilised society, I beg the Government to confront the reality I have described this evening and take bold, decisive action to confront and overcome the worst failing, the worst horror of our State. Give these kids at least half a chance in life because at the moment they have none.

I appreciate the attendance in the Chamber of two very good people, the Hon. Natasha Maclaren-Jones and the Hon. Ben Franklin. They are new Ministers with relevant portfolios. I have spoken with both Ministers about the horror that I have described. I know that they have the good faith and, I hope, the determination to take on this problem, which cannot be allowed to perpetuate in our State. It is a dreadful problem. I know it is very hard to solve but if someone does not give it a decent crack, what can you say about us?

FEDERAL ELECTION AND PATERSON ELECTORATE

The Hon. TAYLOR MARTIN (00:14): The Federal election is less than two weeks away. Voters across the Hunter and the Central Coast have a choice to make. They can choose the Coalition Government—a Government with a strong economic record in an economy with an unemployment rate of 4 per cent and falling, despite a global pandemic that caused dual health and economic crises—or they can choose the Labor-Greens alliance led by Anthony Albanese, who has never held a financial or national security portfolio. For too long the Labor Party has taken the Hunter for granted. We know that in order to win votes in the regions and secure the votes of workers, Labor will say anything, but in inner-city electorates it will bend to the left fringe and say something else.

Nowhere is its flip-flopping more evident than in the electorate of Paterson, where the Liberal Party has an excellent candidate in Brooke Vitnell. Brooke is a born and raised local, a local solicitor and a local advocate for her community. She has held leadership roles with Port Stephens Community Drug Action Team and youth mental health group Caring for Our Port Stephens Youth. She is also an active member of Medowie Lions Club, the

Rotary Club of Medowie-Williamstown and Marine Rescue Port Stephens. As a candidate, Brooke already has a strong record working with the Government to secure significant infrastructure investments for the region.

We have seen that in relation to the Kurri Kurri gas-fired power station on the site of the former aluminium smelter. When the plan was announced in May 2021, the local Labor member urged the Government to "get on and build it as quickly as they can". But since then we have seen a line-up of her Labor colleagues talk down and seriously undermine that vital project. Chris Bowen, the shadow Minister for Climate Change and Energy, said the project was "a cynical attempt to pick a fight on gas and continue the climate wars". Pat Conroy, the Labor member for the neighbouring electorate of Shortland, called the project "a dog". Nell McGill knows that Shortland needs the power station to keep the lights on. Penny Wong, part of the Labor leadership team, said, "I think that is a demonstration of a failure of policy." Josh Burns, an MP from Melbourne, said, "This whole deal is absurd."

It seems that the member for Paterson has been disciplined and brought into line, because despite urging for it to be built quickly, nine months later she was more than happy to stand beside Anthony Albanese while he called the Kurri Kurri gas plant flawed. We have also seen the local Labor member try to hoodwink voters by saying the M1 extension needs to be fast-tracked. I am advised that she promises to somehow do that if Labor comes into government, despite a tender process already being underway to select a builder for the project. So how exactly would Labor subvert an active tender process designed to get the best value for taxpayers? Would it stop the process and hand it to the firm with the strongest union ties? That remains to be seen. We hope we do not see it after 21 May.

The M1 extension to Raymond Terrace is a generational project for the Hunter. The 15-kilometre extension includes a four-lane divided motorway. I have spoken about that previously in this Chamber. The project will deliver an important and economic boost over the long term for the Hunter, supporting 2,700 jobs during construction. The Labor member for Paterson claims that she has been fighting hard for the project for five years. But I can find no evidence of that. In her time in Parliament, she has asked only one question about the project—during question time three years ago. That is not exactly what I would call "fighting hard".

The Liberal-Nationals Government has secured a further \$55 million to upgrade the Newcastle Airport terminal, in addition to the announcement in last year's budget of \$66 million. Once again the local Labor member said that she helped apply "unrelenting pressure" on the Government to fund the project. But did she? Let us check the receipts. She asked not one written question of the former Minister for Defence, Linda Reynolds; the current Minister for Defence, Peter Dutton; or the former Minister for Infrastructure, Michael McCormack, during the current term of Parliament. There is no evidence that she requested a meeting with any of those Ministers on an issue that is so integral to growing the economy that underpins Port Stephens and the broader Hunter region.

It seems the local member gave only one small, 90-second speech in Parliament on the issue in 2019. That is hardly what I would call "unrelenting pressure". The next three years are extremely exciting for the region. These and various other projects will get underway thanks to the work of the Federal Liberal-Nationals Government and, of course, our Government. One notable project is the Hunter hydrogen industry that will take off in the future. Voters in Paterson deserve a local member who will speak for the region at every available opportunity. They will have exactly that chance on 21 May.

FEDERAL ELECTION

The Hon. COURTNEY HOUSSOS (00:19): Paul Keating famously said, "When you change the government, you change the country." Well, on 21 May, we can do just that. After almost a decade of an Abbott-Turnbull-Morrison Liberal-Nationals Government, our country desperately needs a change. We need a change to give workers a pay rise so they can address their dramatically increasing costs of living. We need a change to give our elderly people in aged care safe staffing levels, which will mean they will receive the clinical care and support they deserve. We need a change to give families improved access to child care, which will also improve our nation's productivity. We need a change so we can establish a genuine national anti-corruption integrity agency. We need a change so we can rebuild our local manufacturing industry, take action on climate change and harness the opportunities from clean energy. And we desperately need a change to get a government led by Anthony Albanese, who understands the dignity and vital support that our great National Disability Insurance Scheme gives to people with disability.

After almost a decade in government, cynical promises on the eve of an election are not fooling the Australian public, nor are the attempts by the Prime Minister to rewrite history—like during the first debate on Sky News, when he tried to claim credit for introducing JobKeeper as though it was his idea. This from a Prime Minister who waited until there were lines outside Centrelink offices like we had not seen since the Great Depression to finally adopt the policy proposed by the union movement and the Labor Opposition. Even the Tory Government in the United Kingdom acted before Scott Morrison! Whether it is botching the rollout of the National Broadband Network—wouldn't a fibre-to-the-home network have come in handy when we were all working from

home?—or spending \$5.5 billion on a submarine contract that will not deliver a single submarine, or multiple failures on the world stage, the Australian community has seen through the spin and deception from Scott Morrison.

Now, as prices spike and interest rates rise, Scott Morrison is looking for someone else to blame—someone else to hold the hose. But after his failures during the fires and floods, and his failure to source and buy vaccines, rapid antigen tests and crucial supplies during the pandemic, the Australian public understands the true legacy of this Federal Liberal-Nationals Government. No amount of spin can change that. Ultimately, elections are about giving voters a choice. We are running hard to win across the State and I thank and acknowledge the thousands of Labor Party and labour movement volunteers who are out knocking on doors and handing out information at train stations and street stalls, and now at prepoll. Inevitably there are some candidates who have plenty of resources and support, and many others who are doing it as a service to our great party.

Tonight I pay tribute to our NSW Labor candidates who have put themselves forward to their community. It is a special privilege to be a Labor candidate, but it also takes lots of hard work and sacrifice, especially by their families, irrespective of the margin. I would like to make special mention of Zhi Soon in Banks; the amazing Jerome Laxale in Bennelong; Benson Koschinski in Berowra; David Bridgen in Bradfield; Sarah Elliot in Calare; Simon Earle in Cook; Keith McMullen in Cowper; Alison Byrnes in Cunningham; Darren Cameron in Farrer—a great servant of our party; Kristina Keneally in Fowler; Riley Campbell in Hughes—go Riley!—and Greg Baines in Hume; Daniel Repacholi in Hunter; Trevor Ross in Lindsay; Alex Simpson in Lyne; Paula Goodman in Mackellar; Immanuel Selvaraj in Mitchell; the lovely Laura Hughes in New England; Catherine Renshaw in North Sydney—a fantastic local Labor candidate who, along with Tim Murray in Wentworth, is refusing to simply give way to the teal Independents; Patrick Deegan in Page; Jack Ayoub in Parkes; Andrew Charlton in Parramatta; my friend the wonderful Sally Sitou in Reid; Mark Jeffreson in Riverina; Dr Gordon Reid in Robertson; and David Mickelburgh in Warringah. On 21 May the Australian public will have a choice—a choice for more of the same stale spin from Scott Morrison or building a better future for our nation with Labor and Anthony Albanese. I thank our candidates.

ROAD TOLLS

The Hon. MARK BUTTIGIEG (00:23): As inflation rises, the Perrottet Government is truly taking its toll on western Sydney. NSW Labor calls on the Perrottet Government to come clean about exactly what its plan is for distance-based tolling. In a press conference on Monday the New South Wales Premier, Dominic Perrottet, flagged the proposal that tolling in Sydney should convert to being a distance-based charge. Let us be clear: New South Wales is in a toll mess because of the New South Wales Liberals' obsession with privatising our road network. Under the Perrottet Government—which only last year chose to sell off the remaining 49 per cent share of WestConnex—the M2, M4, M5 South-West, M5 East, M7, M8, Lane Cove Tunnel, Cross City Tunnel, Eastern Distributor and NorthConnex are all now owned privately.

Over the remaining life of the existing road toll contracts, Sydney motorists will be forced to pay over \$100 billion in tolls. If distance-based tolling goes ahead, families and motorists in western Sydney will pay even more for tolls than they are already paying now. Tolls already disproportionately hit the hip pocket nerves of those in Sydney's west harder than those in other parts of Sydney. It is simply not fair, and it is indicative of a government so out of touch with the struggles faced by working families in the west as to introduce a scheme that would simply amplify the pre-existing cost-of-living pressures.

Inflation figures released last week show inflation hitting a 22-year high in the March quarter, triggering one of the biggest quarterly increases in tolls in years and further highlighting the impact tolls are having on the hip pockets of New South Wales drivers. The Government needs to be up-front with Sydney motorists about its plans for distance-based tolling. The idea that motorists in our Sydney suburbs are paying more for their tolls because they drive further will only make that impact worse. All ideas are of course welcome, but the Premier needs to make it clear just how all the drivers paying the most now will not, in fact, be paying more and most in the future.

It is the same story with this Government all the time—the west always pays more under Perrottet. If members do a quick Google search, they will find that someone living in Penrith and travelling to the city will drive on 42 kilometres of toll roads—compared with, say, Mosman to the city, which is just four kilometres. This scheme will certainly disproportionately impact those west of Parramatta. The Premier's addiction to privatisation and toll roads is eating into the pockets of motorists and families, and the hardest hit are those in western Sydney.

It goes to the philosophy of the Government. Nothing better illustrates Government members' obsession with privatisation than what they have done with toll roads: taking a publicly owned monopoly that is in the hands of the people for their own benefit—and there should be no cost to travel on a road to get from A to B to help the economy, to help people move around in their day-to-day lives—and selling that to private operators who then

use that monopoly power to extract as much as they can from the average person trying to go about their day-to-day business. It is absolutely disgraceful. Labor will continue to hold this Government to account for this disgraceful ideology of privatisation, which simply does not work and increases the cost and burden on working people.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The House now stands adjourned.

The House adjourned at 00:28 until Wednesday 11 May at 10:00.