New South Wales

Legislative Council

PARLIAMENTARY DEBATES
(HANSARD)

Fifty-Seventh Parliament
First Session

Wednesday 11 May 2022

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Wednesday 11 May 2022

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

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

Announcements

THE HON. VIRGINIA CHADWICK, AO, MARBLE BUST UNVEILING

The PRESIDENT (10:03): I advise honourable members that at 10.30 a.m. proceedings will be interrupted for the unveiling of the Virginia Chadwick marble bust and the House will subsequently rise on a long bell for 30 minutes to provide members with the opportunity to attend the commemorative morning tea in the Jubilee Room. I remind members to take their seats on the benches, as guests will be seated in the public galleries this morning.

Motions

THE HON. VIRGINIA CHADWICK, AO, MARBLE BUST UNVEILING

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (10:04): I move:

That:

(a) proceedings be interrupted at 10.30 a.m. on Wednesday 11 May 2022 to allow the President to make a statement regarding the unveiling of a marble bust of former President the Hon. Virginia Chadwick, AO, in the Legislative Council Chamber; and

(b) contingent on the marble bust of the Hon. Virginia Chadwick, AO, being unveiled, the President calls on the Hon. Catherine Cusack to move a private member's motion standing in her name on the *Notice Paper* acknowledging the unveiling of the bust and the contribution made by Mrs Chadwick to the Legislative Council and to the State, and debate on the motion take precedence of other business until adjourned or concluded.

Motion agreed to.

MULTICULTURAL SMALL BUSINESS MORNING TEA

The Hon. LOU AMATO (10:04): I move:

(1) That this House notes that:

(a) on Friday 25 March 2022, the Multicultural Small Business Morning Tea hosted by the Community Migrant Resource Centre was held at the Park Royal Parramatta;

(b) the event was organised by the Community Migrant Resource Centre [CMRC] to celebrate Small Business Month and small business owners who have accessed the Business Connect program;

(c) Business Connect multicultural advisory services provides high-quality, professional, culturally relevant business advice and business skills training to individuals, start-ups and small businesses from Arabic, Cantonese, Korean, Mandarin and Vietnamese backgrounds;

(d) the CMRC is contracted to deliver the New South Wales Government's Business Connect specialist multicultural services;

(e) the CMRC is a not-for-profit charitable organisation established in 1996 and is a leader in the provision of specialised support to newly arrived migrants, refugees, multicultural businesses and humanitarian entrants;

(f) distinguished guests were:

(i) Karen Ballantyne, Associate Director, NSW Treasury; and

(ii) the Hon. Lou Amato, MLC, Parliamentary Secretary for Small Business, on behalf of the Minister for Small Business, the Hon. Eleni Petinos, MP.

(2) That this House acknowledges:

(a) the contribution small business makes to the New South Wales economy; and

(b) the organisers of the 2022 Multicultural Small Business Morning Tea, hosted by the Community Migrant Resource Centre, and in particular the contribution of Melissa Monteiro for her work in organising the event.

Motion agreed to.

TRIBUTE TO TOM MCDONALD

The Hon. JOHN GRAHAM (10:05): I move:

(1) That this House notes with sadness the death of Tom McDonald, who passed away in Gosford on 16 April 2022, aged 95 years.

(2) That this House further notes that Tom McDonald:

(a) was National Secretary of the Building Workers Industrial Union [BWIU] and Vice President of the ACTU;

(b) was instrumental in the fight to win universal superannuation, full accident pay for injured workers, portable long service leave for casualised industries, the minimum wage system and many other conditions which enriched the lives of working people, affording them dignity in the workplace and in their retirement;

(c) started work as a ships' carpenter and joiner at Sydney's Cockatoo Docks at a time of low wages and terrible safety standards and by the time he had retired had transformed safety standards in the building industry, preventing innumerable injuries and deaths;

(d) along with his wife, Audrey McDonald, continued to mentor succeeding generations of activists and unionists;

(e) along with the BWIU, was central in building the post-war industrial and social safety net of modern Australia; and

(f) was awarded the Order of Australia in 1994 for services to working people.

(3) That this House sends its sincere condolences to Tom McDonald's family, friends and comrades.

(4) That this resolution be communicated by the President to the family of Tom McDonald.

Motion agreed to.

Documents

ANIMAL RESEARCH

Tabling of Report of Independent Legal Arbiter

The Hon. EMMA HURST: I move:

(1) That the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 6 May 2022, on the disputed claim of privilege regarding animal research, be laid upon the table by the Clerk.

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

Motion agreed to.

GIG ECONOMY COMPANIES

Tabling of Report of Independent Legal Arbiter

The Hon. DANIEL MOOKHEY: I move:

(1) That the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 22 April 2022, on the disputed claim of privilege regarding Revenue NSW investigations into the gig economy, be laid upon the table by the Clerk.

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

Motion agreed to.

Motions

ADENOMYOSIS AWARENESS MONTH

The Hon. EMMA HURST (10:07): I move:

(1) That this House notes that:

(a) April 2022 was Adenomyosis Awareness Month;

(b) adenomyosis is often described as the "evil cousin" of endometriosis, and occurs when the tissue that normally lines the uterus grows into its muscular walls;

(c) despite affecting up to 65 per cent of women, there is serious lack of awareness and understanding of the condition among the general public and even the medical profession;

(d) many women fail to receive a timely diagnosis for adenomyosis, and some women are told a hysterectomy is their only treatment option, even though less invasive treatments such as uterine artery embolisation have been available for many years; and

(e) in April 2022, members of the Parliamentary Friends of Women's Health, including the Hon. Emma Hurst, MLC, the Hon. Catherine Cusack, MLC, the Hon. Penny Sharpe, MLC, Ms Abigail Boyd, MLC, the Hon. Adam Searle, MLC, Ms Anna Watson, MP, Mr Alex Greenwich, MP, the Hon. Mark Pearson, MLC, Ms Jenny Leong, MP,

Mr Jamie Parker, MP, and Ms Tamara Smith, MP, joined together to call for a Federal and State funding package to improve early diagnosis and support for women with adenomyosis and the creation of an expert advisory panel to Federal and State governments on adenomyosis.

(2) That this House calls on the New South Wales and Federal governments to listen to the requests of the Parliamentary Friends of Women's Health and take urgent action to support women with adenomyosis.

Motion agreed to.

Documents

UNPROCLAIMED LEGISLATION

The Hon. DAMIEN TUDEHOPE: According to standing order, I table a list of all legislation unproclaimed 90 calendar days after assent as at 11 May 2022.

GIG ECONOMY COMPANIES

Report of Independent Legal Arbiter

The CLERK: According to the resolution of the House this day, I table the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated Friday 22 April 2022, on the disputed claim of privilege on documents relating to Revenue NSW investigations into the gig economy.

ANIMAL RESEARCH

Report of Independent Legal Arbiter

The CLERK: According to the resolution of the House this day, I table the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated Friday 6 May 2022, on the disputed claim of privilege on documents relating to animal research.

TABLING OF PAPERS

The Hon. SHAOQUETT MOSELMANE: By leave: I table a document comprising a printout of the names of 686 citizens who have signed an online petition opposing the Voluntary Assisted Dying Bill 2021. I move:

That the document be printed.

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

Ms ABIGAIL BOYD: I move:

That business of the House notices of motions Nos 2 and 3 be postponed until the next sitting day.

Motion agreed to.

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. SCOTT FARLOW: I move:

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

Motion agreed to.

ORDER OF BUSINESS

The Hon. SCOTT FARLOW (10:15): I move:

(1) That private members' business item No. 1785 standing in the name of the Hon. Catherine Cusack relating to the Chamber bust of the late the Hon. Virginia Chadwick, AO, take precedence following the unveiling of the marble bust until adjourned or concluded.

(2) That private members' business item No. 1606 standing in the name of the Hon. Adam Searle relating to the Voluntary Assisted Dying Bill 2021 be called on after the dinner break at 7.30 p.m.

(3) That notwithstanding paragraphs (1) and (2) the order of private members' business for today be as follows:

(1) Private members' business item No. 1762 standing in the name of the Hon. Rod Roberts relating to an order for papers regarding the operation of Standing Order 53.

(2) Private members' business item No. 1803 standing in the name of the Hon. Mark Pearson relating to the Dingo Cultural Heritage and Protection Bill 2022.

(3) Private members' business item No. 1721 standing in the name of Mr Justin Field relating to the Water Management Amendment (Floodplain Harvesting Licences) Bill 2022.

(4) Private members' business item No. 1714 standing in the name of the Hon. Mark Buttigieg relating to an order for papers regarding councillor Sarah Richards, Hawkesbury City Council.

(5) Private members' business item No. 1769 standing in the name of the Hon. Penny Sharpe relating to an order for papers regarding asset management for health.

(6) Private members' business item No. 1719 standing in the name of Ms Cate Faehrmann relating to a further order for papers regarding Dungowan Dam, Wyangala Dam and Mole River Dam.

(7) Private members' business item No. 1779 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding Sydney Metro.

(8) Private members' business item No. 1780 standing in the name of the Hon. Daniel Mookhey relating to an order for papers regarding Corrective Services NSW expenditure.

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

(10) Private members' business item No. 671 standing in the name of the Hon. Mark Banasiak relating to the Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2020.

(11) Private members' business item No. 1797 standing in the name of the Hon. Mark Latham relating to a further order for papers regarding Eraring Power Station.

(12) Private members' business item No. 1798 standing in the name of the Hon. Mark Latham relating to a further order for papers regarding renewable energy zones.

(13) Private members' business item No. 1690 standing in the name of Ms Abigail Boyd relating to a further order for papers regarding contamination at power station associated sites.

(14) Private members' business item No. 1786 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding Mascot Towers.

(15) Private members' business item No. 1787 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding the Greyhound Racing Industry Survey.

(16) Private members' business item No. 1763 standing in the name of the Hon. Robert Borsak relating to a select committee on the conduct of elections under COVID-19 conditions.

(17) Private members' business item No. 1788 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding teacher shortages.

(18) Private members' business item No. 1789 standing in the name of the Hon. Courtney Houssos relating to an order for papers regarding School Infrastructure planning documents

(19) Private members' business item No. 1799 standing in the name of the Hon. Mark Latham relating to an order for papers regarding central Barangaroo.

(20) Private members' business item No. 1674 standing in the name of the Hon. Shayne Mallard relating to End Youth Suicide Week 2022.

(21) Private members' business item No. 1804 standing in the name of Ms Cate Faehrmann relating to an order for papers regarding Design and Place SEPP.

(22) Private members' business item No. 1761 standing in the name of the Hon. Anthony D'Adam relating to an order for papers regarding SafeWork NSW Enforceable Undertakings program.

(23) Private members' business item No. 1781 standing in the name of Ms Abigail Boyd relating to an order for papers regarding anti-protest legislation.

(24) Private members' business item No. 1768 standing in the name of the Hon. Peter Primrose relating to the passing of Thelma McCarthy, AM.

(25) Private members' business item No. 1696 standing in the name of the Hon. Mick Veitch relating to the Annual Report of the NSW Recreational Fishing Trusts 2020-21.

(26) Private members' business item No. 1742 standing in the name of the Hon. Taylor Martin relating to NSW Youth Week 2022.

(4) That the items at paragraphs (11) and (12) in the list of private members' business today standing in the name of the Hon. Mark Latham relating to further orders for papers be considered in globo.

I indicate to the House that with respect to the items listed at paragraphs (1), (4) to (9) and (11) to (26) the members with carriage of those motions have given an undertaking that they will move that their motion be considered in the short form format.

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

Motion agreed to.

Motions

OPERATION OF STANDING ORDER 53

Debate resumed from 30 March 2022.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (10:21): It is important to put this motion in context. I rely on the chronology provided by the Hon. Rod Roberts, which provides this context. The motion states:

> (1) That this House notes:
>
> (a) on 24 November 2021 this House ordered that documents relating to the arrest, charging and detention of Mr Luke Moore on 25 February 2021 under Standing Order 52—

so it called on the Government to produce documents—

> (b) on 11 February 2022, the Clerk received a return consisting of correspondence from the General Council, NSW Police Force which advised that no documents would be returned to the order of the House according to Crown Solicitor's advice entitled "ADVICE RE SO 52 – MOORE L";
>
> (c) The Crown Solicitor's advice asserts that the documents should have been sought under Standing Order 53, rather than ordered under Standing Order 52 as they "concern the administration of justice" …

Members will be aware that the difference between Standing Order 52 and Standing Order 53 is that documents ordered to be produced under Standing Order 52 are documents that are held and fall within the purview of the Executive Government, whereas documents that fall within Standing Order 53 are documents which generally concern the administration of justice. The motion seeking the return of these documents under Standing Order 52 was contested on the basis that the documents properly fall within the administration of justice. The motion continues:

> (d) The Crown Solicitor's advice is not based on an assessment of the content of the relevant documents but instead on whether documents relating to the arrest, charge and detention of a person with a criminal offence would prima facie touch on or concern court proceedings.

Generally, the motion is directed to consideration of what this House should determine is the purview of Standing Order 53. The Crown Solicitor has a view, which the Government has accepted, that the documents the subject of this motion, because they relate to statements and proceedings relating to an arrest, fall within Standing Order 53 and, therefore, no documents should be produced under Standing Order 52. That is all pretty technical but, clearly, there is a dispute between the Executive's understanding of the meaning of Standing Order 53 and the understanding of the mover of the motion. The motion then calls on the House to accept a previous ruling of President Ajaka relating to what falls within Standing Order 53.

The Hon. Penny Sharpe: He's there watching you.

The Hon. DAMIEN TUDEHOPE: Now that it has been drawn to my attention, I note that the person who made that ruling is sitting in the public gallery. As I was saying in another forum, with all due respect to him, he is wrong.

The Hon. John Graham: Right of reply?

The Hon. DAMIEN TUDEHOPE: He gets no right of reply from the gallery. If he were in the Chamber he might get a right of reply.

The Hon. Penny Sharpe: Call him to the bar.

The Hon. DAMIEN TUDEHOPE: I could call him to the bar, indeed. This is a live issue which the House has to deal with from time to time because the rationale for it is that if documents are before a court, they should not be the subject of production which may prejudice proceedings that may be before a court at any particular time. It is worth exploring the advice of the Crown Solicitor in relation to this matter. The Crown Solicitor's advice states that documents that fall within the purview of the Crown and the courts include, as outlined in Standing Order 53, documents concerning the administration of justice, which I have outlined. These documents do not fall within the purview of the Executive Government. We do not hold them. They are documents held by the NSW Police Force or courts or the like and cannot be required to be produced under Standing Order 52.

In response to the order made under Standing Order 52 by this House on 24 November relating to the arrest, charging and detention of Mr Luke Moore, the NSW Police Force—correctly, in our submission—advised that it was not producing any documents pursuant to the order as the documents requested concerned the administration of justice and were not subject to a resolution under Standing Order 52. I am also advised that the NSW Police Force voluntarily tabled advice it had received from the Crown Solicitor dated 19 January 2021 regarding this issue. The mover of the motion, the Hon. Rod Roberts, might not like the advice that the

Government received in respect of his motion, but the Government received that advice and acted on it. That advice considers the standing order's previous case law and provides some helpful and clear guidance which should have been available to your predecessor, Mr President, but obviously was not. It is clear and helpful and gives clearer guidance as to whether a document concerns the administration of justice. Paragraph 11 of the advice notes the following three principles in relation to this issue:

(a) The historical and constitutional basis for the distinction between the operation of SO 53 and SO 52 lies in the distinction between the Crown (as Sovereign) and the executive government, as well as the separation of judicial and legislative functions. This context should inform the interpretation of SO 53.

(b) Documents will "concern the administration of justice" if they contain material touching on or concerning court proceedings. There must be some connection with actual court proceedings including prospective proceedings. This is a relatively settled aspect of SO 53.

(c) There is more doubt about the extent to which antecedent matters (such as police investigations) and subsequent matters (such as the administration of a sentence) generally might be caught within the scope of matters "concerning the administration of justice". However, documents containing material touching on or concerning matters antecedent or subsequent to identifiable court proceedings (including conduct which interferes with or prevents the institution of identifiable court proceedings) *may* do so, if they bear a sufficient relationship to such proceedings.

That is the crucial advice provided by the Crown Solicitor.

Debate adjourned.

The PRESIDENT: According to the resolution of the House this day, proceedings are now interrupted.

Announcements

THE HON. VIRGINIA CHADWICK, AO, MARBLE BUST UNVEILING

The PRESIDENT (10:29): I welcome into the President's gallery Mr Bruce Chadwick, the husband of the Hon. Virginia Chadwick, AO; together with their children, Ms Amanda Chadwick and Mr David Chadwick; their grandchildren, Elana, Mia and James; and other family members. I also welcome the Premier, the Hon. Dominic Perrottet, MP; the Speaker, the Hon. Jonathan O'Dea, MP; and former Presidents the Hon. John Ajaka and the Hon. Don Harwin. I also welcome Mr Peter Schipperheyn, the sculptor of the bust we are about to unveil, together with other distinguished guests who were friends and former colleagues of the Hon. Virginia Chadwick. I also welcome to the galleries of the Chamber Ministers and members of the other place, former Ministers, former members and officers of the New South Wales Parliament, other distinguished guests, and the many friends and extended family of the Hon. Virginia Chadwick present today.

Honourable members and guests, today is an historic day: the unveiling of the first marble bust in this Chamber in 107 years. I invite you to cast your eyes around the Chamber at the marble busts that take pride of place along the walls. There are seven magnificent busts already installed in this Chamber: on my right, the Hon. Sir Alfred Stephen, the first President of the reconstituted Council in 1856 and, at the same time, the Chief Justice of the NSW Supreme Court; the Hon. Sir John Hay, the longest-serving President—for over 18 years—and one of only two people to serve as both President and Speaker of this august Parliament; the Hon. Sir John Lackey, a former President who served almost 43 years between both Houses; and the Hon. William Bede Dalley, a former member of the Council, born in Sydney to convict parents and renowned as a formidable lawyer and patriot, who served as Queen's Counsel and was the first Australian appointed to the Privy Council.

On my left are busts of the Hon. James Macarthur, a former member of the Council, one-time owner of *The Australian* newspaper and the son of the famous colonial pastoralist John Macarthur; the Hon. John Blaxland, a former member of the Council and brother of the famous explorer Gregory Blaxland, who crossed the Blue Mountains with Wentworth and Lawson in 1813; and, finally, the Hon. Sir Francis Suttor, a former President who also served 43 years between both Houses and died in office in 1915. His bust was the last bust unveiled in this Chamber some 107 years ago.

Each of these distinguished individuals, these so-called Immortals, have made significant contributions to the development of this great State and nation, many with strong historic family links harking back to the very first days of colonial New South Wales. Each served as a distinguished member of this great institution: the Legislative Council, the first legislative body of Australia, created by British statute in 1823 and which first met on 25 August 1824. Today these silent sentinels, immortalised in white Carrara Statuario marble quarried since Roman times in the mountains just outside the city of Carrara in modern-day Tuscany, Italy, will be joined by the first female President of this place, the Hon. Virginia Chadwick. I ask members and guests to turn their gaze to my left, where a new wooden plinth above the President's gallery now carries the name "Chadwick" inscribed in gold leaf on the front.

We shall soon unveil the eighth marble bust in honour of the late Hon. Virginia Chadwick. Work on the bust has been underway for several years and is now complete. It is the work of acclaimed sculptor Mr Peter

Schipperheyn, who joins us today. He has worked with the Chadwick family and staff of this Parliament to produce a work of quality to stand alongside the works of sculptors Simonetti, Illingworth, Durham and Summers that adorn this Chamber. More will be said about this historic work and the life of the Hon. Virginia Chadwick when we move to a formal reception in the Jubilee Room after the unveiling, a function to which members and guests are all invited. In a moment the Hon. Catherine Cusack will move a motion that will celebrate the life of the Hon. Virginia Chadwick. But, first, I ask members and guests to stand to witness the unveiling.

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

I ask Mia Chadwick, grandchild of Virginia and Bruce Chadwick, to come forward to unveil this major historic work. Please resume your seats. Quite magnificent, isn't it?

Motions

THE HON. VIRGINIA CHADWICK, AO

The Hon. CATHERINE CUSACK (10:36): I move:

(1) That this House notes:

(a) on 9 March 2016, the House agreed to a motion moved by Dr Mehreen Faruqi concerning International Women's Day;

(b) Dr Faruqi's motion called upon the President of the Legislative Council to consider placing a bust of the first woman President of the Legislative Council, the late the Hon. Virginia Chadwick, AO, in the Chamber;

(c) the concept for a bust of the late the Hon. Virginia Chadwick, AO, contained in Dr Faruqi's motion, originally came from former member Mr Jeremy Buckingham; and

(d) the late the Hon. Virginia Chadwick, AO, was the first woman to serve as:

(i) the President of the Legislative Council;

(ii) a Liberal Minister in a New South Wales Government;

(iii) a Minister for Education in a New South Wales Government;

(iv) the Opposition Whip in the Legislative Council of the New South Wales Parliament; and

(v) Chairperson and CEO of the Great Barrier Reef Marine Park Authority.

(2) That this House notes that the Hon. Virginia Chadwick, AO:

(a) was born in 1944 to Miriam Woodward and David Walls;

(b) grew up in New Lambton, Newcastle, and attended Newcastle Girls' High School, with a brief period of study in England;

(c) joined the Young Liberals at the age of 15;

(d) won a Commonwealth scholarship to attend Newcastle University, and was active on the Student Representative Council and the University Senate;

(e) was the first in her family to complete high school and attend university;

(f) married Bruce Chadwick and had two children, Amanda and David, and later three grandchildren, Mia, James and Elana;

(g) worked as a high school and TAFE teacher before joining the Legislative Council;

(h) had many hobbies, including beekeeping (which was considered "offbeat" at the time) and ceramics;

(i) was known for her sense of humour and cutting wit; and

(j) passed away in 2009 at age 64.

(3) That this House notes that in terms of her service to the New South Wales Parliament, the Hon. Virginia Chadwick, AO:

(a) was a Liberal member of the Legislative Council for more than 20 years, from November 1978 to March 1999, among the first cohort of directly elected members;

(b) served as President of the Legislative Council from June 1998 until her retirement from Parliament in March 1999;

(c) served as a Government Minister for seven years across her parliamentary career, including as:

(i) Minister for Family and Community Services, 25 March 1988 to 24 July 1990;

(ii) Minister for School Education and Youth Affairs, 24 July 1990 to 3 July 1992;

(iii) Minister for Education and Youth Affairs, and Minister for Employment and Training, 3 July 1992 to 26 May 1993—notably, when Education and Training was added to her portfolio in 1992, Mrs Chadwick was reported as having the biggest portfolio ever held by a State Minister in Australia at the time, covering almost a third of the State budget; and

(iv) Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier, 26 May 1993 to 4 April 1995.

(d) was the Opposition Whip between 3 April 1984 and 22 February 1988.

(4) That this House notes that after her career in Parliament the Hon. Virginia Chadwick, AO:

(a) became the first female chairperson of the Great Barrier Reef Marine Park Authority in 1999, where she left an important and long-lasting legacy before retiring in 2007;

(b) received the Order of Australia in the 2005 Queen's Birthday Honours for services to conservation and the environment through management of environmental heritage and economic sustainability issues affecting the Great Barrier Reef, and services to the New South Wales Parliament, particularly in the areas of child welfare and education;

(c) received global recognition for her efforts in securing greater environmental protection of the Great Barrier Reef, in particular for a rezoning of the Great Barrier Reef Marine Park, accomplished under her leadership, that saw the percentage of the reef declared protected grow from 4.5 per cent to 33 per cent;

(d) was appointed to the Australian Maritime Safety Authority Advisory Committee and led an Australian delegation to the United Nations Convention on International Law of the Sea, and served on various councils and commissions;

(e) was awarded a Centenary Medal in 2001; and

(f) received honorary degrees from three universities.

(5) That this House notes that the late the Hon. Virginia Chadwick, AO, was popular and respected across all parties, and, in particular, she was a friend, mentor and champion for all women MPs.

(6) That this House:

(a) welcomes Mr Bruce Chadwick and his family into the President's gallery to witness the unveiling of a marble bust of the late the Hon. Virginia Chadwick, AO; and

(b) conveys its thanks to:

(i) the renowned Australian sculptor Mr Peter Schipperheyn for his inspired rendition of the former President, which captures the integrity and intelligence of this remarkable woman; and

(ii) the officers of the Department of Parliamentary Services for their project and coordination role with respect to the marble bust of the Hon. Virginia Chadwick, AO, including Collections and Heritage Coordinator Wes Stowe and Director of Capital Works Strategy and Delivery Robert Nielsen.

I begin my remarks as Virginia would want me to, by acknowledging that we meet on Gadigal land and paying tribute to Elders past and present and all traditional owners of country. The Legislative Council has seven busts crafted from Italian marble honouring the fathers—and they were all men—of progressive governments and democracy in the colony of New South Wales. All served pre-Federation. This service spanned governors Bligh and Macquarie through to Federation in 1901. It is a reminder that this Legislative Council—right here in this place—is Australia's first legislative institution. We meet here today in a Chamber that is steeped in colonial, federation and modern history. It is not merely a place where Australia's story is told; right here is where our nation was made. The passion, the belief, the drama and the hope, the great moments spanning universal suffrage, Federation, the Depression and world wars is right here, and it is humbling for each of us.

It has been 107 years since Sir Francis Suttor's likeness was installed in this Chamber, this rich House of heroes and rogues, and robust debate. Ironically, it was also the last Australian House of Parliament where members were still part-time and appointed. Democracy occurred during Neville Wran's premiership, which saw Virginia Chadwick one of the first members elected in 1978. Virginia's election to this place was quite remarkable and she alluded to this in her maiden speech:

> Just three years ago when speaking to a senior parliamentarian of my desire to enter Parliament his advice to me was, "Go home and forget it". Because in his words I was, "The wrong age, the wrong sex, and from the wrong place".

For those of us who knew Virginia, we can only smile at the thought of her reaction to such advice. Virginia was first and foremost a working class Novocastrian. Her parents died young and her sister was the proverbial battler, who also passed away at a young age. How did a young girl from such humble roots in Newcastle end up in the Liberal Party, and breaking every barrier there and here in this Parliament? Virginia was a warrior no doubt, but she had a young family, she had lived in the regions and she had none of the support women thankfully can take for granted today. Consider her situation: In 1978 Australia had legislated pay equity but it was still controversial, as was the morality of married women—let alone mothers—even working. She credited her husband, Bruce, for her freedom to pursue her career; she credited her career inspiration to the legendary Sir John Carrick, who she met on campus at Newcastle University as a scholarship student; and she credited Newcastle for her grit and her determination.

Make no mistake, Virginia was a one-woman crime wave when it came to smashing myths and conventions, breaking into hallowed male places and yet doing it in a way that she described as pollyanna. Her

cheerful and feigned ignorance of the obstacles she was demolishing was simply magnificent. Virginia just breezed through anyone and anything with style, humour and an outrageous presumption that everyone was on the right page and doing the right thing. She made it nigh impossible not to be on her page or to do anything other than the right thing. Those of us on her ministerial team—who she treated like family—could see exactly what she was doing and we were enthralled to be part of this extraordinary adventure. Virginia was incredibly focused on policy and reform on a scale that is unimaginable in today's politics. Those exciting Greiner and Fahey years in Government were all too brief but, my goodness, so much was accomplished and modernised in this State. It did change Australia.

Accrual accounting was introduced; the EPA was established to regulate public as well as private sector polluters; freedom of information laws were introduced; and the ICAC was established and based on the Hong Kong model, because it was a completely new concept in Australia. State enterprises such as the school furniture factory, the State laundry service and the uniform factory were privatised. Deregulation was so much more than a slogan. Premier Greiner worked with Prime Minister Hawke to reform Commonwealth-State relations and harmonise State regulations. The catchwords were "devolution" and "community empowerment". It was an incredibly powerful policy driver. Ministers were trusted to lead and were judged on their performance. In education the Carrick and Scott report saved the higher school certificate, which was in disrepute. It completely stripped the education department head office of power, which was handed to school principals and newly established school councils.

The New South Wales Board of Studies was established to bring government and non-government schools together to agree to curriculum reform. This began with the key learning areas. Accountability and performance measures, such as basic skills testing, were introduced. It was a remarkable period and an enormous privilege to witness the focus, energy and work ethic of Virginia Chadwick collaborating with an array of stakeholders—who generally hated each other—and bringing these reforms together against the mega forces of head office and industrial relations centralism. An example of this approach was her work with university chancellors and vice-chancellors. She had regular meetings with them, and indeed anyone else who wanted that access. It was a big issue that many new teachers had failed English or were avoiding English altogether in teacher education. Chadwick wanted the universities to mandate English standards in their courses. The universities all said no, because they basically hate being told what to do.

Rather than go to war with them, Virginia said, "No worries." She then changed the recruitment guidelines for government school teachers, mandating it as a qualification. Within weeks the universities quietly changed all their course requirements. Virginia got this important reform through—one that had been a sticking point for years—almost without a murmur. There was no triumphalism, of course, because she was already working on the next problem. Those education reforms transformed learning in New South Wales and the rise in student outcomes had every other State running to New South Wales to copy the changes. There is no question that Chadwick's greatest legacy are these profound school-centred reforms, which were taken up across jurisdictions and transformed the experience of teachers and students. There is so much more.

Virginia kept a memento on her desk of the achievement she regarded as the one of which she was most proud. It harked back to her time as the Minister for Family and Community Services when she worked with the health Minister, Peter Collins, to detach disability services from the health portfolio. It was incredibly ambitious. Virginia said over and over again, as the battle between bureaucracies raged over assets and funding, "Disabled people are not sick; they are not patients; disability is not an illness. The entire framework for service delivery in health is flawed." It was a very tough mission because while it was easy to know who the clients were, the ownership of the institutions, facilities and funding for services was fully integrated with the health department. Disentangling them so that disability services could have a feasible financial base was quite a nightmare. It would not have happened without Peter Collins as Minister, and I pay tribute to him for that today.

This reframing of the governance was innovative and game changing for generations of citizens who have a disability or are caring for disabled family members. Virginia and her liberalism drove that huge reform. A one-page joint media release with Minister Collins was reduced to one-quarter of its size in a photocopying machine and kept in a photo frame on her desk. When the great adventure in government was over and it was time to pack up and leave, this was the last thing that she put in her handbag. I get why she felt that was so important—and we loved her for that.

Virginia really should have been the Leader of the Government when Ted Pickering retired. Instead it was John Hannaford, who has been gracious enough to acknowledge that probably the wrong thing occurred. As a result, we members in this ancient Legislative Council are still waiting for our first female Leader of the Government. I acknowledge the accomplishment of the Hon. Penny Sharpe as the first female Leader of the Opposition. She might reflect in similar terms about the role in this Chamber of the Hon. Carmel Tebbutt. There is also a strong view that had Virginia accepted the many requests to run for leadership after Nick Greiner, she

would have been our first female Premier. However, she declined those entreaties with grace and emphatic determination.

She was personally devastated by the loss of Nick Greiner. I remember the week of uncertainty in the lead-up to his resignation. Everyone in Government was in so much shock. I never saw Virginia so upset as when she returned from her meeting with him. She was considering leaving as well. We talked and she recognised the need to stay, but she did say her heart was broken. We would go on, but things would never be the same without the intellect and energy of Nick, who had her complete loyalty and best efforts. I must add that like all her colleagues, John Fahey appreciated Virginia, and her portfolio increased to nearly one-third of the Government. They were good friends, but she just never felt the same as she did during those Camelot days of Nick Greiner's leadership.

Virginia never forgot where she came from. She never fell for the trappings and flattery of high office. At the height of her popularity and power, she used her position to establish the Hunter Parliamentary Taskforce, a cross-party meeting of all MPs in the region to plan and discuss initiatives to benefit the region. It was an innovative, powerful body and meant that this all-Labor region did not slip under the radar of the Liberal-Nationals Government. There are so many layers to the legendary character of Virginia Chadwick. She was, as Mark Scott remarked, fabulously generous. If she spotted a need, there was kind of gravitational pull that drew her to address it. When Labor won the 1995 election and it was pens down, Virginia left a little note for her successor, John Aquilina. It was incredibly irritating to all of us that she refused to share what was in that note. It was only after she passed away and Mr Aquilina spoke in the Legislative Assembly condolence debate that he shared its contents. He stated:

> In Virginia's unique handwriting it said, "Mr Minister, it's been a hard fight and you won. Congratulations. I know you're going to enjoy being Minister for Education and Training, but expect me to make your job as hard as I possibly can in the future."

Mr Aquilina went on:

> It was a great tribute, and it was something I really treasured. I rang Virginia and thanked her for that note. In times following we often remarked on it.

Virginia resolved to sit on the backbench until her term expired. For Christmas, her daughter Amanda gave her a beehive and she undertook an apiarist course to stay busy making honey. Then she had the idea to make pots for the honey, which is how this astonishing era of her art began. She proved to be incredibly gifted. In her memory, I have donated to the Parliament one of her greatest works, *The Twelve Days of Christmas*, which will be on display during the morning tea. Just when it seemed that a great career was closing, the President's position became unexpectedly vacant. After some jockeying, Virginia was the choice of members to lead this Chamber in its battles to assert its rights over the Government, particularly on the matter of calls for papers. In all this she was brilliantly assisted by the Clerk, John Evans. Virginia revered the dignity and the role of the Clerk of this Chamber. It is a lesson to all of us to realise and value the importance of that role. In many ways, the efficacy of the Clerk is the silent hinge upon which our entire democracy turns.

I acknowledge the presence in the Chamber of the Hon. Michael Egan, who was the Leader of the Government and on the other side of the struggle in those epic *Egan v Chadwick* court cases. They both respected each other and the argument unfolded in the best traditions of law and democracy, resulting in the powers entrusted to and used so vigorously by the Chamber today. I also acknowledge the presence of the Premier in the President's gallery, who I am sure does not feel the empathy that many members of this House feel on this point.

I suggest all members read the condolence debates in the Legislative Assembly and the Legislative Council to know what members and colleagues were saying about Virginia. There was an awesome speech by the Hon. Ian Cohen, whom I acknowledge is in the gallery today. He was the first Greens member elected to this place and he had refused to wear a tie, which was regarded as very disrespectful to the conventions of this place. This had never happened in centuries of the upper House; everybody had to wear a tie. He was given a very hard time for it. During the condolence debate, Mr Cohen spoke about Virginia's time in the chair and how grateful he was that she never harassed, criticised or mocked him for his refusal to wear a tie. He felt that she had respected him. On her last day as President, she met him in his office and presented him with a tie covered in frogs. Today I note that Mr Ian Cohen is wearing a tie, and I would wager it is covered in frogs. I thank him very much for being here today.

Virginia was always so busy but, paradoxically, always had time. Each of us who had the honour of working with her will tell you the same thing: She made us feel special and valued. She drew out the best in us. Our boundless loyalty to Virginia was always in evidence, yet at that special final dinner she held for us in the President's dining room—which she cheekily called "the last supper"—her simple request was only that we be loyal to each other. After she retired from Parliament, the Federal Minister for the Environment, the Hon. Robert Hill, appointed Virginia as CEO and chair of the Great Barrier Reef Marine Park Authority. I know that Trent

Zimmerman had a hand in that, and I mention that because Virginia was so grateful for that second career. Her successor as chair of the authority, Fay Barker, OAM, could not be here today but has sent a message that I wish to share with the House. She writes:

> The Virginia Chadwick Memorial Foundation was incorporated in 2010 to pay tribute to a remarkable woman who made a significant difference to the work and outcomes of the Great Barrier Reef Marine Park Authority (GBRMPA) where she was appointed Chairman and CEO in 1999 until 2007.
>
> Today we are grateful to join with her friends and colleagues to remember Virginia in the unveiling of a bust in her honour.
>
> Virginia's appointment to the GBRMPA followed her many remarkable achievements in the NSW Parliament. During her eight years as CEO/Chair Virginia was an extremely effective and transformational leader, responsible for many outstanding achievements, significantly enhancing the protection of this iconic place.
>
> Her most high-profile legacy from her time at GBRMPA was the rezoning of the entire Great Barrier Reef Marine Park. There were no precedents for this innovative and internationally significant policy reform, and Virginia led the process which involved two levels of government, a variety of industries whose livelihoods depended on the GBR, and a wide range of Traditional Owners and communities along the Queensland coast. The resulting, much strengthened zoning plan came into effect in mid-2004 and remains in place today. It is still widely acknowledged as the world's most sophisticated and effective example of large-scale marine conservation.
>
> Virginia was, however, also responsible for many other important outcomes during her time at GBRMPA. These included vastly improved relations with the tourism industry, reform of commercial fishing, the introduction of management agreements with Traditional Owner groups, the Reef Guardians programs, improved community partnerships, and increased funding for field management.
>
> The Virginia Chadwick Memorial Foundation played an important role to simply remember Virginia and her legacy. She had made a huge impact on the people who worked with her and were inspired by her transformational leadership. She had become a significant role model in the State of Queensland and a friend to many. The Foundation ceased in 2020 after 10 years.
>
> We will remember Virginia as an amazing leader, a friend of the Reef, a supporter of the Arts, a mentor to many, a unique woman.

Virginia and Bruce became our family friends. They attended my wedding, my thirtieth birthday and flew from Townsville for my fortieth birthday. We stayed with them in Townsville where Virginia, who was in the middle of the epic effort to increase no fishing zones on the reef, showed me the problems over several days and we discussed her plans and solutions. The enormity of that effort, I believe, took a great toll on her health, but it was what she wanted to do. I visited her astonishing art collection at Bolton Point, which I have not had time to speak about. As Peter Collins will attest, it is one of the finest collections in Australia, all purchased when she was young for next to nothing and the artists were unknown.

Virginia was incredibly unwell and we had maybe an hour before she was too exhausted, but I commented on how grateful I was to have witnessed so many achievements. Virginia shook her head and told me that none of that mattered. I was stunned and even a bit hurt because it certainly mattered a great deal to me. I said to her that her legacy is incredible and she repeated, "None of this matters." We shared a love of the Arthurian legend and, for a Disney moment, I thought I was like Sir Bedivere being instructed by King Arthur to throw Excalibur back into the lake. I could not grasp at all what she was trying to say. She then explained, "It is family, Catherine, that's all that matters. I have been so fortunate in life but that is what it comes down to and I need you to know that." I share that wisdom with everyone. It is the best advice anyone can be gifted. In the Chamber today are many friends and admirers of the Hon. Virginia Chadwick and, without exception, all of us who knew her loved her. You had to experience it to fully comprehend the force she was in politics and in life.

I thank former member Jeremy Buckingham, a stonemason by trade, for his initial proposal to honour Virginia Chadwick. He was annoyed with me for being unable to secure the support of my team for this initiative and, in the end, it fell to Dr Mehreen Faruqi. I thank her for following this through. I know that every member of this Chamber supported the motion and I acknowledge that that by itself was insufficient. If it did not have the support of President Harwin, President Ajaka, the Clerks and the professional staff, it would have gone nowhere. We are all used to good intentions petering out when the going gets tough. This project was neither simple nor inexpensive but, under duress, the Parliament has seen it through. It is a legacy we members can be proud of. This is the first time a bust has been unveiled in 107 years and, as everyone can see, it completes the Chamber. It will be the last bust under the current configuration.

Today is a celebration of the best that politics can be. It is tinged with sadness for those of us who knew Virginia and for whom the sense of loss is still as overwhelming now as it was on the day we heard the news of her passing. Would Virginia have wanted this? Honestly, probably not. But this is even bigger than Virginia. It is her emblematic presence, representing and reminding us of the values and aspirations we are trusted in this place to represent. I thank all who are here across party lines for being the true believers in virtuous politics and for honouring Virginia Chadwick, whose gaze will never leave this Chamber and whose example will inspire and inform generations of members yet to come.

The Hon. PENNY SHARPE (11:03): On behalf of the Opposition I recognise the new addition to the New South Wales Legislative Chamber—the marble bust of the first woman to serve as the President of the Legislative Council, the Hon. Virginia Chadwick, AO. I acknowledge Virginia's family, who are here today, and how wonderful it is to unveil their grandma's bust. It is so exciting and it looks wonderful. I was worried because I had not seen it and I had not peeked at it all day yesterday, which was hard for me. But it is lovely and it is a great rendition. I acknowledge the former Clerks in the Chamber today, John Evans and Les Jeckeln. I welcome the Premier and the many members from the other place who have come to this place for today's unveiling.

It is terrific to see so many former members of the Legislative Council here today. I acknowledge—and I hope I have included everyone—the Hon. Don Harwin, the Hon. John Ajaka, the Hon. Amanda Fazio, the Hon. Michael Egan, Dr Mehreen Faruqi, the Hon. Ian Cohen, the Hon. John Ryan, the Hon. Patricia Forsythe, the Hon. Brian Pezzutti, the Hon. John Hannaford, the Hon. Peter Breen and the Hon. Dr Peter Phelps. They were mentors, friends and foes to many, and passionate advocates for New South Wales for all. The former members who are gathered here today from the Liberal Party, Labor Party, The Greens and the Independents are a tribute and a true reflection of the respect and fondness held towards the Hon. Virginia Chadwick.

Her marble bust joins the seven marble busts of former members of this place. Those busts have stoically overseen proceedings in this place since 1870. John Blaxland was appointed to the Legislative Council in 1829 and served as a non-elected member for 24 years. His daughter donated the bust in 1870. James Macarthur was the fifth son of John and Elizabeth Macarthur. He was appointed to the Legislative Council in 1838 and served until 1843. He was elected to the Legislative Council in 1948 again, where he served for eight years before he was elected to the Legislative Assembly. His bust was presented to Parliament in 1870. Sir Alfred Stephen was appointed the first President of the Legislative Council in 1856 and served in his role until 1857. He later became a member of the Legislative Council for 15 years from 1875 to 1890. His bust arrived in 1877.

William Dalley, QC, was the son of convicts, who served in the Legislative Assembly first and became a member of the Legislative Council in a variety of different blocks. In 1886 Dalley refused a knighthood but was the first Australian to be appointed to the Privy Council. His bust joined the Chamber in 1886. I think he was the only serving member who got to watch a bust of himself being unveiled. Sir John Hay entered the Legislative Assembly in 1856 with the establishment of responsible government. He was appointed to the Legislative Council in 1865 and was elected President in 1873. He held that position for the next 19 years. His bust found its plinth in 1889. Sir John Lackey was appointed to the Legislative Council in 1885 and was the President from 1892 to 1903. His bust was presented to the Parliament in 1899. The bust of Sir Francis Suttor was the last to take its place in the Legislative Council in 1915. He was the President of the Legislative Council in 1903.

We are here today, 107 years later, unveiling a new marble bust. This addition looks different to the others, and that is a very good thing. The Hon. Virginia Chadwick served in the Legislative Council for 20 years, three months and 28 days. She was the President of this place from 1998 to 1999. She was a formidable member, whose wit, warmth and intellect made friends and influenced members on all sides of the House. She brought dignity to the norms, practices and cultures of the Legislative Council. Virginia Chadwick held the position of Opposition Whip, became a senior Minister in the Greiner and Fahey governments, and finished her parliamentary career as the President of the Legislative Council.

The Hon. Virginia Chadwick was the first woman to be elected or appointed to those positions and in each of those roles she was both respectful and respected, even when there were significant disagreements. I am told by all those that loved her that she took to those roles like a duck to water and she forged her own path. Like all women who are the first to take on a position that has never been held by a woman before, Virginia Chadwick had no role model. Like all women who take their place in those positions, she brought her own way of doing things. Firsts matter not to individuals but to all who see the new ways to lead and the new ways to do things. Firsts matter because they bring new experiences and new perspectives to the wicked problems we are elected to try to solve. Firsts matter because there is a legacy, in that this person may have been the first but they definitely will not be the last.

The election of the Hon. Virginia Chadwick as President of the New South Wales Legislative Council was an important first. She followed in the footsteps of many. I acknowledge a few of them here today, including the proud Labor women the Hon. Catherine Green and the Hon. Ellen Webster, who were the first women to be appointed to this place in 1931. Virginia Chadwick's election occurred after the Legislative Council had seen the elevation of the first woman to lead a political party, the Hon. Elisabeth Kirkby, who led the Democrats. Since Virginia Chadwick became President, she was followed by the Hon. Meredith Burgmann as Labor's first woman to hold the position of President, followed again by the Hon. Amanda Fazio. The Legislative Council helped to nurture New South Wales' first Deputy Premier of New South Wales, the Hon. Carmel Tebbutt. I acknowledge the first woman to be appointed as the Usher of the Black Rod and the Clerk, Lynn Lovelock.

Even though it is 2022, we are still living through firsts for women, which is not great, to be honest, but I am glad we are still doing it and those achievements are being realised. As the first woman Leader of the Opposition in this place, I acknowledge the Hon. Sarah Mitchell, the first woman Leader of the National Party in the Legislative Council, and the Hon. Hon. Bronnie Taylor, the first woman to be the Deputy Leader of The Nationals in this place. Few women want to be the first; we just want to do our job. But even though we wear this tag with reluctance, we know that it does matter. People come to us and say that it matters. We know that with a bust like this, the girls who come and visit this Chamber will finally see women in this place, not a bunch of old men who are a very long way from where we are today. That is a very good thing.

I acknowledge and thank the Hon. Catherine Cusack for the motion. I note how important Virginia Chadwick was to her and to many women whom she brought into politics. The Opposition thanks the artist, Mr Peter Schipperheyn, who is in the President's gallery. The bust is a very good rendition of a very strong woman and it will sit very well as she oversees us for the little time that we are here. I also acknowledge the many people behind the scenes—the Clerks, the MPs and the officers of the Parliament—who brought this to fruition. It has had a very long gestation. Even in the past two days I have heard several different stories about whose idea it was, when it was going to happen, who liked it and who did not—and here we are today, and that is what matters.

I particularly like that people from all parties have taken credit in various forms. That is probably a reflection of how it happened, and it happened because of that pressure. Again I make the point that so many people wanted to see this happen reflects the fondness and respect for the Hon. Virginia Chadwick. By the unveiling of this bust, the people of New South Wales acknowledge and thank the Hon. Virginia Chadwick, AO, for her service to New South Wales. We welcome the new silent observer of democracy in the New South Wales Legislative Council and we look forward to sharing the stories way into the future of how she got there.

Debate adjourned.

The PRESIDENT: Before the House adjourns on a long bell, I invite all present to join us in the Jubilee Room for a commemorative morning tea, which I am sure will be very insightful into the life of the Hon. Virginia Chadwick. I shall now leave the chair until the ringing of the long bell.

[*The President left the chair at 11:14. The House resumed at 11:50.*]

OPERATION OF STANDING ORDER 53

Debate resumed from an earlier hour.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (11:50): Returning to the issue that is the subject of this motion, the difference in interpretation between Standing Order 53 and Standing Order 52, the motion calls for the Government to adopt a particular view in relation to how that is to be interpreted. What I would say to the mover of the motion is that all standing orders from time to time, until potentially the point at which they are judicially considered, will always be the subject of differences of opinion. I am sure I will hear from members opposite, including the Hon. Adam Searle later, who will give a different opinion. That is the nature of the business he was formerly in—providing opinions—and there are generally alternative opinions.

The Hon. Adam Searle: We will see what the jury says.

The Hon. DAMIEN TUDEHOPE: That is exactly what the jury says and generally the fact of the matter is half the time you are wrong, and probably half the time I am wrong.

The Hon. Adam Searle: Not in this place. In this place you are wrong a lot more.

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

The Hon. DAMIEN TUDEHOPE: What I would say is that we will continue, and the Executive should continue, to maintain a particular view. If the House rules against that view, then of course the prevailing view will be the view of the House in which case the judge, or in this instance the House, forms a view that will be binding on the Executive. What I would say to the member is that, to the extent that this motion calls for the Government to adopt a particular view in circumstances in which it has its own advice—the Crown Solicitor's advice, which is a contrary view—then the Government, in my submission, is entitled to act on that advice. If the House forms a contrary view then of course the Government would be bound by the determination of the House. In conclusion, the Government opposes the motion. The Government says that the rationale behind the motion is flawed. The Government says that the Crown Solicitor's advice is correct; that statements given in relation to this matter are properly within Standing Order 53, and not Standing Order 52. In those circumstances, the motion should be opposed.

The Hon. ADAM SEARLE (11:53): Standing Order 53 provides, among other things, that the production of documents concerning the administration of justice will be in the form of an address presented to the Governor rather than through the current Standing Order 52. But, of course, honourable members will reflect that the source of this House's power is not the standing orders. The standing orders merely define and regulate how this House will discharge its common law powers. So a lot of this argument is bound up in whether something is in the text of Standing Order 53 or 52 and that, I think, is not the correct approach. At page 176, the *Annotated Standing Orders of the New South Wales Legislative Council* state:

> The distinction between the operation of SO 52 and SO 53 is that SO 52 applies to matters that fall within the purview of the Executive Government, whereas SO 53 reflects the separation of powers and applies to matters that fall within the purview of the Crown and the Courts.

This was confirmed in a ruling of the former President, the Hon. John Ajaka, on 24 March 2020 when he confirmed that:

> … Standing Order 53 applies to matters that fall within the purview of the Crown and the courts, notably the administration of justice, whereas Standing Order 52 applies to matters that fall within the purview of the Executive Government.

This discloses that the policy underpinning Standing Order 53 is one directed to maintaining the independence of the courts or the judiciary as a separate arm of government. It reflects a principle of comity between different arms of government. This can also be seen in advice, obtained by then President the Hon. Meredith Burgmann, MLC, in relation to an earlier controversy, from a former Crown Solicitor tabled in this House on 9 April 20002, which stated at paragraph 4.6:

> Indeed, although in NSW there is no express separation of judicial and legislative functions under the Constitution Act 1902, the fact that there are limitations on the Parliament's right to interfere with judicial proceedings is accepted as constitutional convention. [See] … Lovelock and Evans…
>
> To my mind, this history and constitutional convention provides a coherent basis for the inclusion of matters concerning the "administration of justice" in the terms of Standing Order 53, and it should inform the interpretation of those terms.

Accordingly, only a call for papers that would have the effect of interfering with judicial proceedings falls within the scope of Standing Order 53, in my view. In *The Queen v Rogerson* (1992) 174 CLR 268, Chief Justice Mason stated at paragraph 4:

> The course of justice begins with the filing or issue of process invoking the jurisdiction of a court or judicial tribunal or the taking of a step that marks the commencement of criminal proceedings.

On this, Justices Brennan and Toohey agreed at paragraph 8 of their joint judgement where they stated:

> The course of justice does not begin until the jurisdiction of some court or competent judicial authority is invoked.

Justice McHugh concurred at pages 304 and 305 of that report when he stated:

> The course of justice, like the judicial function, "is inseparably bound up with the idea of a suit between parties, whether between Crown and subject or between subject and subject".

Justices Brennan and Toohey stated further at pages 283-284 that:

> Neither the police nor other investigative agencies administer justice in any relevant sense … it is their function to bring or to assist in bringing prosecutions as part of their duty to enforce the law.

I note that the immediate past President accepted the correctness of the statements in his ruling on 24 March 2020 concerning a point of order taken on a Standing Order 52 motion proposed by Mr David Shoebridge. While the High Court in Rogerson did not consider the terms and meaning of Standing Order 53, it did consider and pronounce upon the meaning of the term "the administration of justice" under the general law. However, as noted throughout the Egan line of cases, particularly *Egan v Willis* (1998) 195 CLR 424 at 660, Justices Gummow and Hayne at paragraph 141, and *Egan v Chadwick* (1999) 46 NSWLR 563, per Chief Justice Spigelman at paragraph 18 and following, those matters established that parliamentary law is largely what Parliament does in practice over time.

Accordingly, how the House has used Standing Order 53 and what has been held to fall outside a Standing Order 52 motion on the basis it concerns the administration of justice are very relevant considerations in the present matter and for the House. While it has been well noted that the definition of "administration of justice" and the circumstances in which documents are to be sought under Standing Order 53 rather than the more commonly used and complied with Standing Order 52 are not yet satisfactorily settled, in my submission there is clear guidance provided by well-established parliamentary practice.

Rulings by two former presidents have held that papers that fall within the term "the administration of justice" include those that make reference to actual court proceedings; those that touch on or concern court proceedings; those that concern or relate to the administration of a sentence on conviction and the orders made; those that concern conditions of custody which could be seen as giving effect to, or being closely connected with,

a court-imposed sentence; and those that relate to legal action. The documents sought in the motion passed by this House on 21 November 2021 relating to the arrest, charging and detention of Mr Luke Moore on 25 February 2021, brought to this House by the Hon. Rod Roberts, do not fall within any of those categories. Furthermore, inquiries with the Clerks, now and in the past, have indicated that, apart from the policing matter that I will eventually come to in my contribution, all motions under Standing Order 53 or its predecessor carried by the House on the administration of justice have concerned only the administration of the criminal system, with two possible exceptions.

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

Questions Without Notice

SYDNEY CONGESTION CHARGE

The Hon. PENNY SHARPE (12:00): My question is directed to the Minister for Metropolitan Roads. Given that tolls are going up by more than 4 per cent and that transport projects will be cancelled in the budget, how many new revenue measures are contained in the Future Transport 2061 strategy?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:00): I thank the Leader of the Opposition for her question on and interest in cost-of-living measures and measures across the State to deal with these issues. A range of options are available to the Government to look at cost-of-living measures; that is what we do as a government when we deal with these pertinent issues. I am aware of media reports about the draft Transport for NSW strategy. It mentions, among other things, a congestion tax. It is a draft report; it has not been finalised. Can I be absolutely clear and place this on record: There will be no congestion tax. That is not a matter that we are considering. The Premier has made that absolutely clear, and there is nothing more to it. It is absolutely clear. We ruled out a congestion tax. We have already had this discussion. We ruled it out less than three years ago. We have already ruled it out and our policy is not about to change, and I hope that Labor shares our objection to it.

We do not want to put any additional pressures on motorists. That is important to us as a government. In fact, we are looking at how we can do the opposite; we are looking at cost-of-living measures to ensure that motorists are assisted to get where they need to go quickly, efficiently and reliably across our roads, keeping in mind cost-of-living measures. Cost-of-living savings are front of mind for this New South Wales Government, and I outlined a number of opportunities yesterday. I am happy to continue to inform the House of all of the 70 rebates that are available to people in New South Wales. Can I be absolutely clear: This report has not been considered by the Government and it certainly has not been endorsed by the Government. It is a draft report. I do welcome the opportunity to discuss the differences in approaches to managing congestion between this Government and those opposite.

The Hon. PENNY SHARPE (12:03): I ask a supplementary question. It was a very interesting answer from the Minister. I ask her, though, to elucidate. She says she has ruled out a congestion tax. I want to know whether she is ruling out the other revenue measures that are contained in Future Transport 2061.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:03): I thank the honourable member for the supplementary question because it is important that we have these discussions and it is important that we place them on record. We have been very clear about ruling out a congestion tax; there is no equivocation about that. We did it less than three years ago, we have done it again, and we will be saying it again and again, as often as members opposite like. What I would like to do—

The Hon. Penny Sharpe: Point of order: I was happy to let the Minister repeat her previous answer, but I am asking for elucidation in relation to the new revenue measures that are contained in the document.

The PRESIDENT: Indeed. I think the Minister was about to get to that. Before she does, on this most historic day with the Hon. Virginia Chadwick looking down upon us, I ask members to exercise a little restraint in relation to some of the general murmuring and interjections; otherwise, I will be forced to bring them to account. The Minister has the call.

The Hon. NATALIE WARD: Thank you, Mr President, for your direction. Let me be absolutely clear under the watchful eye of the late Hon. Virginia Chadwick in this Chamber, whom it is wonderful to see in this Chamber. I welcome the opportunity to look at cost-of-living savings. I have not seen the report. It is a draft report, as I say, and it is not before the Government at this time.

The Hon. JOHN GRAHAM (12:04): I ask a second supplementary question. I ask the Minister to elucidate that part of her answer where she said she has not seen this report. Is it really true that the Minister for Metropolitan Roads is yet to see this draft transport plan, Future Transport 2061, produced by the Government?

The Hon. Bronnie Taylor: Point of order: There have been constant interjections, needling and comments by the Hon. Walt Secord. It is fine once or twice, but it undermines your ruling, Mr President, and I ask that you call the member to order.

The PRESIDENT: I uphold the point of order. I call the Hon. Walt Secord to order for the first time.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:05): Can I be very clear: This is a draft report. There are a number of draft reports at any given time in many departments. It is a working document from Transport.

The Hon. Ben Franklin: Point of order: I am literally sitting behind the Minister and I cannot hear what she is saying because of the incessant cavalcade of noise that is coming towards me. I ask that you direct members opposite once again to be a little restrained.

The PRESIDENT: I thank the Hon. Ben Franklin for the point of order. Whilst I did not notice a cavalcade of noise, there were certainly some murmurings and a few interjections. I ask members on my left to restrain themselves. The Minister has the call.

The Hon. NATALIE WARD: I am very pleased to have the conversation. There are many draft reports that float around at any given time. This is a draft report. It is a working document.

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

The Hon. NATALIE WARD: It has not been brought to me for my consideration because it is in draft and we will work through opportunities to look at that. While we are having the conversation, let us talk about the 16 years of neglect under those opposite. While commuters stood, stuck in gridlock traffic, those opposite had a lot of plans and a lot of announcements but they did not actually do anything.

The Hon. Penny Sharpe: Point of order—

The Hon. Damien Tudehope: I think the Minister has finished her answer.

The PRESIDENT: In that case, I call the Hon. Chris Rath.

[*Members interjected.*]

The PRESIDENT: Order! Members will remain silent for the first question from the Hon. Chris Rath. I call the Hon. Daniel Mookhey to order for the second time.

PARRAMATTA GIRLS HOME FORMER RESIDENTS

The Hon. CHRIS RATH (12:08): My question is addressed to the Minister for Families and Communities, and Minister for Disability Services. Will the Minister please update the House about the ongoing efforts by the New South Wales Government to provide a place of healing for former Parramatta Girls Home residents?

The Hon. NATASHA MACLAREN-JONES (Minister for Families and Communities, and Minister for Disability Services) (12:08): I thank the honourable member for his question and note that it is his first question in the Chamber. It is an important question. On 6 April I joined my colleagues the Hon. Anthony Roberts, Minister for Planning, and Minister for Homes; the Hon. Ben Franklin, Minister for Aboriginal Affairs; and the member for Parramatta, the Hon. Geoff Lee, to formally open the Parramatta Girls Home memorial. The Parramatta Girls Home is a painful chapter in our State's history. The home operated from 1887 to 1974 as a reform and training centre for women and girls. In that time numerous horrific acts of physical and sexual abuse were perpetrated against the residents, which were exposed during the Royal Commission into Institutional Responses to Child Sexual Abuse. I acknowledge the honest and frank evidence of the Parragirls. I cannot imagine the pain and suffering that the residents experienced.

Following the hearings, the New South Wales Government made a commitment to the former residents to build a memorial and to take action to prevent future child sexual abuse and to provide greater access to services and support for survivors. In 2018 the New South Wales Government officially apologised to victims and survivors of child sexual abuse, including those who suffered at the sites of the Parramatta Girls Training School and the Hay Institute for Girls. The memorial and commemorative site in Parramatta is a social history and contemporary art project which aims to recognise past wrongs and strengthen the precinct as an active place of memory. It features a remembrance garden and sandstone structure, with graffiti that replicate those found etched on the walls of the building. The inscription on the sandstone structure reads, "In this place we remember the children."

The design of the memorial was conducted through consultations with over 80 former residents to raise awareness of their experience of trauma and their stories of resistance and endurance and their hopes for the future. The opening was a moving occasion, with 82 former members of the home, care leavers and families attending. I acknowledge the work of the Parragirls and the leadership of Bonney Djuric in bringing the vision of the memorial to life. I encourage everyone to visit with their families and friends and take time to reflect. The memorial acts as another reminder for us to always ensure the safety and wellbeing of our children and young people and for past wrongs to never be repeated. Finally, I acknowledge the victims and survivors who shared their lived experiences, as many victims of abuse and assaults are never able to speak out and many will never heal.

SYDNEY CONGESTION CHARGE

The Hon. JOHN GRAHAM (12:11): My question without notice is directed to the Minister for Finance, and Minister for Employee Relations. Given the CBD is struggling to get back on its feet after two years of COVID, is now not the wrong time to be floating the idea of a CBD congestion charge in the Future Transport Strategy: Towards 2061? Is it not the last thing that CBD businesses need?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:11): I thank the member for his question. He obviously was not listening to the previous answer given by the Minister for Metropolitan Roads. Given the level of noise emanating from that side of the Chamber, I am not surprised that he did not hear the answer. It was pretty categorically ruled out.

The Hon. Walt Secord: You need a note on this.

The Hon. DAMIEN TUDEHOPE: I do not need a note, buddy. The fact of the matter is the last congestion tax that was introduced in relation to the Sydney CBD was on the Sydney Harbour Bridge, introduced by Labor. The first tolling tax was introduced by Carl "Sparkles" Scully. The Opposition has the history of introducing the first lot of tolls to this State. I ask the members opposite and the shadow Minister the Hon. John Graham, if they were in government, would they rule out any tolls or increases in tolls? We are yet to hear one policy from those opposite about what they would do in government. They have been absolutely silent on policy. Now is their chance to get up and talk about their policy.

The Hon. Daniel Mookhey: Point of order: My point of order relates to direct relevance under Standing Order 65. The Hon. John Graham's question was very clear about CBD businesses and the impact that the Government's floated congestion tax would have on the city. Given he has only one minute and 20 seconds remaining, I ask that the Minister come around from being generally relevant to directly relevant.

The PRESIDENT: The Minister started out directly relevant and perhaps is now starting to drift. I bring the Minister back to the question.

The Hon. DAMIEN TUDEHOPE: The Opposition might like to listen because the Minister in fact said that this is not the Government's policy.

The Hon. Penny Sharpe: Tell us about the toll on the Harbour Bridge. Tell us about Two-way Tudehope.

The PRESIDENT: Order!

The Hon. DAMIEN TUDEHOPE: We will talk about Two-way Albanese.

The Hon. John Graham: I don't think your Federal Government will think this is a great idea. I don't think they are thanking you for this.

The Hon. DAMIEN TUDEHOPE: No Policy Graham, No Policy Sharpe, No Policy Mookhey. We get no policies from the Opposition. The fact that the Minister gets advice on potential options for reducing congestion—

The Hon. Penny Sharpe: How does Trent Zimmerman feel about the two-way toll to North Sydney? How is Jason Falinski going?

The Hon. DAMIEN TUDEHOPE: You are not in favour of reducing congestion? It is a policy-free zone over there. The fact—

The PRESIDENT: I interrupt the Minister. There is a problem with the clock.

The Hon. DAMIEN TUDEHOPE: I am happy for it to stay that way.

The PRESIDENT: I believe it is close to being on time, but I will have that clarified by the Black Rod. If the Minister could conclude his remarks, that might be the best way forward.

The Hon. DAMIEN TUDEHOPE: The Government certainly gets advice on options that are available, but this is not a policy of the Government. The Minister for Cities, and Minister for Infrastructure has ruled it out. The Minister for Metropolitan Roads has ruled it out. Members opposite are continuing their scare campaign in circumstances where they themselves have no policy positions.

The Hon. JOHN GRAHAM (12:15): I ask a supplementary question. Will the Minister elucidate the options that came to this Government in this area and whether he has seen the future transport plan? Has he viewed it or has he asked for it since it has been made publicly available in the media last night?

The Hon. Natalie Ward: Point of order: I appreciate the question but I think it is misdirected to this portfolio Minister.

The Hon. Mick Veitch: Which standing order?

The Hon. Natalie Ward: It is a convention of the House that Ministers deal with their portfolio areas. It is very clear that the supplementary question is not appropriate to the Minister.

The PRESIDENT: I did not hear the full supplementary question, but I understand it was directed to the Minister's knowledge of the report in question. In that regard, the supplementary question is in order. The Minister has the call.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:16): The fact is that the Government gets advice on all sorts of things. I would expect the Minister for Transport and the roads Minister, their departments and the people who work for government to be always looking at the way that the Government can develop policy. There is a whole process to go through before it becomes a government policy, and that stage has not been reached. The Opposition knows it. The Minister knows it.

The Hon. John Graham: Channel 9 has this plan and you do not have it. Is that what you are saying?

The PRESIDENT: Order! I call the Hon. John Graham to order for the first time. The badgering of the Minister must stop.

[*Business interrupted.*]

Visitors

VISITORS

The PRESIDENT: It is an opportune time to acknowledge the presence of the Hon. Michael Egan in the President's gallery. No doubt his presence is enlivening the debate somewhat on the Labor side of the Chamber.

Questions Without Notice

SYDNEY CONGESTION CHARGE

[*Business resumed.*]

The Hon. DAMIEN TUDEHOPE: I welcome the presence of Michael Egan in the gallery. That is a man who at least had policies on behalf of the Labor Party. I have just been handed a secret document. It is an outline of Opposition policies. It is a blank piece of paper. The Opposition has nothing. The fact that we have a report—

The Hon. John Graham: Turn it over. Show us the other side.

The Hon. Penny Sharpe: Show us the other side.

The Hon. DAMIEN TUDEHOPE: Those opposite want to grab the report before we see it so they can develop a policy. At the moment they have nothing, and in many respects it is damning on them. The Government does get insights into policy. I will hopefully get another question related to this matter.

The Hon. COURTNEY HOUSSOS (12:18): I ask a second supplementary question. Will the Minister elucidate that part of his answer where he spoke about public servants running around and drafting policies? Will the Minister outline which Minister requested this strategy document be prepared?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:19): I do not know. It is probably the same Minister who is briefing Anthony Albanese on wages policy.

The Hon. Penny Sharpe: Point of order: I refer to Standing Order 65 (5). The Minister has been given wide latitude in his last answer but he needs to be directly relevant to the question. He is nowhere near that.

The PRESIDENT: Yes, the Minister would be the first one to confess on that front.

The Hon. DAMIEN TUDEHOPE: Introductory remarks set the tone. I am happy for the Hon. John Graham to send me the McKell Institute submission. Does it develop policies that work? No, it does not develop policies because Labor is not going to have policies. From time to time we get little glimpses of Labor policy.

The Hon. Courtney Houssos: Point of order—

The PRESIDENT: Is your point of order in relation to direct relevance?

The Hon. Courtney Houssos: That is exactly right. I asked a very specific question. I am not interested in the Minister's dissertations about Labor policy. I am interested in who from the Government commissioned this report.

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

The Hon. DAMIEN TUDEHOPE: The Hon. Courtney Houssos knows that the roads Minister is in the Chamber and he is the appropriate person to ask questions about who commissions what reports. It is always incumbent on Government to look for opportunities to address issues like congestion and cost of living. We are really good at that. Labor has no idea about what it is going to do. At least we developed policies. We have a budget coming shortly which will have an emphasis on the way policies will be developed. We all know who develops policies for those opposite. It is the people who sit on their administrative committees—the union members. The union bosses tell them their policies.

The Hon. Penny Sharpe: Point of order—

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

The Hon. Penny Sharpe: My point of order is taken under Standing Order 65 (5), direct relevance. The Minister is now flouting your ruling, Mr President.

The PRESIDENT: Indeed the Minister is. Whilst it is always good to have a little bit of colour in this Chamber from time to time—

The Hon. DAMIEN TUDEHOPE: I have finished my answer.

NATIVE VEGETATION MAPPING

The Hon. MARK BANASIAK (12:22): I direct my question to the Minister for Regional Transport and Roads, representing the Minister for Agriculture. Is the Minister aware that the technology used to create the Native Vegetation Regulatory Map, prepared by the Office of Environment and Heritage, was deemed inaccurate and raised major concerns within his Government when it was released in 2018? Farmers also reported significant errors and the release of the map was delayed. Native vegetation is vitally important to many farmers across this State and it is crucial that the mapping is accurate before it becomes regulated and legislated. What is the current accuracy of the Native Vegetation Regulatory Map? Is the Minister satisfied with its accuracy?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (12:22): I thank the Hon. Mark Banasiak for his question about vegetation and mapping directed to the Minister for Agriculture, whom I represent in this Chamber. It is a detailed question and I do not have the answer to hand. I will take it on notice and provide the member an answer in due course.

GUMBAYNGGIRR GIINGANA FREEDOM SCHOOL

The Hon. SCOTT FARLOW (12:23): I address my question to the Minister for Aboriginal Affairs. Will the Minister update the House on the incredible efforts of the Gumbaynggirr community in opening the first ever Aboriginal bilingual school in New South Wales?

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (12:23): Across New South Wales Aboriginal languages are being reawakened by the love, commitment and hard work of Aboriginal custodians and communities. All New South Wales Aboriginal languages are currently listed by UNESCO as critically endangered, including Gumbaynggirr. On 7 April 2022 the first Aboriginal bilingual school in New South Wales was opened, the Gumbaynggirr Giingana Freedom School in Coffs Harbour. It was a privilege to be there and to be a guest at the event.

This school shows real progress and promises better outcomes for Aboriginal people and communities in this State. I will personally never forget the excitement, commitment and pride on the faces of the children, Elders and the whole community at the launch of this school. I acknowledge the Gumbaynggirr community, whose tremendous and tireless efforts have led to this significant and game-changing school. As an independent Aboriginal school run by the local Coffs Harbour community, it embodies self-determination. It is a beacon for what this Government wants to achieve through our partnerships and our work with Aboriginal communities.

Many members will remember when Gumbaynggirr Elder Dr Raymond Kelly spoke passionately in this Chamber at the introduction of the Aboriginal legislation. I am pleased to note that Dr Kelly is now one of nine board members leading the New South Wales Aboriginal Languages Trust. It was a real privilege to speak with him in Coffs Harbour. Uncle Ray and others have taught us that reawakening Aboriginal languages is vital. It gives Aboriginal children a sense of belonging and invests in them for the future. That is precisely what the Gumbaynggirr Giingana Freedom School is doing.

This Government promised in legislation and by traditional message stick to support Aboriginal language revitalisation, and it is delivering on that promise. I acknowledge my friend and colleague the former Minister for Aboriginal Affairs Sarah Mitchell in her role leading that reform. As a result, we have established the New South Wales Aboriginal Languages Trust. In 2020, through the trust, we invested $90,000 towards the Gumbaynggirr language revitalisation. It is a joy to see a strong, meaningful return on that investment. That funding supported the development of the Giingana freedom school to become certified by the NSW Education Standards Authority. From that funding 13 school policies, a financial viability framework and a full kindergarten to year 2 integrated curriculum were developed.

Now in its first year, the school has 15 enrolments from kindergarten to year 2 and employs a school principal, a classroom teacher and two Gumbaynggirr language teachers. The school provides students with a culturally safe, strong, inquiry-based learning environment where Gumbaynggirr children are immersed in their ancestral language. This is a significant achievement for the revitalisation of the Gumbaynggirr language and the education of their children and shows the potential for other Aboriginal communities across New South Wales. I am sure and I hope that the House joins with me in commending the Gumbaynggirr community on this important and inspiring achievement. Next on its agenda is expanding to years 3 and 4. I look forward to this Government supporting increased Aboriginal community-led languages activity across this State in years to come.

PETROLEUM EXPLORATION LICENCES

The Hon. ROBERT BORSAK (12:27): I direct my question to the Minister for Education and Early Learning, representing the Deputy Premier. Is the Minister aware that at the National Party annual conference at Inverell in June 2019, a motion was passed calling for the New South Wales Government to extinguish petroleum exploration licences [PELs] as soon as they expire? At the time the motion was passed, 12 petroleum exploration licences were in existence and had expired, three have now been approved by the Deputy Premier and the fourth is pending approval. Given the Deputy Premier continues to approve petroleum exploration licences after they have expired and contrary to understandings given by the National Party to branch members at the annual conference, does the Minister agree that continued approval by the Deputy Premier clearly indicates that the National Party prioritises coal seam gas over agriculture and it continues to take its rural voters for granted?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:27): The Hon. Robert Borsak has referenced the National Party conference in Inverell, which I do remember. It was a great conference, as all National Party conferences are. It was well attended, with robust debate amongst our members, because we are proud to be a grassroots political party. I know we are all looking forward to being back together in Port Macquarie very soon for our upcoming conference in just a few short weeks.

The Hon. Courtney Houssos: Port Macquarie? Awkward.

The Hon. SARAH MITCHELL: Not awkward at all. We are heading to Port Macquarie and we look forward to being there. In relation to the specifics of the member's question about petroleum exploration licences, as I said, there is a lot of robust debate at National Party conferences and a lot of motions are passed. I do not recall the specifics of that particular one. The Hon. Robert Borsak asked detailed questions in relation to PELs and about actions that have been taken by the Deputy Premier as the Minister responsible for those issues. I am happy to refer the question to the Deputy Premier and I am sure he will give a detailed response to the honourable member. I am happy to do that as soon as possible.

SYDNEY CONGESTION CHARGE

The Hon. SHAOQUETT MOSELMANE (12:29): My question without notice is directed to the Minister for Metropolitan Roads. Following revelations last night that her Government is preparing to impose a secret congestion tax on motorists, and given that London's congestion charge is more than $26 per day, will the New South Wales tax be lower or higher?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:29): I thank the honourable member for his question, for his interest in this area and for this Dorothy Dixer. I can only reiterate my previous answer. Clearly there was too much noise in the House and he could not hear me earlier when I made it absolutely clear that there have been media reports about a draft transport strategy and information about the proposal for a congestion tax. I indicated

to the House—and I am very happy to make it apparent again—that there will not be a congestion tax. There is no proposal before the New South Wales Government for a congestion tax; we have ruled it out. I have ruled it out, Minister Tudehope has ruled it out and the Premier has ruled it out. Each of us has ruled it out. I cannot be any clearer. I hope that Labor shares that objection to such a congestion tax.

The Hon. Shaoquett Moselmane would like to put downward pressure on motorists. I will be very clear: We always have a number of proposals, as good governments do. It is always the case that we have discussions about cost-of-living measures. That is what we do as a government, because cost-of-living measures are front of mind for this Government. We are proud of that. We have over 70 rebates available to make sure that the people of New South Wales can access cost-of-living savings. I am proud to talk about a number of those—

The Hon. Penny Sharpe: Point of order—

The Hon. NATALIE WARD: —including my particular favourite, the large towed recreational vehicle toll rebate.

The Hon. Penny Sharpe: If the Minister wants to talk about rebates, she can answer a Dorothy Dixer on those. She has been asked a direct question and the Opposition asks for a direct answer.

The PRESIDENT: The Minister will return to the leave of the question.

The Hon. NATALIE WARD: With respect, the honourable member was very interested in cost of living. We are interested in cost of living and returning money to family budgets to ensure that they can stretch those dollars further. That is why we have 70 rebates.

The Hon. Shaoquett Moselmane: Point of order: My question was direct and the Minister is not responding directly to my question with regard to whether the New South Wales tax will be higher or lower than the London tax of $26 per day. It was specific.

The PRESIDENT: The Minister has directly answered the question but was perhaps meandering in other places. If the Minister has anything further to add, I ask her to do so.

The Hon. NATALIE WARD: There certainly is. I have been absolutely clear. I am not sure how much clearer I can make it than to say there is no congestion tax that the Government is considering. There is not a proposal before us. We have ruled it out. I have made it clear, and I will make it clear again. I am happy to emphasise this Government's commitment to cost-of-living measures, including my particular favourite, the large towed recreational vehicle toll rebate. Drivers towing their caravans, boats and horse floats with a total combined length—

The Hon. Penny Sharpe: Point of order—

The Hon. NATALIE WARD: —of the car and towed vehicle greater than 12.5 metres—

The Hon. Penny Sharpe: My point of order is taken under Standing Order 65 (5). It is a nice try from the Minister. She is now listing measures rather than dealing with the question that she was asked.

The PRESIDENT: I uphold the point of order. Unless the Minister has anything further to add, she will resume her seat.

The Hon. NATALIE WARD: We welcome the opportunity to look at cost-of-living measures and how we can place downward pressure on them. This Government is not afraid to have those conversations. We consider all the options and, in doing so, we look at ways of keeping cost-of-living savings front of mind. That is what we do as a government. That is our commitment, and that is why we continue to engage in cost-of-living measures across the board in New South Wales.

[*Business interrupted.*]

Visitors

VISITORS

The PRESIDENT: I acknowledge and welcome to the President's gallery a former member of this place, the Hon. Peter Breen.

Questions Without Notice

NORTHERN RIVERS EARLY CHILDHOOD EDUCATION

[*Business resumed.*]

The Hon. CATHERINE CUSACK (12:33): My question is addressed to the Minister for Education and Early Learning. Will the Minister update the House on how the New South Wales Government is supporting our early childhood education and care services and schools following the recent Northern Rivers floods?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:34): I thank the honourable member for her question, which is appropriate given that she lives in the Northern Rivers and has been very involved in helping her community. As we all know, and as we have spoken about before, it is difficult for many of us to imagine what some of the families who live in that area of New South Wales have gone through. I acknowledge our incredible school staff and the early childhood education and care service providers. I also acknowledge the Minister for Emergency Services and Resilience, Steph Cooke, and the efforts of all the volunteers, the SES and the emergency services personnel who are continuing to provide support to get communities, particularly our schools, back on their feet.

Last month I had the opportunity to join the Premier, the Hon. Catherine Cusack and Ms Tamara Smith at Wardell Public School. I acknowledge the school's principal, Dave Owen, and the staff and the students. We have great contact with Dave and his team, who are doing an incredible job. The students gave me some lovely cards, which are proudly on display in my office. I give a big shout-out to everybody at Wardell Public. While we were there we announced the Government's $67 million boost to schools, early childhood education and care services, and vocation training services across the Northern Rivers and the North Coast. The package focuses on staff wellbeing, trauma training to support students and educational resources replacement. It also includes a hardship fund for families and staff, and psychology and counselling support. Most importantly, the package includes a $9 million fund to help our early childhood education and care services rebuild.

On Sunday we announced that applications are open for those grants. They offer up to $30,000 to help support services rebuild if they need to do any minor capital works, but also to replace equipment and materials. That $9 million will help eligible services in the Lismore, Ballina, Byron, Kyogle, Richmond Valley, Clarence Valley and Tweed local government areas repair and replace equipment that may have been damaged or lost in the floods. Early childhood education and care services are critical to our local communities. They are places of fun and growth for children, and they are also really important for parents. As they try to rebuild their homes and businesses and have life return to normal, it is essential that early childhood education and care services are operating. We are encouraging eligible providers to apply today so that they can provide support to help get things back to normal as quickly as possible.

I acknowledge the many directors in that area who I have had the opportunity to speak to about these issues, particularly Karen at Possums in Condong. They have been through flooding a few times. I have met them a couple of times when dealing with these issues. I also acknowledge Alexis at Lismore Preschool and all the teams. The grants are available to community and mobile preschools, long-day-care services, Multifunctional Aboriginal Children's Services, Aboriginal Child and Family Centres, family day care, occasional care services, and out-of-school-hours care. The grant applications close on 30 May. We want to get that money out to those services, so I encourage everybody to apply. We know it is a long recovery for our families, our preschools and our school communities, but we will continue to be there to support them.

DOMESTIC AND SEXUAL VIOLENCE LEAVE

Ms ABIGAIL BOYD (12:37): My question is directed to the Minister for Women's Safety and the Prevention of Domestic and Sexual Violence. Sydney Trains and Unions NSW, with the backing of the Minister for Transport and the domestic violence sector, have agreed to increase domestic violence leave entitlements to 20 days annually. However, the Minister has publicly spoken out against increasing domestic violence leave entitlements. How can the Minister for Women's Safety and the Prevention of Domestic and Sexual Violence justify advocating for even fewer protections for people experiencing domestic violence and working for Sydney Trains, instead of using this opportunity to improve the lives of a group of victim-survivors while setting a precedent for other employers to follow?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:38): I thank the honourable member for her continued interest in this area, and for the opportunity to speak about it. I say respectfully that her question is incorrect. It is not correct to say that I have spoken publicly against extended domestic violence leave. For the record, and for the House, that is not correct. Supporting victim-survivors of family and domestic violence is of paramount importance to me. It is a privilege to serve as the Minister for Women's Safety and the Prevention of Domestic and Sexual Violence. This Government is absolutely committed to having a standalone Minister whose job it is to address and reduce those issues. I would like to put myself out of this role because we did not need to have a Minister for them.

The Liberal-Nationals Government provides 10 days of paid domestic and family violence leave, and that is in effect for New South Wales public sector employees. It came into effect on 1 January 2019. It has been done and it is in place. This Government has been very clear about that. The entitlement is available to all public sector employees as defined by the Government Sector Employment Act 2013, which is well known. I believe it is vital that we have a consistent approach across all of the government sector in relation to domestic and family violence. It is important not just for one sector but across all sectors; family and domestic violence does not distinguish by where you work, what union you belong to or what postcode you live in. It should be available to all. Our job is to wrap around and provide support to those victim-survivors in this context.

Domestic violence does not discriminate. It is very clear to me, and it is my priority, that we ensure that we provide that support across the board. Let us be very clear about this particular discussion: This is but one component of the wider industrial relations negotiations that are being undertaken by Minister Tudehope. I have personally conveyed my views to the Secretary of the Department of Premier and Cabinet. I have made it clear that I support the reduction of domestic and family violence through providing support services and leave for public sector employees across the board. I hope that the parties to those negotiations can continue to negotiate in good faith. I hope that they can reach a resolution. I have been absolutely unwavering clear: My commitment is to support family and domestic violence survivors to get through what is a dreadful and terrible time in their lives, so that they can be safe and secure.

Ms ABIGAIL BOYD (12:40): I ask a supplementary question. Will the Minister elucidate on her response that she has not spoken out against the proposal for additional domestic violence leave for Sydney Trains? Is that statement consistent with the reporting and statement that the Minister has just made in this place that she would not support the extension of that leave for Sydney Trains, because it is just one sector?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:41): I can be absolutely clear about that. As I have informed the House and will repeat: My intention is that paid domestic and family violence leave should be available across the board. Domestic violence does not discriminate by postcode or by where you work. My intent is to provide that entitlement across all of government. It is a whole-of-government discussion, a whole-of government issue and it is something that we should provide across the whole of government. That is my job. My job is not to be part of these negotiations. My job is to ensure that we provide this leave and have a consistent approach across all of the New South Wales government sector regarding domestic and family violence leave, not just one sector. For that very reason I have highlighted that we have in place the 10 days of paid domestic and family violence leave for public sector employees. It came into effect on 1 January 2019.

This Government is absolutely committed to supporting women and children to escape violence and to find a safe place to live. It is a key priority for the Perrottet Government. One of our Premier's Priorities is to reduce domestic violence re-offending by 25 per cent by 2023. It is a challenging area. It is one that we have a specific Minister for, that we have a Premier's Priority for and that we are absolutely committed to. In relation to the specifics of those negotiations, that is a matter for Minister Tudehope. I hope that the parties continue to negotiate in good faith. I am pleased that we are discussing paid domestic and family violence leave and that it is in place. Some time ago, as members in this place will know, it was not available to victim-survivors—and it should be. We encourage that. This Government has made the largest funding commitment ever to the domestic and family violence sector. This Government is clear about that and will support that. That is my job every day and I am committed to doing it.

DISTANCE-BASED ROAD TOLLS

The Hon. MARK BUTTIGIEG (12:43): I direct my question to the Minister for Metropolitan Roads. Does the Minister support distance-based tolling, which means that western Sydney motorists could pay even more?

The PRESIDENT: Order! The Minister has the call.

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:43): Once again I am pleased that those opposite are so interested in cost-of-living measures. I am pleased that the Opposition will partner with the Government to ensure that we provide the best outcomes for the people of New South Wales. This Government is committed to transforming the way that we move around Sydney through the motorways network. This Government has played a vital role in providing that infrastructure, to get commuters where they need to go fast and reliably on the motorways network. The Government is conscious of cost-of-living pressures. That is what this Government does. It is why I have spoken about the 70 rebates that are available—I am happy to go through more of them. In relation to transport we know that we have a number of—

The Hon. Damien Tudehope: Point of order: I counted six times—

The Hon. Walt Secord: It was seven times actually.

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

The Hon. NATALIE WARD: As announced by this Government, a comprehensive review is underway. This Government has a calm, considered approach to cost-of-living measures. It is why there are subject matter experts, led by Treasury and supported by Transport for NSW, undertaking a comprehensive review to look at tolling options. I welcome Labor's support of that. My expectation is that those subject matter experts will look at the options and provide a number of suggestions to the Government. We will work together as a government to do that. It is clear that the Government has something to say about that.

It is important to understand that this Government takes a calm, considered approach to these matters. This Government will make sure that there is a range of opportunities to engage in cost-of-living reductions, which is why we have cash back and registration relief in place. It is why we have these difficult conversations. We do not announce policy on the run or do it by press release. We have a considered approach. We have the subject matter experts in place, and it can be seen from what we have done that the review will look at options to improve the consistency and fairness of pricing, while minimising congestion across our roads.

The Hon. Mark Buttigieg: Point of order: My point of order is in regard to relevance. The question was specific.

The PRESIDENT: The Minister has finished her answer. Does the member have a supplementary question?

The Hon. MARK BUTTIGIEG (12:46): I ask a supplementary question. Will the Minister elucidate that part of her answer where she said that the Government supports measures to reduce the cost of living and is conscious of the things which feed into that? Will the Minister rule out a distance-based toll?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:47): That is what you do when you are a Government that has a policy: You build infrastructure across the New South Wales networks to get people where they need to go quickly, efficiently and reliably. When you roll out eight motorways that are under construction and in delivery, that is what you do. As a government we provide large infrastructure and do that partnering with subject matter experts to look at ways in which to do that and deliver cost-of-living savings to our community. The Government is clear about that. We will work with our colleagues and the subject matter experts. We will look at opportunities to avail ourselves of a range of options, and that includes many opportunities to have the bold and brave discussions. That is what this Government does. I would love to hear from members opposite about what their policy is. It seems to be crickets over on that side of the Chamber.

This Government continues to ensure it improves on the consistency and fairness of pricing while minimising congestion on our roads. That is what we do. We continue to do that because we have done that across the board. As I have indicated, the cost-of-living measures include over 70 available rebates. Last financial year alone almost $70 million was paid to around 200,000 drivers under the Toll Relief scheme. The Government already has these measures in place. Motorists who use toll roads continue to benefit every day by having their travel times slashed and having a more reliable trip. That is what you do when you have large infrastructure. A range of options across the network will ensure that we can deliver those savings. I am happy to go through more of them.

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

NORTHERN NEW SOUTH WALES PARENTING SUPPORT

The Hon. WES FANG (12:49): My question is addressed to the Minister for Women, Minister for Regional Health, and Minister for Mental Health. Will the Minister update the House on supports available for parents and carers in northern New South Wales?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:49): I thank the Hon. Wes Fang for his question. Mums, dads and carers coming to terms with one of the country's most devastating natural disasters will be better supported with the New South Wales Government and Tresillian partnering to increase specialised support in and around the Tweed. The Government is proud to fund the Tresillian 2U Tweed Early Parenting Mobile Service, which will provide support for new parents and carers in northern New South Wales. The service was funded as part of the $12.2 million investment over two years, announced in the 2021-22 budget.

I was so happy to officially open the new Tresillian van last month, with the fantastic local member, Geoff Provest. Welcoming a new addition into the world is incredibly rewarding but can also be a very challenging time for many. The deployment of the Tresillian van was fast-tracked to provide face-to-face advice to parents and carers of children aged zero to three years. The state-of-the-art van is fitted out with an infant sleep and settling coaching space, an area for child developmental checks, as well as lots of resources for parents and carers to watch and learn from. The friendly team of Tresillian nurses will help parents and carers navigate stressful times with a number of services on offer. I am sure some members have used Tresillian services and know how absolutely fabulous they are. I note the Hon. Walt Secord indicates that he has used the service.

The Hon. Walt Secord: Thirty years ago.

The Hon. BRONNIE TAYLOR: It is never too late! Tresillian helps with child sleep and settling issues, toddler behaviour challenges, transition to parenthood, parental emotional wellbeing, and mental health concerns and support. In addition to individual family consultations and follow-up support, the Tresillian team will provide group programs in community settings, which is great. Different things work for different people, so it is great to offer different models of care. The Tresillian van will be parked at prominent family-friendly locations including libraries, community health centres and preschools. By its very nature of being mobile, it will be able to respond to families in need of support. In the initial phase, the van will have a particular focus on providing support to families in flood-affected areas.

The Tresillian 2U services are staffed by Tresillian child and family health nurses, and Aboriginal health workers to provide additional cultural support for Aboriginal families. The Tresillian 2U services work in partnership with Northern NSW Local Health District's child and family health services to identify early parents and carers who may require more intensive support. I acknowledge the longstanding contributions of Tresillian to the health and wellbeing of new parents and babies in New South Wales. We know that early intervention makes an enormous difference. The data and evidence are there. Today I was thrilled to open the first mother and baby unit at Royal Prince Alfred Hospital, where mothers having an acute episode of mental ill health can co-locate with their babies. It was a proud moment, not just for me but for all the staff and everyone else. It is about the web of support we need to protect our children and families.

REGIONAL MATERNAL MENTAL HEALTH CARE

Ms CATE FAEHRMANN (12:52): On the same note as the previous question, my question is directed to the Minister for Women, Minister for Regional Health, and Minister for Mental Health. Currently metropolitan Sydney has or is planning three mother and baby units where mothers with severe mental illness can access inpatient care alongside their babies. However, as I understand it, the Government has no plans to provide this kind of support for maternal mental health in regional, rural and remote New South Wales. This means mothers with severe postnatal depression, anxiety and even psychosis are faced with travelling many hundreds of kilometres to seek treatment. Will the Government commit to building mother and baby units in regional, rural and remote New South Wales as part of the statewide Mental Health Infrastructure Program to ensure that maternal mental health care is delivered equally to women in rural and regional areas, not just Sydneysiders?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:53): I thank Ms Cate Faehrmann for her question. It is a very good question; I was asked it in the press conference today as well. When I became the Minister for Mental Health in New South Wales, we did not have any public facilities where mothers could co-locate with their young baby. That was not good enough for me. We have worked really hard to make sure that we have got these two facilities—the one opened at Royal Prince Alfred Hospital today and the one to follow at Westmead. The member specifically asked about any plan for rural and regional areas at the moment. My transparent answer to her is that we want to land these two centres first. I am the Minister for Regional Health; I want to see more services in rural and regional New South Wales. I have been direct with my answer to the honourable member's question, but I say that we have to provide the services needed locally when it can be done safely and effectively with good health outcomes.

The centre at Royal Prince Alfred and the one that will follow at Westmead are centres of excellence. I note that at Royal Prince Alfred—and I am not saying this is a replacement but rather an adjunct—they will be providing telehealth and other services to rural and regional areas. That will provide not only the service to people in those areas but also an important piece in the education of rural and regional clinicians. I know that when I was able to have that extra education and access those specialist services by whatever means, it made a really big difference to what I could do. These new units at Royal Prince Alfred and Westmead hospitals will be focused on what they need to do. They are for inpatients and people who are in a very difficult acute phase of their mental ill health. At the moment they are not available in rural and regional areas, but we have rolled out the numerous Tresillian care centres I spoke about in my previous answer, with vans and extra support for mental health care. We are creating a much larger footprint than we have ever seen before.

Is it my intention to work towards having more of those units? Categorically I say to the member that it is. Today at the opening I listened to young mum Genevieve, her partner, Liz, and their beautiful son Arlo. Both Genevieve and Liz are mental health nurses. Gen had never had an episode of mental ill health before but suffered acute psychosis after a terrible infection with mastitis. She ended up having to be separated from her son, which still causes her trauma to this day. For her to get up and talk about her story today was courageous and incredible. I am excited about these services and I want to see plenty more to come.

REGIONAL SPEED LIMITS

The Hon. MICK VEITCH (12:56): My question without notice is directed to the Minister for Regional Transport and Roads. Does the Minister support the Future Transport Strategy: Towards 2061 plan to reduce regional New South Wales speed limits?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (12:57): I thank the Hon. Mick Veitch for his question. As with the line of questioning directed to my colleague the Minister for Metropolitan Roads, that is a plan being developed by Transport for NSW. This plan has not been released nor finalised. I will wait until I have had a full read of the finalised plan. It will be released in time, when I will have plenty more to say to the honourable member.

The PRESIDENT: Order! I call the Hon. Mick Veitch to order for the first time.

DOMESTIC AND FAMILY VIOLENCE

The Hon. CHRIS RATH (12:58): My question is addressed to the Minister for Women's Safety and the Prevention of Domestic and Sexual Violence. Will the Minister outline to the House how the New South Wales Government is providing support to women and children escaping domestic and family violence?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:58): I thank the Hon. Chris Rath for his question and his interest in this area. I am pleased that he has joined us in this Chamber and shown such a great contribution already in a variety of areas, with some blue-sky thinking. It is a welcome contribution.

The PRESIDENT: Order! The Minister does not need any help from Opposition members. I call the Hon. Rose Jackson to order for the second time. The Minister has the call.

The Hon. NATALIE WARD: I am pleased to be asked this question because the Government is absolutely committed to providing support so that everyone can live a life free from violence and abuse. That is why there is a Minister specifically for that. It is my great privilege to serve as the Minister for Women's Safety and the Prevention of Domestic and Sexual Violence because no-one should live their life in fear. All too often women stay in violent relationships because they feel like they have nowhere else to go. In October 2021 the New South Wales Government announced new record State funding of $484.3 million over four years for housing and supports for women and children experiencing domestic and family violence. I am proud to be part of a government that has continued that commitment and ensured that all of us are working together to deal with this important issue. The support of my predecessor, the Attorney General, Mark Speakman, and the Minister for Women, Bronnie Taylor, has played a vital role in that.

The funding included $426.6 million to expand the core and cluster program to deliver and operate new and refurbished women's refuges; $52.5 million to deliver around 200 new social and affordable housing homes for women; and $5.2 million for specialist supports for 3,200 accompanied children and young people in homelessness services. I thank the Hon. Natasha Maclaren-Jones for working closely with me on that. The Government is committed to dealing with this across its portfolios. That funding represents the largest single investment in domestic and family violence in New South Wales. It will provide long-term infrastructure to support women and children escaping domestic and family violence.

This Government delivers and will continue to deliver for the people of New South Wales. Earlier this week expressions of interest opened for funding to set up and operate new women's refuges in New South Wales in the core and cluster model. It is an innovative model that allows for independent living and privacy while also providing instant access to supports. Under the core and cluster model, self-contained accommodation is located next to a core, which provides access to services such as counselling, legal assistance, education and employment support. Trial refuges in Orange and Griffith are already in place and have successfully helped dozens of women and children to rebuild their lives.

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

Supplementary Questions for Written Answers

FUTURE TRANSPORT STRATEGY: TOWARDS 2061

The Hon. WALT SECORD (13:01): My supplementary question for written answer is directed to the Leader of the Government. Who commissioned the Future Transport Strategy: Towards 2061 report?

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. JOHN GRAHAM: I move:

That the House take note of answers to questions.

SYDNEY CONGESTION CHARGE

The Hon. JOHN GRAHAM (13:02): I take note of an answer given by the Minister for Metropolitan Roads. The Minister confirmed that the future transport strategy exists and that it contains a congestion tax, which she ruled out. It is obvious why the Opposition is suspicious of the assurances of the Minister, given the Government's record of toll mania and rising tolls across Sydney. She also confirmed that the report contained other revenue measures. She would not say how many, but she would not rule any out. The Opposition calls on the Government to be clear about the revenue measures, including how many there are and if they are in or out. The report is now public. It has been released—perhaps not on a timetable that the Government might have liked. A proposal in front of the Government from its agencies has been floated. The Opposition calls on the Government to confirm which ideas it will support, given that it ruled out the congestion tax.

The report raises other questions. What does it mean for public transport fares? Is that an option? What does it mean for new levies and taxes from the highest taxing government in the Federation? What does it mean for development contributions? Will they be increased? What does it mean for road user charges for truckies? Is that one of the proposals or options that is in or out? If the Minister is ruling things in or out, the Opposition invites her to spell out the options and the Government's view. I also take note of an answer given by the Leader of the Government. The Opposition asked him how he thinks small businesses in Sydney's CBD would feel to have the agencies of this Government throwing those ideas out. How tough has it been in the centre of Sydney's CBD? Then there is the idea of a congestion tax. Is it not exactly the wrong time to be floating an idea like that just as businesses are getting off the map? Government transport agencies are floating those ideas.

How does the Leader of the Government think small business owners in the CBD would feel opening up their doors this morning? How does he think someone would feel if they were trying to run a Federal campaign and this Government was parading those ideas around in public? I was most concerned by the idea that the Minister and the Leader of the Government might not have seen that report. There are 163 pages held by Channel 9 that the Minister has not seen. Don't you think that the first thing you would do when you turn up to work, after you have shined your shoes, is ask your agency for a copy of the public strategy? Wouldn't you be curious? We call on Government Ministers to do their jobs. I know it is uncomfortable that the report has been leaked, but they should spell out in more detail— [*Time expired.*]

DOMESTIC AND FAMILY VIOLENCE

PARRAMATTA GIRLS HOME FORMER RESIDENTS

The Hon. CHRIS RATH (13:05): I take note of the answer given by Minister Ward on domestic violence funding. As the Minister outlined during question time, the Government is committed to providing support to ensure that everyone can live a life free from violence and abuse. In October 2021 the New South Wales Government announced new funding of $484.3 million over four years for housing and supports for women and children. It is the largest single investment in domestic and family violence in New South Wales history. Just yesterday, expressions of interest opened for funding to set up and operate the first new model of women's refuges in New South Wales. As the Minister outlined to the House, that follows trials in Orange and Griffith that have supported so many women and children. Women, young people and children will have the privacy to heal in a secure setting with the professional services they need to overcome trauma. As the Minister also outlined, this Government delivers for the people of New South Wales, especially for our most vulnerable in their time of need.

I also take note of the answer given by the Hon. Natasha Maclaren-Jones to my question about the Parramatta Girls Home and a place of healing. As the Minister explained, the New South Wales Government made a commitment to establish the Parramatta Girls Home memorial following the October 2014 hearing of the Royal Commission into Institutional Responses to Child Sexual Abuse into the Parramatta Girls Home. Several witnesses spoke at the hearing about the importance of commemorating the site. The Parramatta Girls Home memorial is a social history and contemporary art project that aims to recognise past wrongs and establish the

precinct as an active place of memory. The Minister encouraged people to visit, which is an excellent idea. I was particularly moved by the Minister explaining that there is a carved inscription in the sandstone that reads, "In this place we remember the children." Hopefully that abuse will never happen again. It is excellent that the New South Wales Government is trying to right the wrongs of the past. The Government continues to focus on working with government and non-government organisations to take action to keep children safe.

LAND CLEARING

Mr JUSTIN FIELD (13:08): I take note of an answer given to a question on notice that I received recently regarding this Government's rural boundary clearing regulations. Members might recall that after the 2019-20 bushfires the Government, sponsored by land clearing-mad Nationals, pushed for rural landholders to be able to clear a 25-metre boundary around their property with almost no protections, despite the fact that the commission of inquiry made no recommendations to that effect. That would potentially put at risk thousands of hectares of important biodiversity habitat across New South Wales. The answer to the question that I received related to the urban provisions of this regulation. The Government has recognised again that it has demonstrated its anti-environment credentials. Members of the moderate faction of the Government are trying to address the growing concern in the community that this is an anti-environment government.

It did not immediately make those provisions available to urban and rural landholders, and those in council areas in the Sydney Basin, but it allowed those councils to opt in. One council in the Hawkesbury has opted in to those rules as a result of the answer to the question on notice that was put to the Government. Local landholders have raised their concerns with me about the potential implications on the natural environment in that local government area because it would enable a rural landholder to clear with no approval and with very few protections for threatened species, creek lines and other areas that would normally be protected from land clearing. It would allow a landholder to clear a 25-metre boundary around their property. Imagine the size of the properties in those areas. Many of them are small, rural landholdings, so 25 metres is a substantial portion of those properties. This is another example of the Government allowing large-scale land clearing to occur across New South Wales.

In budget estimates hearings I asked, "What evidence is the Government bringing together around the extent of this type of clearing across all of New South Wales?" No-one knows; it is no-one's responsibility to monitor this. We will not know until the Government's ongoing tree change study report comes out in the middle of the year, which is two years after it received the aerial surveys. We will not know the extent of this type of clearing that is currently occurring across New South Wales for another two years. The Government has a terrible track record on protecting biodiversity and habitat, and this is another example of that. We have more evidence that it is ongoing.

SYDNEY CONGESTION CHARGE

The Hon. DANIEL MOOKHEY (13:11): The highest taxing Government in Australia has been busted secretly plotting to introduce a road tax into the most tolled city in the world. In question time today we witnessed each Minister scrambling—

The DEPUTY PRESIDENT (The Hon. Wes Fang): Order! The Minister and Government members will listen in silence.

The Hon. DANIEL MOOKHEY: Each Minister was scrambling, bidding to outdo each other in the quantum and quality of their denials. The question is why would we believe them when they have a track record like that? Why would we believe Rob Stokes ruling out a congestion tax when yesterday he was caught calling Federal excise relief "absolutely nuts"? Today the Minister said, "I understand the pressure that Sydney families are under when it comes to the cost of commuting." Yesterday and last week he said, "How dare the Prime Minister offer even temporary fuel relief?" That is the record of the first Minister who issued a denial.

The Minister for Metropolitan Roads was the second Minister to issue a denial in this place. She denied introducing a policy that, by her own admission, she is yet to read. If you live in western Sydney and this particular Minister says, "Trust me when it comes to your cost of living, trust me when it comes to tolls and trust me when it comes to congestion," the one thing that residents of outer western Sydney understand is that they cannot trust this Minister to read her own Government's policies. The other point is that if the Government is walking away from this policy, who commissioned it? Who asked for this policy to be prepared? Which of the four State transport Ministers is responsible for commissioning it?

The Hon. John Graham: How many?

The Hon. DANIEL MOOKHEY: Four! There were four transport Ministers. Was a gaggle of transport Ministers looking for a strategy for 2061?

The DEPUTY PRESIDENT (The Hon. Wes Fang): Order! Interjections from Opposition members are disorderly. The Hon. John Graham will cease interjecting.

The Hon. DANIEL MOOKHEY: I imagine that a text message will soon appear from Mr David Elliott, saying that he was responsible. We cannot rule it out, I am sure. But the point is that, ultimately, the only reason why congestion taxes are being secretly worked on by some part of the Government at the behest of a person unknown is because the Government has lost control of its budget. It has lost control of its capital spending and it is on the verge of having to cancel transport projects, which is the other point that we are rapidly reaching, as was reported in the Herald today. The Government is having to cancel projects and search for more revenue to meet its commitments, hence congestion taxes are on the table. As a wise person pointed out yesterday, a draft plan from the Government today is policy tomorrow, and this particular policy is a real reason for western Sydney residents to not trust a word the Government has to say. [*Time expired.*]

SYDNEY CONGESTION CHARGE

The Hon. SCOTT FARLOW (13:14): I take note of answers today given by the Minister for Metropolitan Roads as well as the Leader of the Government in this place. The Leader of the Government outlined Labor's policy. He had a secret policy document from the Labor Party that he brought to the table—it was a blank piece of paper.

The Hon. John Graham: It had writing on the back.

The Hon. SCOTT FARLOW: I take note of the interjection from the Hon. John Graham. There was a little bit of writing on the back—that was the Labor Party's policy. He also referenced the McKell Institute. When we talk about congestion taxes and cost-of-living increases, maybe we should look at Labor's policy from the McKell Institute. If one looks at the *Getting Us There* report, recommendation 7 proposes introducing a metropolitan transport levy and a CBD congestion tax—the cat is out of the bag as to what policy Labor is bringing to the next election. The policies have been written. There is even more than that. I think the Chamber would be—

The DEPUTY PRESIDENT (The Hon. Wes Fang): Order! the Hon. John Graham will cease interjecting.

The Hon. SCOTT FARLOW: Recommendation 7 states:

> … pursue the greater use of user charges on all new major roads and rail projects.

That is what we saw from the secret Labor think tank, which is actually writing Labor's policies for the next election. That is what it has already put out there. We know that members opposite cannot wait to get into government to introduce a CBD congestion tax and to realise the dreams of the McKell Institute. Labor members cannot wait to get in government so they can make sure that there are more road user charges and a metropolitan transport levy. That is all part of the plan that we will see from members opposite in government. What have we heard from members on the Government side of the table? The Opposition has ruled out nothing today, but we have heard from the Minister for Metropolitan Roads, who straight off the bat said, "We are not proceeding whatsoever with a congestion tax." She ruled it out straightaway. One would have thought Opposition members would have changed their question time strategy then and there, but they persisted.

The Hon. Mick Veitch: He would make a good Parliamentary Secretary.

The DEPUTY PRESIDENT (The Hon. Wes Fang): As much as I agree with the Hon. Mick Veitch, I ask that he cease interjecting. The Hon. Scott Farlow has the call.

The Hon. SCOTT FARLOW: They continued to pursue a question time strategy that went nowhere. Minister Ward and the Leader of the Government in this place ruled that a CBD congestion tax was not going to happen.

The Hon. John Graham: Wait until they read it.

The Hon. SCOTT FARLOW: I acknowledge the interjection from the Hon. John Graham.

The DEPUTY PRESIDENT (The Hon. Wes Fang): That is also disorderly.

The Hon. SCOTT FARLOW: It is some sort of great conspiracy that the Minister for Metropolitan Roads has been cooking up this policy. The Minister for Metropolitan Roads has outlined today that she has not even seen this document; it was leaked by someone in the bureaucracy. Somebody has come up with that document, but it has had no direction whatsoever from the Minister. It has not been to Cabinet, it has not been endorsed and it has not even been read by the Minister—and today it is dead.

REGIONAL MATERNAL MENTAL HEALTH CARE

Ms CATE FAEHRMANN (13:17): I take note of the answer to my question from the Hon. Bronnie Taylor regarding mother-baby units and the very serious issue of maternal mental health. During pregnancy, childbirth and 12 months postpartum, women face a significant risk of mental health problems. In Australia one in five women experience anxiety and/or depression, while post-traumatic stress disorder and bipolar disorder become more common. In fact, up to two in every 1,000 people who give birth will go on to experience postnatal psychosis. Today I asked a specific question on the issue because I have been contacted by Melinda McLennan, a first-time mother from the Northern Rivers, who has been advocating for a mother-baby unit in northern New South Wales for some time following her experience.

Ms McLennan has put together an online petition for this place, which I understand has closed. She has spoken out publicly about how difficult it was for her after the birth of her daughter because she wants her situation to help others. She is advocating for a mother-baby unit in the Northern Rivers. Recently she suffered postnatal depression following the birth of her baby, Evie, via an emergency caesarean section at Lismore Base Hospital. Melinda did everything she could to get help. She asked her community nurse, her GP, her counsellor, Beyond Blue, the Australian Breastfeeding Association, Tresillian, Perinatal Anxiety & Depression Australia—known as PANDA—and Gidget. Generally, those avenues are suggested for women experiencing postnatal mental illness, but Melinda kept falling through the cracks. When her condition worsened, she presented several times to the Casino and Lismore hospitals' emergency departments. She was told that, as she was not suicidal and as their mental health staff were often unavailable, she would have to go home.

Then she started experiencing postnatal psychosis. She was frightened and considering suicide when she was finally admitted to hospital. Melinda has told me that the barriers she faced to accessing care, including being sent away from hospital, directly contributed to the decline in her condition. She said, "I have never felt so alone and helpless." Her recovery has been slow and difficult, and she worries about how widespread this problem is. She said, "I have wondered how many other women have suffered what I did—felt helpless—and have gone untreated for many years." I note the Minister's response today on the mother-baby units, which I understand were opened today at the Royal Prince Alfred Hospital, as well as in Westmead and one other hospital. That is wonderful, but the question was specifically about what the Government is doing to assist rural, regional and remote New South Wales women who suffer what Melinda suffered. I urge the Government to not wait for years before something is put in place.

SYDNEY CONGESTION CHARGE

DISTANCE-BASED ROAD TOLLS

The Hon. MARK BUTTIGIEG (13:20): I contribute to the take-note debate because it is timely in context of the question asked on congestion tax and distance-based toll charges. We now see the Government scratching around trying to find revenue sources for a situation that it has created because of the philosophy we heard outlined yesterday in the new member's speech: selling everything you can get your hands on and divesting the public of any control of public assets so that the private sector can effectively monopolise essential services, one of which happens to be roads. One would think that that is a fairly important piece of public infrastructure for the public to have a degree of control over, but no.

Over the past few years there have been some $10 billion worth of road sales and now the Government is struggling with the realisation of how it will deal with this. The Government has privatised public infrastructure and outsourced it. The Government's philosophy was outlined eloquently yesterday by the new member for all to see. That is what Government members believe in. This is their ideology and they have got themselves in a huge mess. On top of the sale of electricity assets—$13 billion for Ausgrid and some $4 billion or $5 billion for Endeavour—there has been the sale of ports. We could understand if it was based on some sort of intellectual rigour, such as the free market—ease of entry, ease of exit and perfect competition; Government members have heard of all of that—but no. "Let's sell off natural monopolies that the Government used to own on behalf of the people for their benefit." So guess what? When you get in your car and drive on a road you actually own the road and you do not have to pay for it because you have already paid for it through your taxes. This is a double whammy.

On top of that, we are getting infrastructure made overseas on a cheap and nasty basis and have received a substandard product. The Government is now privatising bus services and is getting light rail that is too slow, which people will not patronise. This is disaster on a grand scale and it can be slated home to an ideology that does not believe in the free market and competition. What Government members believe in is selling off assets to their mates so that they can make a motza and the Government can again charge the public. The Government is now scratching around before an election trying to scrimp and save and get money back by charging the very people who have suffered as a result of that ideology. It is disgraceful. The Labor Opposition will keep prosecuting

it right up to the election because we are on a winner and we have a fundamentally different philosophy, which is that the public should own its own assets.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. TAYLOR MARTIN (13:23): Another question time with so many subjects covered, with various Ministers touching on a wide array of issues with so many clusters and so many departments. There are so many public servants who are doing their best to serve the people of New South Wales day in, day out—around 348,000 public servants, actually. The New South Wales Government is the largest employer in the country and this Government is strengthening frontline services and investing in every single community across New South Wales. During question time today we heard from various Ministers: The Hon. Natasha Maclaren-Jones updated the House on the Parramatta Girls Home; the Hon. Ben Franklin updated the House on the first ever Aboriginal bilingual school in New South Wales; education Minister the Hon. Sarah Mitchell spoke about early childhood education and childcare services, particularly in the Northern Rivers area post-floods; the Hon. Bronnie Taylor updated the House on northern New South Wales; and the Minister for Women's Safety and the Prevention of Domestic and Sexual Violence, the Hon. Natalie Ward, spoke about an area of policy that she is spending a lot of time and Government resources on at the moment—women escaping domestic and family violence.

But what were the issues that members opposite raised? What did they come into this Chamber today with? Well, we heard quite a bit. Their strategy was to come into this place with some discussion paper put together by a few of those 348,000 public servants. A team has put together a broad, wideranging discussion paper and Labor members have come into the Chamber as though it is some type of smoking gun. It is not. The cluster Minister has knocked it back, as Minister Ward reiterated.

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

The Hon. TAYLOR MARTIN: I inform the House that while question time debate raged on this discussion paper earlier, the Premier ruled this public service thought bubble right out. I have just read, before stepping up to the lectern, *The Newcastle Herald* online reports that the Premier has said there is no plan for a congestion tax. We can rule it out completely. As the Government Whip pointed out earlier, the Labor-aligned think tank, the McKell Institute, thinks it is actually a great idea. The ball is now back in Labor's court.

The DEPUTY PRESIDENT (The Hon. Wes Fang): Opposition members will remain silent.

The Hon. TAYLOR MARTIN: Will Labor members rule out a McKell-style CBD tax? We have ruled it out completely.

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

Motion agreed to.

Written Answers to Supplementary Questions

WESTCONNEX TOLL

In reply to **the Hon. JOHN GRAHAM** (10 May 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:

This information is publicly available: https://www.westconnex.corn.au/plan-your-journey/tolling/

COVID-19 VACCINATIONS AND SCHOOL STAFF

In reply to **the Hon. MARK LATHAM** (10 May 2022).

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

The management for COVID-19 in New South Wales government schools is moving to a Work Health and Safety risk assessment approach, in line with changes announced by the New South Wales Premier and Minister for Health. The Department of Education is currently undertaking this risk assessment for its workforce, including assessment of the role of vaccines in mitigation strategies.

The requirement for all staff to be double vaccinated remains in place through Secretary determinations until the risk assessments are finalised and mandatory consultation with stakeholders completed.

The New South Wales Government has directed agencies to complete this work as a matter of priority

The DEPUTY PRESIDENT (The Hon. Wes Fang): I will now leave the chair. The House will resume at 3.00 p.m.

Private Members' Statements

THE HON. WALT SECORD AND MR MARK RUMORE COMMENTS

The Hon. WALT SECORD (15:02): I make a brief statement in relation to a legal matter. It has been agreed that I will provide the following statement to Parliament. The statement is as follows:

> In an interview that I had with Charlie Moore from the *Daily Mail*, which was later published in an article on the *Daily Mail* website on 7 December 2021, I made certain comments about or relating to Mr Mark Rumore, solicitor.
>
> I have been approached by Mr Rumore in relation to those remarks, which he felt were defamatory of him and his reputation.
>
> I accept Mr Rumore's position and wish to withdraw those remarks unreservedly and I apologise to Mr Rumore for making them.
>
> I am informed and I accept that Mr Rumore has, over a 44-year legal career, an unblemished record as a solicitor of the Supreme Court of New South Wales and a high reputation amongst his colleagues and the judiciary as an honourable man whose career reflects the best traditions of the legal profession.
>
> I apologise to Mr Rumore for my comments and for any hurt they caused.

That is the end of the statement. I thank the House for its consideration.

PETROLEUM EXPLORATION LICENCES

The Hon. ROBERT BORSAK (15:03): Today I asked a question of the Deputy Premier. The question related to three recent approvals for petroleum exploration licences in New South Wales—in other words, approvals for coal seam gas. The Nationals Boggabri branch moved and carried a motion at the June 2019 National Party annual conference, which reads:

> Petroleum Exploration Licences
>
> That Conference calls on the NSW Government to extinguish Petroleum Exploration Licences as soon as they expire.

Yet, as I stated, three licence renewal applications have been approved by the Deputy Premier and the Leader of the National Party, with another one pending. Members of The Nationals are not only letting down one of their branches but also jeopardising groundwater quality in regions that rely heavily on it to survive drought. The Shooters, Fishers and Farmers Party has particular interest in coal seam gas as many of the exploration licences and plans for expanding coal seam gas are occurring in the Barwon electorate, which we represent in the other place, to the great displeasure of The Nationals.

The Hon. Sam Farraway: For the time being.

The Hon. ROBERT BORSAK: For the time being, that is right—or that is what you hope. The fact is that the extractive nature of coal seam gas operations puts groundwater quality at risk, which The Nationals members are very happy to do. That is why the member for Barwon moved the Petroleum (Onshore) Amendment (Coal Seam Gas Moratorium) Bill. The moratorium did not impose a ban. It said, "Follow the best science and implement the recommendations made by the Chief Scientist." If we know one thing in this State it is that we will experience drought again, and groundwater and surface water must be protected for domestic use and for agriculture. In his contribution to the second reading debate on the moratorium bill, Mr Butler said:

> The towns of Narrabri, Coonamble, Bourke, Walgett, Warren, Coonabarabran and many others have relied on groundwater for their survival. If we contaminate the source of groundwater it will not matter if we have all the jobs in the world.

Mr Butler said that because the National Party has accused the Shooters, Fishers and Farmers Party of denying our regions jobs and economic development by moving the moratorium. That is complete hogwash. If the National Party wants jobs and economic development in our regions, it should invest in and prioritise agriculture over coal seam gas, secure a long-term water supply and not put our groundwater at risk. Then sit back—as Nationals members so clearly love to do—and watch our regions grow.

COVID-19 AND INFLATION

The Hon. SCOTT FARLOW (15:06): In the past two years our nation has faced a lot of challenges. We must be mindful of how we have stacked up compared to the rest of the world. Australia's COVID mortality rate is 29.69 deaths per 100,000, which compares favourably to much of the rest of the world, with Peru at 645 deaths per 100,000, Brazil at 312, the United States at 302, Italy at 272, the United Kingdom at 260 and South Korea—which, like Australia, is often seen as one of the world leaders in managing the pandemic—at 45. When it comes to economic figures, we also need to look at what is happening in the rest of the world. Of course, 5.1 per cent inflation is a challenge, but Australia stacks up favourably compared to the rest of the world, with the US at 8.5 per cent, Europe at 7.5 per cent, the United Kingdom at 7 per cent, New Zealand at 6.5 per cent and Canada at 6.7 per cent.

Like with COVID, we have been able to limit the impacts in Australia compared to the rest of the world. Of course, that has precipitated a change by the Reserve Bank of Australia to our cash rate from record low levels to 0.35 per cent; however, we have seen stronger growth in the cash rates of the United States at 1 per cent, Canada at 1 per cent, New Zealand at 1.5 per cent, South Korea at 1.5 per cent, China at 3.7 per cent, India at 4.4 per cent, and Turkey at 14 per cent, showing again that Australia compares very favourably to the rest of the world. In the context of Australia, that has largely been driven by the 35.1 per cent annual change in fuel, which has been the largest annual rise since the Iraqi invasion of Kuwait.

We face many challenges and, as we have seen when it comes to the New South Wales Government's response, particularly with food prices, the recent report from the Australian Bureau of Statistics states that the CPI movement "was softened by meals out and takeaway foods, which saw price rises partially offset by voucher schemes reducing out-of-pocket costs for consumers in some cities." When we look at cities, the quarterly movement in Sydney when it came to CPI was lower than any other capital city at 1.7 per cent. Voucher systems have offset the rising cost that families across New South Wales have felt and are a way in which governments can make an impact on rising costs. The Federal Opposition should take note, rather than saying that wages should rise more than CPI, with the Opposition Leader endorsing a 5.1 per cent wage rise. The Australian Chamber of Commerce and Industry has said that adding to the cost of doing business risks adding to the cost of inflation, which will push the cost of living even higher.

RETAIL WORKERS

The Hon. MARK BUTTIGIEG (15:09): Our essential retail workers fronted up for work every day throughout the pandemic to ensure that the needs of our communities were met. Whilst we were in lockdowns and when we were without vaccines, so many of our essential retail workers turned up to work to ensure that we all had access to our necessities. They have heroically faced enormous health and safety risks for the benefit of us. We could not have got through the most trying times of the pandemic without them. I support the SDA, the union for our retail, fast food and warehouse workers, in its campaign for a fair pay rise for our essential workers.

The SDA is calling for a 5 per cent increase to wages for retail workers from July this year. Our retail workers both deserve and need this fair pay rise. There is a cost-of-living crisis under the Perrottet Government. Our residents are having to endure record inflation, wage cuts and rapidly increasing taxes, fines, tolls, childcare and medical costs. Inflation is at 5.1 per cent, the highest in two decades, which means there is mounting pressure on households, and it could hit 6.8 per cent. If the rate of inflation continues, it would mean typical Sydney families would have to take a pay cut of some $6,000. Petrol is going up by over 30 per cent, rents are rising by 13 per cent, property prices are increasing by approximately 20 per cent and food and transport costs are climbing by over 12 per cent.

Our regional workers are trying to manage paying much more for child care and their groceries whilst facing extreme rental costs. The price of buying a house has skyrocketed and is, in fact, out of reach for so many. Interest rates have recently increased, which will only intensify the pressure on so many households. Wages have not kept pace with inflation, so real wages have declined and workers have been enduring massive pay cuts. Everything is going up except for wages. Therefore, our essential workers need a pay rise by 1 July as they need to cover skyrocketing increases in the cost of living. Our essential retail workers ensured that our communities were looked after during our darkest days; now it is time that they receive a pay rise without delay. With the increased costs of goods, services, petrol, taxes, housing and much more, the wages of these essential workers must go up.

NURSE-TO-PATIENT RATIOS

Ms CATE FAEHRMANN (15:12): Thursday 12 May is International Nurses Day. Throughout the rural, regional and remote health inquiry we heard stories of chronic understaffing of hospitals and the devastating impact it was having on nurses, midwives and their patients. In some cases, a single nurse would be responsible for an entire ward. We even heard of nurses having to enlist the help of kitchen staff to "keep an eye on the patients". Understaffing is a vicious cycle. It burns out nurses, leading to more resignations and even more understaffing. It has also been demonstrated that poor staffing leads to poorer health outcomes and increased rates of readmission, increasing the burden on a shrinking pool of nurses. Worst of all, an increase in a nurse's workload of just one patient increases the likelihood of an inpatient dying within 30 days of admission by 7 per cent. This is unacceptable.

That is why the NSW Nurses and Midwives' Association is demanding mandated safe nurse-to-patient ratios, which would ensure that the right numbers of nurses and midwives were present on each shift to ensure optimal patient safety. Victoria legislated ratios in 2015, followed by Queensland in 2016. Queensland's law established minimum nurse-to-patient ratios in medical surgical wards in 27 public hospitals, which care for 83 per cent of patients hospitalised across the State. It was just the fourth jurisdiction in the world to implement

ratios. The Queensland ratios legislation included a requirement for an independent analysis of the impact of ratios to be conducted. Published in *The Lancet* in May last year, it showed that ratios had direct cost benefits to the health system of about $70 million over the study period. The analysis found that in each hospital with ratios, there were 145 fewer deaths, 255 fewer readmissions and 29,222 fewer hospital days than if they had not implemented the policy.

Prior to the 2019 election, the New South Wales Labor Party asked the Parliamentary Budget Office to cost the implementation of nurse-to-patient and midwife-to-patient ratios. The Parliamentary Budget Office found ratios would cost just $1.3 billion over seven years and $590 million per year after that. Compare that with the New South Wales Government's $110.4 billion infrastructure spend over the forward estimates, which includes $10.4 billion for hospitals and health facilities. The problem is that shiny new wards and operating theatres are no good if there are so few nurses that they cannot even open. The Government needs to get its priorities straight in the next budget. Its priority must be saving lives by mandating minimum nurse-to-patient ratios. As the Labor Party's the Hon. Walt Secord said in 2018, "I do not know how any government could oppose nurse ratios."

ISRAEL SEVENTY-FOURTH INDEPENDENCE DAY

The Hon. CHRIS RATH (15:15): Last night I had the privilege of delivering my inaugural speech to this Chamber. But there was also a celebration of Israel's seventy-fourth Independence Day being held, hosted by my good friends Darren Bark and Lesli Berger, the CEO and the president of the NSW Jewish Board of Deputies. I am disappointed that I missed that amazing function. It is a highlight in my calendar and I have attended every year for probably a decade. Today I use my first private member's statement in this place to demonstrate my unwavering support for the state of Israel and its right to defend itself as the only truly free and truly democratic nation in the region. I also commit to doing everything I can to support the Jewish community and to combat antisemitism.

The Jewish community worldwide have recently faced a renewed assault on their very identity. Amnesty International has labelled Israel an apartheid state, the Boycott, Divestment and Sanctions [BDS] movement repeatedly employs tactics of social exclusion against Jewish people, and members of the political left remain unwilling to adopt the International Holocaust Remembrance Alliance's working definition of antisemitism. I also note the continued attack on Sydney's Jewish community by the Boycott, Divestment and Sanctions movement, which has continually sought to wedge our society and reject notions of peaceful Israel-Palestine coexistence. Earlier this year we witnessed an attempt by the BDS movement to culturally exclude Israel from the Sydney Festival. This was an abhorrent affront to one of Australia's greatest strengths: a multicultural society. To target an arts festival demonstrates the low depths that the BDS movement is willing to sink to in their vehemently political anti-Israel campaign. Such fundamentally wrong initiatives must have no place in this State. The Sydney Festival is not a battleground for biased political commentary and antisemitism.

Political discourse involving Israel is often marred by such silence or outright hatred, contributed to by those in Labor, The Greens and campaigners aligned with Independent candidates for the upcoming Federal election. I note in particular the prominent anti-Israel activist who was actively involved in Allegra Spender's campaign—an individual who aggressively furthered the claims of Israel being an apartheid state and propagated the plan to boycott the Sydney Festival. I seriously question Allegra Spender for allowing this person's involvement in her campaign. If we are truly committed to a multicultural society, one which values all cultures and rejects racial vilification, then I sincerely hope that members of this House will not be among those who remain silent. As for me, I stand with the Jewish community of New South Wales against all forms of antisemitism.

AUSTRALIAN ECONOMY

The Hon. SHAOQUETT MOSELMANE (15:18): Prime Minister Scott Morrison and his Liberal-Nationals Coalition, and the Federal Liberal leadership before his, always throw out the line that they are better economic managers than the Australian Labor Party. This furphy—this falsehood—repeated many times has become the Coalition's self-sustaining lie. It is false, and the facts prove it. I came across an article by journalist Alan Austin in John Menadue's *Pearls and Irritations* entitled "By what measure is Australia's economy leading the world? We went searching". Alan Austin argues that the Coalition's repeated claims that Australia's economy is one of the world's strongest can be refuted by simply looking at the numbers. He says that the Liberal Party declaration "is not just false but the diametric opposite of the truth and is extremely easy to disprove". "All we need is to read the numbers", he says. He also notes the annual GDP growth for the December 2021 quarter for all 38 OECD members. At 4.2 per cent, Australia currently ranks twenty-seventh.

The International Monetary Fund's [IMF] global jobs data from 1980 onwards shows that in 2008 Australia's unemployment rate was 4.26 per cent, ranking it tenth in the OECD. By 2019 the rate was 5.16 per cent and our ranking tumbled badly to twenty-first and settling at sixteenth by 2021. Morrison frequently accuses Labor

of overspending. Under Labor, Alan Austin argues, despite extensive stimulus spending during the global financial crisis, Australia's OECD ranking on this variable actually improved substantially. Soon after the Coalition took office, government spending blew out again. In that category, Australia's latest ranking, in 2021, was fifteenth. The only country with a substantially worse spending record since 2013 is Chile.

The IMF shows Australia's gross debt in 2008 was 11.7 per cent of GDP, ranking it third in the OECD. By the end of 2021 Australia's debt had blown out to 59.8 per cent of GDP and its OECD ranking had tumbled to eighteenth. Alan Austin notes that the Australian dollar soared throughout the Labor Government years, during which the economy was rated by most peak economic bodies as the world's best performing. The dollar has tumbled disastrously since then, reducing the wealth of our citizens. Alan Austin concluded his piece by noting, "Clearly, Australia's economy is not leading the advanced world. It is barely leading Costa Rica and Chile." Add to all this the challenges of health care, housing, fuel and other cost-of-living pressures, under the conservatives the state of affairs is dire. It is time to elect a Labor government that cares.

GREENHOUSE GAS EMISSIONS

Ms ABIGAIL BOYD (15:21): Before the Federal election campaign began, we heard a lot about it shaping up to be the "climate election". Seemingly every week another so-called Teal Independent puts up their hand and pledges to do better than the very low bar set by the Coalition Government when it comes to addressing climate change. Yet, far from this being the election with a clear vision from the major parties or the Teal Independents on what our future can look like under a decarbonised economy, everyone except for The Greens has attempted to fit their square climate policies into a very round business-as-usual hole. Newsflash: Just pledging a particular target to reduce greenhouse emissions, without other concrete actions and plans for a decarbonised economy, is not going to achieve anything. We actually must make changes to the way we do things.

The message coming out of the Intergovernmental Panel on Climate Change reports could not be clearer. Governments must act swiftly and decisively to cut emissions and cease the extraction and burning of fossil fuels this decade. Only a whole-of-government approach is sufficient to introduce and enforce the broad, society-wide changes necessary to avert the very worst of the climate catastrophe. Globally, we have seen incremental improvements, sector by sector or region by region, but it is still inadequate in the face of what is necessary. A society-wide diversification away from fossil fuels towards a clean, green and prosperous future will require massive levels of coordination and support. There are jobs that exist today that students leaving school in coming years will not be able to move into.

This is an exciting time but it is also a nervous time for communities that have become economically reliant on fossil fuels. It is the role of government to lead and shepherd. It is something too important to be left to profit-seeking private industries. Climate 200, or Teal Independents, says it supports action on climate change, but in many cases that is as far as it will go. We welcome any support for stronger action on climate change and the announced carbon emissions targets of the Teal Independents are better than that of Labor and the Coalition, but none of them has a plan that will achieve what we need to avoid catastrophic levels of climate change. Only The Greens have a fully developed plan to power past coal and gas that matches the scale and pace of action that climate science demands, with a net zero target by 2035.

I was asked in a radio interview last week why I thought the major parties would commit themselves to such woefully inadequate emissions targets and then fail to even back up those commitments with any real action. I think they are stuck between, on the one hand, the realisation that accepting the science of climate change means we need to move away from coal and gas and, on the other hand, knowing that they cannot take any real action to address climate without it impacting on the large fossil fuel interests that pay for their campaigns and pull their strings. So it is that Labor has again joined the Liberals in backing coal over climate, having chosen to exempt every coalmine from its proposed emissions safeguard mechanism. Does that sound familiar? I am sure we had this discussion in 2009. Nothing has changed. Climate policies that do not acknowledge that global coal consumption will need to fall rapidly are no climate policy at all. Unlike the other parties, The Greens do not take large corporate donations. Untethered from vested interests, we are able to take policies to elections based on science and evidence and with a vision that is unafraid of changing from business as usual.

DOORDASH WORKERS

The Hon. DANIEL MOOKHEY (15:24): I sing a hymn of praise to the Transport Workers' Union [TWU] and DoorDash following yesterday's announcement from the north of Tasmania of a landmark agreement between the two organisations. DoorDash, which people understand to be a very large global startup that offers food delivery services in the gig economy, and the TWU agreed to follow six core principles when it comes to the treatment and deployment of labour. The two organisations concluded that workers should not be prohibited from accessing appropriate work rights and entitlements. They agreed that workers must have transparency and the opportunity to contribute to a collective voice. They also agreed that workers must have access to dispute

resolution processes and that appropriate resources should be allocated towards ensuring industry standards are established and maintained and to driver education and training. Finally, they agreed on a three-stage approach towards achieving regulation of the on-demand transport industry.

The six core principles were developed between the union and DoorDash over several months. It is also a credit to members of this House and you, Mr Deputy President, who served on or appeared at various hearings of the Select Committee on the Impact of Technological and Other Change on the Future of Work and Workers in New South Wales. The committee had the opportunity to hear from both organisations and to ask serious questions of the CEO of DoorDash, especially after it emerged that, sadly, one of their workers had perished on Melbourne's roads in a manner which denied that family justice under that State's workers compensation system. This agreement is a constructive example of how conversations between emerging platforms like DoorDash and traditional labour organisations like the TWU can lead to modern reform.

When we moved to establish that inquiry, I recall we made the point that the gig economy is here to stay but we want to race to the top when it comes to pay and conditions for food delivery riders as well as those engaged in other parts of that emerging arena of work. I am pleased that the inquiry provided a forum for public discussion, which led to yesterday's landmark agreement. Equally, we should note that in the wake of our work in this place and in the Macquarie committee room, Menulog completely inverted and changed its labour model from a system of simply engaging people through traditional individual contracts to adopting and at least trialling an employee-based approach. To be very clear, companies like DoorDash and Menulog, which have tried to do the right thing, are always at the mercy of those that do not wish to do so. We need a level playing field when it comes to the gig economy so that companies like DoorDash and Menulog that try to make reforms and do the right thing are not punished in the marketplace.

KOSCIUSZKO NATIONAL PARK BRUMBIES

Reverend the Hon. FRED NILE (15:27): I speak briefly on an issue of concern regarding the brumbies in the Kosciuszko National Park. Section 4 of the Kosciuszko Wild Horse Heritage Act 2018 states:

> The object of this Act is to recognise the heritage value of sustainable wild horse populations within parts of Kosciuszko National Park and to protect that heritage.

Wildly different numbers have been stated by the State and Federal governments and various brumby advocate groups. Some counts have estimated up to 22,550 and others as low as 1,400. A sustainable population of brumbies must be at least 3,000. The NSW National Parks and Wildlife Service conducted aerial surveys which showed serious discrepancies in the counts. If those discrepancies are not properly investigated, we face a serious situation in our State and a waste of taxpayers' money. The Kosciuszko National Park Wild Horse Management Plan entirely relies upon an accurate count; otherwise, parts of the plan are compromised. The Hon. Rod Roberts, MLC, my staff member and a staff member of the Hon. Mark Pearson attended a flyover of the Kosciuszko National Park with brumby advocates to determine the truth for themselves. There are not tens of thousands of brumbies running around the Kosciuszko National Park. If trends continue there will be no more brumbies and our brumby heritage will be lost.

On 31 March 2022 the Legislative Council passed a motion ordering papers relating to the welfare of the brumbies after being released post-trapping, their ages and the number trapped. I note that I originally asked for papers to be returned within 14 days. However, at the Government's request, 21 days was agreed upon with a due date of 20 April 2022. With great disappointment I note the Government still has not fulfilled that commitment. The documents contained under Standing Order 52 reveal that the Government has no data on the welfare of brumbies being released. I ask, why not? Surely the Government should know the condition of the brumbies after being released. A new and independent count must be conducted to determine the true number of brumbies. I, along with other members of the State Parliament, will not allow our brumbies to be systematically trapped and wiped out. Local Indigenous groups have volunteered to undertake a new and independent survey of numbers, as have local horse breeders and environmental scientists. I call on the Government to act to protect the brumbies. [*Time expired.*]

Bills

STATE REVENUE AND FINES LEGISLATION AMENDMENT (MISCELLANEOUS) BILL 2022

Messages

The DEPUTY PRESIDENT (The Hon. Wes Fang): I report receipt of a message from the Legislative Assembly agreeing to the Legislative Council's amendments to the bill.

Motions

OPERATION OF STANDING ORDER 53

Debate resumed from an earlier hour.

The Hon. ADAM SEARLE (15:33): The first exception, which may not really be an exception, is an order relating to a prosecution brought by the Environment Protection Authority against Birdon Marine Pty Ltd. The alleged offence—and the relevant proceedings foreshadowed—was criminal in nature, although under environmental protection legislation rather than the Crimes Act, and would be brought in the Land and Environment Court rather than the Supreme or District courts. While not a classic criminal matter, it could be argued that, along with work health and safety legislation, which is also criminal in nature, such matters form part of the administration of criminal justice in the modern era. Interestingly, in this matter the Governor declined to produce any material on the basis that there was a concurrent order of the House pursuant to Standing Order 52 for the same material, which was complied with.

The second exception related to the removal from office and withdrawal of commission of Mr Tony Stewart, MP, as a Minister, which would fall under paragraph (a) of Standing Order 53, and also documents relating to subsequent proceedings brought by Mr Stewart. Both classes of documents were sought pursuant to a Standing Order 52 notice of motion given by the Hon. Catherine Cusack, MLC, on 24 June 2009. The then President ruled the second category of document as out of order, as those documents related to legal proceedings and so fell within the administration of justice. A subsequent motion under Standing Order 53 resulted in the Governor declining to produce the documents as the litigation was still current. In my submission, this is a powerful indicator that the meaning and limit of the standing order is that it is confined to the administration of criminal justice in the State, understood as perhaps wider than just classic or organic criminal law or, if it extends further, as in the Stewart example, that it extends only to actual proceedings in a court.

A review of Presidents' rulings has identified an additional example of a Standing Order 52 motion being ruled out of order. That motion, which was directed at policing, was moved under Standing Order 52 and called for documents relating to Operation Auxin and concerning advice provided to any Minister or government agency by the Solicitor General or Crown Solicitor relating to a police operation concerning a child pornography syndicate. A point of order was taken and upheld and it can be seen in the upper House minutes of 21 October 2004. However, given the ruling in the Rogerson case that police investigations do not form part of the course of justice/administration of justice and the recent ruling of the former President on 24 March 2020 on a Standing Order 52 motion proposed by Mr David Shoebridge, this ruling, I believe, would not be made today.

For support of this proposition I refer to orders of this House made pursuant to Standing Order 52 in October and November 2006 concerning the Sorrenson-Jefferies report produced in the aftermath of the Cronulla riots and the report on police Operation Retz without any objection being taken that they concerned the administration of justice. This can be seen in the Legislative Council minutes of 19 October, 25 October and 23 October 2006. Two further examples found at page 723 of the second edition of *New South Wales Legislative Council Practice*, edited by Stephen Frappell and our Clerk Mr David Blunt, should put the matter beyond argument. On 13 May 2020 former President Ajaka ruled against a point of order taken about a Standing Order 52 motion for the production of documents relating to a police investigation into a car collision involving the then Minister for Police and Emergency Services. The motion was agreed to by the House.

On 3 June 2020 former President Ajaka ruled against a point of order taken about a Standing Order 52 motion for the production of documents relating to economic modelling of public sector wages on the basis that the Government had indicated it would initiate proceedings before the New South Wales Industrial Relations Commission [IRC] and that this brought the matter within the terms of the administration of justice and Standing Order 53. The ruling was made on the basis that the documents were created before the Government's announcement. The issue of whether the IRC proceedings fell within the term "administration of justice" was not determined. In his recent ruling of 24 March 2022, on the Standing Order 52 motion of Mr David Shoebridge, MLC, then President Ajaka referred to legal advice sought and obtained by President Burgmann from the Crown Solicitor, which stated:

> There are, I think, several potential interpretations of the phrase "having reference to the Administration of Justice" (as used in former Standing Order 19). The "narrow" view is that only a Paper which refers to identifiable curial proceedings is within it …
>
> The broader view is that a Paper will be one having reference to the administration of justice if it contains material which relates to the administration of justice …
>
> A literal reading of the Standing Order might support the "narrow" view. However, it seems to me that the object and purpose of the Standing Order are more consistent with the broader view.

On neither the narrow or broad view would the documents sought in the order of the House of 24 November 2021 relating to the arrest, charging and detention of Mr Luke Moore on 25 February 2021 fall within the scope of

Standing Order 53. No court proceedings are identified by or in the documents, nor do the documents themselves relate to the administration of justice. The earlier Standing Order 19 used the phrase "having reference to the Administration of Justice", while the present standing order provides the paper must be one concerning the administration of justice. The phrase "having reference to" is far wider. It would include documents that merely touch on the administration of justice or may be relevant to it in some way. The term "concerning" requires that the subject matter of a paper must be the administration of justice and is therefore a more confined term. It should be assumed, in accordance with the usual approach to statutory construction, that in making changes to the terms of a standing order a substantive change was intended by the House. Accordingly, the broader view expressed by the Solicitor General should also be rejected by this House as embodied in the motion now before this House.

Standing Order 53 represents a significant and voluntary restriction by the House on the range of State papers that can be compelled to be produced. It is therefore a limitation on the power of the House and, to that degree, impacts the rights of individual members. Accordingly, its terms must be carefully construed to have no wider application than is properly warranted. As I indicated earlier, the standing orders themselves are not the source of our power. As was repeated by President Ajaka in his ruling of 3 June 2020, drawing on an earlier ruling of 25 February 2020 given by Acting President the Hon. Trevor Khan, MLC:

> As outlined on page 38 of the 14th edition of *Odgers' Australian Senate Practice*, where there is any doubt as to the interpretation of a rule or order, the President, as the independent and impartial representative of this House, leans towards a ruling which preserves or strengthens the powers of the House and rights of all members rather than an interpretation that may weaken or lessen those powers and rights.

I believe this is what President Ajaka did in his rulings, which have been referred to in the motion and in my contribution today. The motion before the House emphasises this and makes plain to the Executive where this House draws the line between Standing Order 52 and Standing Order 53. In response to the comments of the Leader of the Government, the Opposition is not trying to tell the Government what it should think. The Government is entitled to its own view, but that view has been tested time after time in this place and the Government has lost. In persevering with its futile line of reasoning, the Government is in contempt of this House and its powers by continuing to adopt views of Standing Order 52 and Standing Order 53 that are not consistent with the views expressed repeatedly by members of this House.

The Leader of the Government gave the game away when he said that the Government did not have those documents because they are in the custody of the police. Breaking news: The Police Force is an arm of the Executive Government of this State. If documents are held by the police, they are held by the Executive. They may not be under the control of a police Minister in the exercise of their duties. On an operational matter, they are answerable to the Commissioner of Police under statute. The Ombudsman and the NSW Police Force are arms of the State of New South Wales; they are part of the Executive. Documents held by the police are compellable under Standing Order 52, unless the production of those documents would interfere in the operation of the court system. Why do we not extend into that realm? Because the courts are the third arm of government and because of the comity rule between the three arms of government. The Legislature should not reach into the court system in any way, shape or form.

Mr JUSTIN FIELD (15:41): I make a contribution to bring a layperson's understanding to the debate. I appreciated listening to my learned colleague the Hon. Adam Searle. Very good and sound legal arguments have been made in this House over a number of years, but there is still ongoing frustration around Standing Order 53. At the same time that this motion was moved by the Hon. Rod Roberts, the House agreed to a Standing Order 52 motion moved by me that relates to the interactions of the New South Wales police and various government departments in and around the investigation into, and the arrest of, Kristo Langker, the debate about the role of FriendlyJordies comedian Jordan Shanks, and their interactions with the Deputy Premier. On 23 March 2022 the House supported a motion that stated:

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

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

The documents were returned. Members will recall, if they watch television or listen to the radio, that there was an enormous discussion around the arrest of Kristo Langker, about which questions were asked and motions were moved in the House. Questions were asked in budget estimates hearings and admissions were made by the police. The number of documents that were provided in the public and privileged boxes would be less than what I am now holding in my hand, which is the response from the Department of Premier and Cabinet to the Standing Order 52 motion, which includes the advice from the Crown Solicitor about whether the documents requested should fall under Standing Order 53.

The reason the House did not debate the motion until late March this year is because the matter was before the courts. Charges of intimidation by Kristo Langker of the Deputy Premier were laid, and we understood they would be heard by the court, but they were dropped. In budget estimates hearings we heard evidence from police that the investigation possibly did not proceed in line with the procedures put in place for how the fixated persons unit would undertake its activity. Questions were asked about the integrity of the leading police officer and video evidence came to light that suggested potential tampering of evidence from witnesses. No charges were laid and the Deputy Premier settled his defamation action with Jordan Shanks, so the case was no longer before the courts when the House decided to support a Standing Order 52 motion relating to the matter.

I suspect that the Crown Solicitor advice on the Kristo Langker-Jordan Shanks matter is very similar to the advice that was received by the Hon. Rod Roberts regarding Luke Moore. That advice was included in the order for papers and is now on record, including a cover letter that anyone can read. However, elements of that advice do not refer to the Luke Moore motion, so it may be an extension of the Crown Solicitor's advice on the motion extending to Standing Order 53. The Crown Solicitor's advice makes it clear that any documents relating to the Kristo Langker-Jordan Shanks investigation or any police actions that may lead to charges being laid, or the potential for charges being laid, fall under Standing Order 53. The Government sought advice from the Crown Solicitor about aspects of the investigation, including the charges laid and the briefings that were prepared for various Ministers relating to the questions asked in the House or in budget estimates hearings. Advice was requested from the Crown Solicitor, which is set out on page 3 at item 10. It stated:

> 10. Complaint files relating to police who were investigated for misconduct relating to the arrest and charging of Kristo Langker. They contain directed interviews and other evidentiary material relating to the arrest and charging of Mr Langker.

The Crown Solicitor's advice on those complaint files relating to the police who were investigated for misconduct seems to be an admission. I think it is the first public acknowledgement that the police who were involved in the arrest and charging of Kristo Langker were investigated for misconduct, and that those investigations "may concern the administration of justice for the purposes of Standing Order 53 if they consider issues directly related to identifiable court proceedings", which the Crown Solicitor states is consistent with the Luke Moore advice. The advice also looks at how the police chose to start investigating Kristo Langker and Jordan Shanks, the decision-making around the charge, the fulfilment of the protocols that underpin the fixated persons unit and how it operates, and the materials prepared for the court. The misconduct that was being investigated by police regarding those matters referred to the decision-making around the investigation and the preparation of a brief for charges to be laid, and they were struck out as well.

When I say I am bringing a layperson's understanding to this, I am asking: Does this pass the pub test? Basically, you have a cascade of anything at all that might relate to potential charges and even if the charges were not laid or the charges were dropped as in this case, or there is evidence on the public record admitted by police that the protocols were not followed or we know that the police were investigated for misconduct in regard to how things proceeded, none of that is touchable by this House. I find that extraordinary. I think that the public would find it extraordinary. I urge Government members to rethink how they are engaging with this issue and the scope that they see as relating to the administration of justice in New South Wales, which I think has gone way too far. It is obviously not supported by decisions that have been taken by the House and rulings that have been made by previous Presidents.

I urge the Government to support the motion by the member. It will ultimately be the decisions that the Government takes from here on in when responding to these sorts of calls for papers that will give us an indication about whether or not it is prepared to accept it. I am not sure what happens next if the Government does not. But I think we will have to advance it to the fullest extent possible because I do not think it is acceptable to the public of New South Wales to have these sorts of matters—and now there are a few of them—backing up. It suggests a systemic problem within the police and with the way in which the Government deals with these matters. This House is doing its job. The Government needs to stop hiding the information that allows us to do our job.

The Hon. ROD ROBERTS (15:51): In reply: I thank members for their contribution to the debate. I thank the Leader of the Government, and I will come back to his contribution in a moment. I thank Mr Justin Field—I feel his pain; our matters are very similar. I will come back and talk about that. In particular, I thank the Hon. Adam Searle not only for his contribution but also for the time I hav]e spent with him discussing the matter before us today. I thank him for his advice and wisdom and his assistance. I thank the Hon. Walt Secord. He made a very brief contribution. Like myself, it was very succinct and his four words said it all, "Labor supports this motion." I bring the attention of the House to *Hansard* of 24 November 2021 when I moved the motion. The Hon. Don Harwin stated at 18:30, "The Government will not be opposing the motion."

The Hon. Shayne Mallard: He's gone now.

The Hon. ROD ROBERTS: I know he is gone now. I could comment further on that, but I will restrain myself. Government members did not oppose the motion. But once they saw what the documents contained and the potential for it, all of a sudden they decided they had better oppose it. Like Mr Justin Field, I am not a jurist; I am a layman. But I think we have got our heads wrapped right around this properly. We have an innocent person charged by the NSW Police Force on fabricated evidence. It is not an assertion of mine; we know the Commonwealth Director of Public Prosecutions withdrew the charges. We also must bear in mind that in the interim this man spent three weeks jail. He spent three weeks of his life in jail on a trumped up charge. That is the first part that we must remember. I am not coming in here grandstanding. The DPP withdrew the charges. Not only did it do that, but we know that the New South Wales Government via its lawyers made a compensation offer to the aggrieved party, Mr Moore. There is contrition all the way around.

What we have is two parallel investigations. There is the Standing Order 52 motion that asks for the documents in relation to the arrest and charging of Luke Moore. We also asked for documents from the Police Prosecutions Command and the Professional Standards Command within the NSW Police Force. There are two parallel investigations here: the arrest and charging of Luke Moore and the investigation by police into the circumstances of the arrest and charging of Luke Moore.

Let us look at the circumstances around the arrest and charging. The police conduct an investigation into Constable Keneally and then make a determination that he has done nothing wrong. They admonish him with a minor departmental charge of not making a statement with due care, and that is the end of the matter. Where is the administration of justice in that? It is nowhere. The police have made an internal decision to charge this bloke departmentally. It is not a criminal act, it is not going before a court and they will deal with it internally. How does that even get close to Standing Order 53, which concerns the administration of justice?

That is one point. Let us go back to the arrest and charging of Luke Moore. We know that it is withdrawn from the realms of the court. The DPP has withdrawn it. There is no court case and there will be no court case at all. I understand why we as a Parliament cannot go seeking documents in relation to court decisions. There is an area of independence, and rightly so. We are not going anywhere near that. There has been no court decision and there will be no court decision. We are looking for those documents removed far from any court case altogether. Let us have a look at what the Solicitor General herself had to say. She does herself no service whatsoever.

I seek leave for an extension of time of no more than 10 minutes. Everybody in this Chamber should know that I am very succinct in my deliveries. If I ask for something, I assure members that there is a need for it. I would appreciate the assistance of the House.

Leave granted.

The Hon. ROD ROBERTS: If we look at what the Solicitor General had to say, we see she covers herself in no glory. I quote from part of paragraph 12:

> As my predecessor has advised, documents that consider issues directly related to an identifiable court proceedings …

As Mr Justin Field said, what identifiable court proceeding? The Leader of the Government responded today and did not identify a court proceeding. There is no identifiable court proceeding. The Solicitor General also said at paragraph 13 of her report:

> In preparing this advice, I have not reviewed the documents in the possession, custody or control of NSW Police ...

The Solicitor General has got the biggest, broadest brush she could find and just gone, "It's the arrest and charging of somebody. It is an SO 53 because it's got to do with the administration of justice." Had she looked at this matter and taken the time to investigate and read the documents, she would have come to the same conclusion that we in this Chamber are going to come to—that there is no administration of justice at all. Instead of the broadbrush approach that has been adopted in the past, applications under Standing Order 52 need a bespoke approach. They need to be unique to the particular circumstances.

I will not say much more because I am aware of the time. In relation to the response by the Leader of the Government, I am disappointed that an experienced solicitor like himself completely failed in any way, shape or form to mention the High Court decision of *The Queen v Rogerson*. We can all argue different cases, but the High Court of Australia is the ultimate determinant when it comes to law. The High Court of Australia has found—and I am summarising; the Hon. Adam Searle spelt it out for the benefit of members—that police investigations are not part of the course of justice because the police do not administer justice. I think that is well set. It was followed by past President Ajaka on a number of occasions and it should have been followed here. In closing, I remind members of paragraph (4) of this motion. It states:

> (4) That this House calls on the New South Wales Government to:
>
> (a) take note of the rulings of President Ajaka noted above;
>
> (b) cease relying on an unduly expansive interpretation of the "administration of justice" which restricts the powers of the House—

that is the Roberts big 14-inch brush that I am talking about, which the Crown Solicitor has covered it with; and—

> (c) cease declining to return documents ordered by the Legislative Council on the basis of this overly expansive interpretation of Standing Order 53.

I thank the House for its indulgence in granting an extension of time.

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

The House divided.

Ayes 22
Noes 14
Majority.....8

AYES

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

NOES

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

PAIRS

Moriarty	Barrett
Veitch	Mitchell

Motion agreed to.

Documents

MEMBER FOR KIAMA

Return to Order

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

Claim of Privilege

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

Bills

DINGO CULTURAL HERITAGE AND PROTECTION BILL 2022

First Reading

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

Second Reading Speech

The Hon. MARK PEARSON (16:16): I move:

That this bill be now read a second time.

On behalf of the Animal Justice Party, I introduce the Dingo Cultural Heritage and Protection Bill 2022 in the hope that the 200-year war on dingoes will cease. We must take dingo fences down, end lethal controls and allow dingoes to perform their important ecological function. Dingoes have been much maligned, with their ecological role misunderstood and their importance to Indigenous cultures ignored. The bill has been drafted with the understanding that the dingo has a dual role of being culturally significant for Indigenous people as well as a key species for maintaining ecological health and biodiversity.

In recognising the cultural importance of the dingo to Indigenous peoples, the bill does so in manner similar to the Kosciuszko Wild Horse Heritage Act, which recognises the cultural heritage significance of the brumby to white settlers. The bill sets up a mechanism for the development of a dingo heritage management plan, which identifies the heritage value of dingo populations to Aboriginal persons and sets out how that heritage value will be protected while also identifying the value of dingoes in regulating trophic cascades and maintaining biological diversity. The plan must also set out how dingoes will be protected to ensure that their role and biological value is protected. The draft plan must not include or recommend measures of lethal control of dingoes.

The bill provides for the establishment of an Indigenous and scientific panel. The function of the panel is to advise the Minster on the plan, including the identification of the heritage value of dingoes and the management and protection of dingo populations in New South Wales. The panel must consist of at least four Aboriginal persons and at least four ecologists with expertise in the area of dingo behaviour and the impact of dingo populations on the environment, and other persons who have expertise and experience in dingo welfare as well as landholder engagement about non-lethal controls to protect farmed animals from predators and community involvement in conservation.

Since the arrival of the First Fleet in 1788, the dingo has been persecuted, poisoned, trapped, hunted, fenced off and cast out. Yet despite more than two centuries of violence and cruelty, the dingo can still be found in the wild places of New South Wales. They have survived in the desert of Sturt National Park, along the Great Dividing Range and in the coastal and rainforest reserves from the mid to the far North Coast. These dingoes are the direct descendants of those dingoes that became the continent's apex predator with the extinction of thylacines over 2,000 years ago. Science tells us that the dingo appeared on the Australian continent sometime between 10,000 and 4,700 years ago. It is unknown whether dingoes crossed the ancient land bridge from Papua New Guinea independently or alongside human migrations. What we do know is that the latest genetic studies seem to indicate that the dingo is an early offshoot of the canid family, which appeared prior to the domestication of the first dog breeds.

At some point in their history, dingoes developed a mutually beneficial relationship with Indigenous tribal groups, living as camp dogs when young and becoming hunting companions when mature. Dingoes maintained that symbiotic partnership with Indigenous people over thousands of years and, as such, they are a cultural keystone species. Dingoes are animals of exceptional significance to Aboriginal culture, and are featured in stories, rock carvings and cave paintings. The dingo is a totem animal for many Indigenous Australians, part of the Dreaming, and pervasive in lore and traditions. Dingo pups were raised in the company of women and children in order to be habituated to humans. As the pups matured, they provided an effective hunting partnership and undertook the role of guardians against intruders.

Dingoes were renowned for their skill in finding scarce water sources. In the Aboriginal songlines, the ancestral dingoes track pathways across the country, creating mountain waterfalls and digging springs and waterholes. It is no accident that "Dingo Springs" is a commonplace name in many parts of outback Australia. Over thousands of years, dingoes maintained their dual roles of human companion and predator while remaining

essentially wild and independent. Tragically, that cultural connection with dingoes was severely impacted by colonisation, with the lethal targeting of dingoes by pastoralists. It became no longer safe for dingoes to be located within the camps without risking retribution from white landholders. The dingo fence, first erected in the 1880s, was originally designed to keep out rabbits, but was later enlarged to exclude dingoes. At 5,531 kilometres, the dingo fence runs from the Darling Downs in eastern Queensland all the way to the Eyre Peninsula in coastal South Australia.

Apart from providing employment for fencing contractors, its purpose is being increasingly questioned by ecologists, who argue the fence degrades the environment by preventing the movement of many native species, including predators such as the dingo. The physical presence of the dingo fence looms large in Australian contemporary folklore, perpetuating the myth that real dingoes are only to be found outside the fence and that any dingoes inside New South Wales must either be wild dogs with domesticated dog ancestry or dingo-wild dog hybrids. That ignores the evidence of the dingoes' continuous survival in many isolated parts of New South Wales from prehistory to modern times. This prejudice has led to the dingo being labelled as a pest and excluded from the statutory protections under the Biodiversity Conservation Act, despite the ecological role that dingoes play as a keystone species. A number of ecologists such as Brook, Letnic and Wallach present the argument that dingoes have a beneficial impact on biodiversity. Letnic stated:

> Top-order predators often have positive effect on biological diversity owing to their key functional roles in regulating trophic cascades … a process whereby predators limit the density and/or behavior of their prey and thereby enhance survival of the next lower trophic level.

Ecologist Arian Wallach conducted a two-year study into the role of dingoes in promoting healthy ecosystems. She operated one of the country's first dingo-friendly cattle stations at Evelyn Downs in South Australia, which used non-lethal methods for the control of predators. Wallach has asserted that healthy ecosystems require the presence of dingoes. She said:

> We have to start letting go of how things were done 100 years ago.

She stated that improving husbandry practices reduces the risk of dingo predation. Little research has been done on non-lethal controls in animal farming areas, but strategies are available to prevent predation. One of the most important is to ensure that the mature adults of a dingo pack are not hunted down, so that they can pass on their skills of hunting wild animals, which are much harder to catch and kill than the sheep trapped behind the barbed wire fence. The persecution of dingoes has been identified as a major factor contributing to the decline of biodiversity in both aquatic and terrestrial ecosystems. A large body of research now indicates that dingoes are apex predators that regulate ecological cascades. The removal of dingoes has resulted in an increase in predators such as the fox and the cat.

Ecosystems without dingoes have seen widespread losses of small- and medium-sized native mammals. Despite that, government has been slow to acknowledge the importance of the dingo in the New South Wales environment. In reality, it is open season on dingoes except in the most limited of circumstances. Landholders are obliged to take active steps to have them killed, resulting in dingoes being targeted and hunted simply for living in their ancestral home ranges. A dingo's best chance for survival is to stay within national parks or reserves, well away from sheep and cattle farms, but even there they can fall victim to 1080 baiting for so-called "wild dogs". The *NSW Wild Dog Management Strategy* provides for the conservation of dingoes within areas of national parks and reserves where there is a low risk of negative impact "in order to allow dingoes to fulfil their natural ecological role". This is a rare official acknowledgment of the importance of the dingo by the Government and it supports the purpose of the bill.

Scientists debate whether the dingo has become a native or whether it is a separate canid species from the domestic dog, and some obsess over how much ancient dingo DNA a wild dog must have in order to be called a dingo. The latest research study, entitled *The Australian dingo is an early offshoot of modern breed dogs* and published in the *Science Advances* journal, found that the dingo was an outgroup to all five of the domestic dog genomes they examined. Unlike domesticated dogs, dingoes were found to be unable to digest starch. The overall finding is that the study provides further evidence that the dingo is not a form of domestic dog gone wild, and that they have evolved and adapted to Australian prey and conditions. Dr Kylie Cairns, a molecular ecologist with experience in population genetics, published a study which found that after collating the results of DNA testing from 5,039 wild canids, only 31 wild domestic dogs were detected. This challenges the perception that wild dogs are widespread in Australia.

First-generation dingo-dog hybrids were similarly rare, with only 27 individuals identified. A shift in terminology from wild dog to dingo would better reflect the identity of these wild canids and allow more nuanced debate about the balance between conservation and the non-lethal management of dingoes. In order to sidestep the debate about when a wild canid is a dingo, the bill defines dingo in very broad terms. The bill defines a dingo as an animal that breeds in the wild in Australia, and is of the genus Canis, including the species Canis dingo,

Canis lupus dingo, or Canis familiaris (dingo) or a hybrid of all those species. As we begin to better understand the damage wrought to the environment and the disrespect we have shown towards Indigenous cultural knowledge, I urge members to consider a less bloody and brutal future for the dingo. We need to put away the rifles and the traps, throw out the poison pellets and allow dingoes to once again take their place as apex predators helping to restore the balance in our degraded ecosystems.

Debate adjourned.

WATER MANAGEMENT AMENDMENT (FLOODPLAIN HARVESTING LICENCES) BILL 2022

First Reading

Bill introduced, and read a first time and ordered to be printed on motion by Mr Justin Field.

Second Reading Speech

Mr JUSTIN FIELD (16:31): I move:

That this bill be now read a second time.

The debate over the management and licensing of floodplain harvesting in New South Wales has been undoubtedly controversial and is continuing to divide communities across the Murray-Darling Basin. Central to the public and political debate is really a question of equity. A relatively small group of mostly large corporate farmers are set to receive a financial windfall under the Government's plans to issue billions of litres of new water licences for floodplain harvesting. These landholders will be handed a tradeable property right worth billions of dollars—some estimate over $2 billion in the northern basin alone—and they will get it for absolutely nothing. They have acquired that right under the policies of successive governments because they have historically built structures to intercept, capture and store this water, mostly for irrigated cotton.

Perhaps that water originated on their property and was prevented from running onto a neighbouring property or into a watercourse or river, or perhaps it originated upstream on a neighbour's property or on public land and was captured as it flowed across theirs. But other farmers chose not to build these structures. Perhaps they operated their farms differently. They might have had less thirsty crops. They might have had good reliable rainfall that did not require them to turn a portion of their land into a gigantic dam. Perhaps they did not think it was a good or right thing to do, given the common good derived from healthy floodplains and reliable flood events. Regardless, these property owners do not qualify for this property right. There is a clear question of equity here.

Downstream communities and the environment, unlike for general security water licences, do not receive a dedicated allocation of overland flows. They receive what is left. There is an equity issue here. Despite the astonishing wet period that New South Wales has been experiencing in the last two years, we know, based on climate science and the Government's own analysis of it, that inflows into New South Wales catchments of the Murray-Darling Basin are set to markedly decline over the next few decades. But what is left for the rivers and for downstream communities is increasingly less and less. The recently released regional water strategies have been described by the Government as using "the best available evidence including new climate data and updated modelling" and as being "deliberately conservative ... to give us an idea of the possible climate risks and allow us to begin planning to mitigate these risks if they arise".

I just want to put that in context for members who may not have read the hundreds and hundreds of pages of the regional water strategy documents that have been released under this Government in the last two years. As an example, under a worst case scenario, annual volumes in the Peel River are projected to dive by 47 per cent and those in the rest of the Namoi River, into which it flows, would drop by 44 per cent. These reductions in inflows will have major consequences for river communities, farmers, towns and the environment. Water planning and operational decisions must be able to take account of these changes and adapt. We know that the sustainable diversion limits set in the Murray-Darling Basin Plan do not adequately take into account expected reductions in inflows into the basin as a result of climate change. The floodplain harvesting licences proposed to be issued under the Government's plan are based on historical take in existing works and on ensuring overall licensed volumes are in line with those already climate-unready sustainable diversion limits.

But how water take against these licences impacts on the rivers, on neighbours and on downstream communities will be ultimately governed by the rules that apply to the management of these flows—the how, the when and how much can be taken in any particular floodplain event—and that will determine how much of it makes it downstream. That will be set out in the water sharing plans, which are yet to be amended to include floodplain harvesting management rules. These rules are also central to whether or not the Government's floodplain harvesting policy and licensing regime is consistent with the New South Wales Water Management

Act, and especially the water management principles set out under section 5 (3) and which outline a clear prioritisation for decision-making around water sharing. Section 5 (3) states:

> In relation to water sharing—
>
> (a) sharing of water from a water source must protect the water source and its dependent ecosystems, and
>
> (b) sharing of water from a water source must protect basic landholder rights, and
>
> (c) sharing or extraction of water under any other right must not prejudice the principles set out in paragraphs (a) and (b).

The water law in New South Wales is actually very clear. The water source and dependent ecosystems and basic landholder rights come before the extraction of water under any other right and that includes a floodplain harvesting access licence. ICAC said it this way in its 2020 report into allegations concerning the management of water in New South Wales and systemic noncompliance with the Water Management Act 2000. The report states:

> The provisions of s 5 (3) of the WMA explicitly require that, in relation to water sharing, the protection of the rights of irrigators must not prejudice the protection of a water source and its dependent ecosystems, and the protection of basic landholder rights, which include native title rights.

The ICAC report goes on to describe what they saw through their investigation:

> … gross failure by the department to understand and fully implement the water management principles prescribed by the WMA …

And further that this failure is:

> … inimical to the interests of good government and to the public interest.

For those who do not know that word, it means they are basically standing in the way of good government and the public interest. Recommendation 2 of the ICAC report states:

> That the DPIE develops and publishes a protocol and procedures for amending water sharing plans that reflect the principles for water sharing in section 5 (3) of the Water Management Act and give priority to those principles in the order in which they are set out in that subsection in accordance with the mandatory duty imposed by section 9 of the Water Management Act.

The Government responded to that report and it made clear that the department's water group had established a new dedicated team to drive implementation of water sharing plans and other water policy. Part of the purpose of the new team is to ensure that evaluation and future amendments of water sharing plans include an evaluation against the principles of section 5 of the Act. The department's existing procedures and guidance documents for water sharing plan replacement and amendments will be reviewed to ensure they clearly reflect the relevant requirements, and this will be published by the end of quarter two 2021. The Government supported that recommendation of the ICAC.

There is a long-winded way of getting to this point. This bill seeks to hold the Government to its own response to the ICAC report and, in doing so, ensures the Government addresses the concerns of many stakeholders that the management rules for floodplain harvesting privilege a handful of large corporate irrigators over the environment and basic rights of landholders—the very thing ICAC found had been systemic within the department and which the Government has committed, in responding to ICAC, to correct.

This bill specifically does three things. Firstly, it amends section 87AA of the Water Management Act to reverse—to repeal effectively—the 2014 changes brought by former Minister Kevin Humphries, which establish the compensable rights for floodplain harvesting licence holders in the first place. Secondly, it will enable those compensation clauses to be switched back on via a regulation once the water Minister has published in the *Government Gazette*, alongside any new water sharing plans, the prescribed floodplain harvesting access rules and an explanation of how the floodplain harvesting is consistent with the water management principles set out in the Act. Thirdly, a new section 87AA (1) (b) provides that the environment Minister cannot give concurrence to any new water sharing plans that relate to floodplain harvesting unless the Minister has received and published on an appropriate website independent advice in relation to the consistency of the water sharing plans as it relates to floodplain harvesting with the water management principles in the Act.

This bill is simply requiring the Government to demonstrate how it is complying with the law in New South Wales. Once it does that, these compensable rights for floodplain harvesting licence holders can be switched back on. This bill differs from the bill already second read by The Greens in the following ways. This bill allows for the compensation provisions in the Act as they relate to floodplain harvesting licences to be reinstated. It does not remove the process available within the Act for compulsory acquisition of floodplain harvesting licences. While I understand that there is strong opposition to enabling holders of floodplain harvesting licences to be given any public money in the event those licences are found to be unsustainable, I recognise that the farmers themselves, or most of them, have not operated in bad faith throughout this process. Once licences are issued and should this bill pass with these provisions, maintaining the ability to compulsorily acquire licences is something that a future

government may have to rely on to further address climate and other risks to river health and access to water for basin communities.

For the sake of clarity, this bill would extinguish any rights to compensation for licences existing before this bill comes into effect. This is to address the bad faith actions of the Government when, in full knowledge that its regulation was going to be subject to a third disallowance motion earlier this year, it hurriedly raced out new regulations and letters to issue licences in two valleys. While the regulations and water sharing plans are not yet in place to allow water to be taken under those licences, my understanding is that it is the position of the Government that those licences have standing under the Act.

This bill takes forward the debate around floodplain harvesting. The Government has chosen to push ahead with regulations to establish a licensing regime despite ongoing evidence that the Legislative Council does not consider that the rules around how this water can be taken are adequate to protect downstream communities and the environment in accordance with the water law in New South Wales. I do recognise that there has been a willingness with the new Minister to engage with stakeholders, particularly on the question of downstream targets, which I do think will go a long way to addressing the compliance obligations under section 5 (3) of the Water Management Act. However, at this point in time, those downstream targets that have been proposed by the Minister to various stakeholders, including members in this place who have engaged in this debate, are woefully inadequate to deliver against that, and whilst the Legislative Council cannot prescribe the regulations or water sharing plans that the Government puts forward, we can seek to change the law to best ensure those rules are fit for purpose.

The Government should welcome this bill. It has accepted the ICAC recommendations. It has established a dedicated team to drive implementation of water sharing plans, ensuring they are compliant with the priority of use provisions under the water management principles in the Act. Providing a statement of reason in the *Government Gazette* and outlining and publishing independent advice on those questions should be a simple administrative change that would provide clarity for all stakeholders about how the Government is delivering on its obligations under the law and enable the Government therefore to restore the compensation provisions that this bill will effectively put on hold temporarily.

Should the Government resist this bill, the only conclusion to be drawn is that it is not prepared to provide such reasons because the water sharing plans and the rules around the management of floodplain harvesting do not adequately address the objectives of the Water Management Act and continue to privilege access to huge volumes of water to large corporate irrigators at the expense of the environment and other licence holders and downstream communities. We cannot allow a situation where, if the Government has got this policy wrong, if it has allocated too many licences, if it has underestimated inflows or failed to ensure adequate overland flows get downstream, if it has failed to understand the impacts of climate change on the basin, the environment ends up carrying the risk.

We cannot have a situation where future governments are forced to pay billions of dollars to a small group of large corporate irrigators if we have got this wrong. With this bill, we can switch off those compensation provisions until such time as the Government has demonstrated its ability and willingness to comply with the water law in New South Wales and we can ensure that the water management principles under the Act are complied with and that the needs of downstream communities and rivers are put ahead, as required under law in New South Wales, of the extractive uses of the Murray-Darling Basin. I commend the bill to the House.

Debate adjourned.

Documents

HAWKESBURY CITY COUNCILLOR SARAH RICHARDS AND MATTHEW BENNETT

Production of Documents: Order

The Hon. MARK BUTTIGIEG: I move:

That private members' business item No. 1714 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK BUTTIGIEG (16:48): I seek leave to amend private members' business item No. 1714 outside the order of precedence for today of which I have given notice by omitting all words after "That Standing Order 52" and inserting instead:

(a) there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents, in electronic format if possible, in the possession, custody or control of the Minister for Local Government, Department of Planning and Environment, Office of Local Government, Department of Premier and Cabinet, NSW Electoral Commission relating to investigations concerning Councillor Sarah Richards, Hawkesbury City Council:

(i) all documents, including all reports, reviews, recommendations, emails, text messages and correspondence, relating to potential or actual investigation of Councillor Sarah Richards, including investigation of Matthew Bennett, in respect of an alleged false declaration statement, of not being a property developer or close associate thereof, on her public disclosure statement;

(ii) all documents relating to decisions by the Office of Local Government, the Minister for Local Government or the Department of Planning and Environment, not to investigate Councillor Sarah Richards or Matthew Bennett;

(iii) all documents, including all referrals, reviews, briefing, and correspondence, from the Minister Local Government, the Office of Local Government or the Department of Planning and Environment provided to the NSW Electoral Commission relating to Councillor Sarah Richards or Matthew Bennett; and

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

(b) there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, in electronic format if possible, in the possession, custody or control of the Minister for Local Government, Department of Planning and Environment, Office of Local Government, Department of Premier and Cabinet, NSW Electoral Commission relating to investigations concerning Councillor Sarah Richards, Hawkesbury City Council:

(i) all documents created since 1 January 2021 concerning the powers or processes of the Office of Local Government or NSW Electoral Commission as they relate to investigation of allegations of false declaration statements; and

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

The DEPUTY PRESIDENT (The Hon. Wes Fang): Is leave granted?

The Hon. Shayne Mallard: The Government has not been consulted on this amendment. It is quite a lengthy change.

The Hon. MARK BUTTIGIEG: It is merely a change to the number of days being asked for.

Leave granted.

The Hon. MARK BUTTIGIEG: Accordingly, I move:

That, under Standing Order 52:

(a) there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents, in electronic format if possible, in the possession, custody or control of the Minister for Local Government, Department of Planning and Environment, Office of Local Government, Department of Premier and Cabinet, NSW Electoral Commission relating to investigations concerning Councillor Sarah Richards, Hawkesbury City Council:

(i) all documents, including all reports, reviews, recommendations, emails, text messages and correspondence, relating to potential or actual investigation of Councillor Sarah Richards, including investigation of Matthew Bennett, in respect of an alleged false declaration statement, of not being a property developer or close associate thereof, on her public disclosure statement;

(ii) all documents relating to decisions by the Office of Local Government, the Minister for Local Government or the Department of Planning and Environment, not to investigate Councillor Sarah Richards or Matthew Bennett;

(iii) all documents, including all referrals, reviews, briefing, and correspondence, from the Minister for Local Government, the Office of Local Government or the Department of Planning and Environment provided to the NSW Electoral Commission relating to Councillor Sarah Richards or Matthew Bennett; and

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

(b) there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, in electronic format if possible, in the possession, custody or control of the Minister for Local Government, Department of Planning and Environment, Office of Local Government, Department of Premier and Cabinet, NSW Electoral Commission relating to investigations concerning Councillor Sarah Richards, Hawkesbury City Council:

(i) all documents created since 1 January 2021 concerning the powers or processes of the Office of Local Government or NSW Electoral Commission as they relate to investigation of allegations of false declaration statements; and

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

The people of New South Wales are entitled to have their councillors working in their best interest. It is also expected that elected representatives are truthful in their declarations and disclosures. During budget estimates hearings, I tabled documents demonstrating that at the time of Hawkesbury councillor Sarah Richard's declaration, her partner, Matthew Bennett, was shown to co-own BCM Property Group, which was advertised as "BCM Real Estate and Development" and offered "end to end property development services". Its website states:

Matthew Bennett has been in real estate his entire life. From selling villas to commercial properties and development sites worth up to $900m, he has over 25 years experience in every aspect of property.

The website also mentioned "targeted expertise in specific aspects of commercial or residential property development". Despite the close association, it was not declared by Councillor Richards. The order for papers is important because the residents she serves have a right to know about any information relating to Councillor Sarah Richards' conduct. The Government has not provided clarity regarding which Minister and which department are responsible for investigating a councillor who has allegedly failed to declare information. If a councillor has falsely indicated that they do not have a close association with a property developer, we need to ensure that the councillor is being investigated correctly. The public are entitled to know the method of investigation and where the responsibility lies.

Members will recall the Antoine Doueihi fiasco that went on for over two years, whereby the former Liberal mayor of Strathfield was found to have provided false and misleading information. He was in fact a developer and declared otherwise, yet he continued to sit on Strathfield council. Following an investigation conducted by the Office of Local Government [OLG], the councillor was accused of failing to declare his extensive property and business interests and was referred to the NSW Civil and Administrative Tribunal. The Deputy Secretary, Local Government, Planning and Policy, stated, "I am satisfied that Councillor Doueihi has engaged in misconduct."

The OLG and the Minister for Local Government at the time must have trusted that they had the power to investigate Mr Doueihi for failing to declare his interests. Fast-forward to budget estimates on 8 March this year where, under questioning from me and Mr David Shoebridge, the current Minister first argued that it was not the OLG's jurisdiction to investigate allegations that Councillor Richards failed to declare her close relationship with her partner, who is alleged to be a property developer. After further questioning, the Secretary of the Department of Planning and Environment, Mr Michael Cassel, stated:

> We have said if we are made aware that something has been done untoward, we will investigate. We have been made aware today. Documents have been tabled. We need to go through due process on those. We are not saying that the Electoral Commission has to do the investigation. We are saying that when we are made aware of it, we will do the investigation.

An article in *The Sydney Morning Herald* from 14 March reported that a spokesman for Minister Wendy Tuckerman said that the OLG would review the tabled documents. Unfortunately, the flip-flopping from the Government continued the following day. On 15 March in *The Sydney Morning Herald* a spokesperson for the Minister said that the OLG had reviewed the tabled documents and that the matter was not for the OLG, given the issue is in relation to nominations and/or its disclosure requirements, and that instead it was a matter for the Electoral Commission. That is extremely puzzling, given that the OLG had the jurisdiction in the matter concerning Mr Doueihi. On 23 March Mr Greg Sullivan, Deputy Secretary, Crown Lands and Local Government, wrote that documents from budget estimates had been forwarded to the Electoral Commission and to OLG's investigations team.

We need to resolve the ambiguity around governmental responsibility so our residents understand who actually safeguards the integrity of the electoral system. It is essential that those who hold office are not under any cloud of suspicion. It is in the public interest that this essential information is to be provided. There is ambiguity over the questioning that happened in budget estimates. One minute the OLG has responsibility, the next minute it does not, and then the next minute it refers the matter to the Electoral Commission. We cannot even find out whether the Electoral Commission is investigating the matter. Meanwhile, this person is running for public office. We want papers to find out what the hell is going on and who is responsible. It is as simple as that. [*Time expired.*]

The Hon. SCOTT FARLOW (16:56): The Government opposes this senseless motion, which the Opposition is attempting to dress up as a transparency motion, when really it is a political witch-hunt. I note the timing of the motion. The motion relates to investigations of a councillor which fall outside the remit of the Parliament and rightly fall within the responsibilities of the NSW Electoral Commission, which remains independent of this Parliament, and for good reason. Time and again it has been made clear to the mover of the motion, the Hon. Mark Buttigieg, that the Minister for Local Government has no direct role in investigations of individual councillors, and nor should she.

On 22 April 2022 the member received an answer to his question on notice to the Minister on the same matter. The response to the member advised that the Office of Local Government determined that Councillor Richards did not breach the council's code of conduct and that her partner is not a property developer. It is also disappointing that the member has chosen to introduce this politically motivated motion when the State has faced unprecedented storms and floods during a pandemic, preceded by droughts, bushfires and more floods and, lo and behold, on the eve of a Federal election in which that named councillor is, of course, a candidate.

The volume of information that the motion captures, from reports to referrals to recommendations to emails to text messages to briefings and correspondence, represents an unreasonable and substantial diversion of agency resources. Let me be clear, any resource diverted away from the State's recovery efforts impedes the Government's ability to effectively provide rapid relief and support to impacted communities, especially residents displaced

from their homes in the recent flood emergency. The Office of Local Government in particular is working day in and day out to provide as many services as possible to those councils and communities across the State that have been disaster declared, including in parts of the Hawkesbury. The motion serves only to hinder the focus and progress of assisting those most in need at a time when all members in this Chamber are clearly devastated by the impact of floodwaters on communities across our State.

The motion and this moment of political grandstanding is nothing more than a slap in the face to residents in the communities whose livelihoods have been shattered. We are not against government transparency, but there is a time for it and that time is not this motion. Right now our focus needs to be on assisting our communities to rebuild their towns and supporting affected residents to get back on their feet, not on conducting a political witch-hunt through the powers of this Chamber. Based on those arguments, the Government opposes the motion and implores members in the Chamber to consider the precedent that will be set if the House supports it.

The Hon. SHAYNE MALLARD (16:59): The Government strongly opposes the motion and calls it out as an abuse of Standing Order 52 powers for a political smear campaign in the lead-up to the Federal election, which is less than two weeks away. Members opposite are muckraking for their left-wing union mates and Labor in the Blue Mountains, who are behind this attempted character assassination and smear. The motion is an attempt to smear the Liberal candidate for Macquarie, Sarah Richards—our candidate in the most marginal Federal electorate in Australia, which she nearly won at the last election, falling short by only a few hundred votes. It is now on a 0.2 per cent margin, so members opposite have reason to try to smear Councillor Sarah Richards. She is a formidable woman who fights tenaciously for her community. Sarah is a mother of three school-aged children, a former solicitor and a well-regarded councillor on Hawkesbury City Council, which covers more than half the Federal Macquarie electorate.

The Hon. Penny Sharpe: Point of order: My point of order relates to relevance. This is a Standing Order 52 motion; we do not need a long history of the individual involved.

The Hon. SHAYNE MALLARD: I accept that.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I uphold the point of order.

The Hon. SHAYNE MALLARD: It is not fair to waste our time. The Labor Party is behind this smear. Its left-wing, union-aligned base controls the Australian Labor Party members in the Blue Mountains and the member for Macquarie, Susan Templeman. This political smear campaign disgracefully attacks Sarah through her partner, and is a typical Labor tactic increasingly used against women in political life—go for them via their male partners. Time and again Labor has dragged women into the political gutter by targeting their male partner. So much for encouraging more women into public office. Let me make this point clear: There is no inquiry in order to ask for documents under Standing Order 52. The Office of Local Government has made it clear that no inquiry is needed into either Councillor Richards or her partner. The article in *The Sydney Morning Herald* to which the Hon. Mark Buttigieg referred to twice today has a disclaimer about the Office of Local Government not proceeding with an inquiry. The letter from the Office of Local Government states:

> The OLG has determined that no further action is warranted. In making this decision the OLG has determined that you do not satisfy the definition of a property developer as defined by section 54 of the Electoral Funding Act.

I seek leave to table the letter.

Leave not granted.

The Hon. SHAYNE MALLARD: No, that would be right. On 14 April 2002 it states in black and white that Councillor Richards is clear of Labor's allegation and muckraking. I call upon those who support Standing Order 52 powers as a mechanism for government accountability and transparency to see this as an abuse of the powers of this House for a political smear and tool in the Federal election campaign. If members genuinely support the responsible use of the Standing Order 52 powers of this House, they should not support an abuse of this process. The Government opposes the motion on principle. It has nothing to hide but it calls on other members of this Chamber to draw a line in the sand and say it is not appropriate to use Standing Order 52 to play the person for the Labor Party in the next Federal election.

The Hon. MARK BUTTIGIEG (17:03): In reply: I thank members who contributed to debate. I respond briefly to what appears to be a feeble protection racket being run by Government members. We heard an argument that because we had storms, floods and a pandemic we should not have transparency in government. Is the Government seriously proffering that argument? Is it seriously suggesting that Councillor Richards is off limits because she is campaigning in a Federal electorate? On the contrary, the people of Macquarie deserve to know that she is on record as being involved in property development. The website states:

> Matthew Bennett has been in real estate his entire life. From selling villas to commercial properties and development sites worth up to $900m, he has over 25 years experience in every aspect of propert]y.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The Hon. Shayne Mallard will cease interjecting.

The Hon. MARK BUTTIGIEG: The website also mentions he has targeted expertise in specific aspects of commercial or residential property development. The Minister is not quite sure that the Government has responsibility for that. The Office of Local Government conducted a two-year investigation into Doueihi, who was subsequently found to have—

The Hon. Shayne Mallard: Point of order: The Doueihi matter is not relevant to the debate.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I uphold the point of order. I note that the Hon. Mark Buttigieg raised the matter in his introduction.

The Hon. MARK BUTTIGIEG: To the point of order: It is directly relevant because the Office of Local Government stated it did not have jurisdictional power yet it used that same jurisdictional power to investigate Doueihi.

The Hon. Shayne Mallard: You upheld the point of order.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I have upheld the point of order, but the Hon. Mark Buttigieg will continue.

The Hon. MARK BUTTIGIEG: We know for a fact that the Office of Local Government has referred the matter to the Electoral Commission. If there was no doubt and no ambiguity, why did it do that? Why did the Office of Local Government send a letter stating that the matter has been referred to the NSW Electoral Commission? It has said that Mr Bennett does not qualify under the Act. I think the people of Macquarie want to know whether the Electoral Commission has a view on whether the Act has been breached by an incorrect declaration on forms. If we are to have compliance requirements the Government should at least have the decency to try to enforce them on behalf of the people of New South Wales. We need to get to the bottom of exactly what is going on. I commend the motion to the House.

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

The House divided.

Ayes 21
Noes 13
Majority.....8

AYES

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

NOES

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

PAIRS

Houssos	Mitchell
Moselmane	Barrett
Searle	Ward

Motion agreed to.

HEALTH ASSET MANAGEMENT

Production of Documents: Order

The Hon. DANIEL MOOKHEY: On behalf of the Hon. Penny Sharpe: I move:

That private members' business item No. 1769 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. DANIEL MOOKHEY (17:17): On behalf of the Hon. Penny Sharpe: I seek leave to amend private members' business item No. 1769 outside the order of precedence by omitting "21 days" and inserting instead "28 days".

Leave granted.

The Hon. DANIEL MOOKHEY: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents created or modified since 1 January 2020 in the possession, custody or control of the Treasurer, Minister for Health, Minister for Women, Minister for Regional Health, and Minister for Mental Health, Treasury, or Ministry of Health relating to asset management for health:

(a) all current asset management plans, strategic asset management plans, asset utilisation and recycling plans, asset registers, or capital-investment plans, for:

  (i) Ministry of Health, including all organisational units;

  (ii) each local health district, including all organisational units;

  (iii) NSW Ambulance, including all organisational units;

  (iv) Health Infrastructure, including all organisational units; and

  (v) HealthShare NSW, including all organisational units.

(b) all briefs, including attachments to briefs, regarding any of the documents listed in subparagraph (a) sent, signed, drafted, received, or approved by:

  (i) the current or former Treasurer;

  (ii) the current or former Treasury Secretary;

  (iii) the Minister for Health;

  (iv) the Minister for Women, Minister for Regional Health, and Minister for Mental Health; and

  (v) the current or former Secretary of NSW Health.

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

This matter is similar to a Standing Order 52 motion that I moved the last time the House sat in that it seeks the production of documents that apparently, according to Treasury, every department is meant to have. Those documents include current asset management plans, strategic asset management plans, asset utilisation and recycling plans, asset registers and capital investment plans. Sadly and disappointingly, that order was returned with an attestation that I would best describe as churlish from the new Secretary of NSW Health, who said that such documents are not required to be produced, identifying a technical deficiency in the motion, which is probably incorrect on her behalf.

Nevertheless, as tempted as I am to pursue why the Secretary of NSW Health was wrong and the fact that she provided incorrect and misleading information to this House in her response, I will abstain from giving my full views on that matter. Instead I will do what is predictable, which is to seek the information. Other departments that were subject to the same order were able to produce the requested documents. I call out NSW Health for being an outlier in this respect. This time it should provide the documents. I look forward to the new Secretary of NSW Health demonstrating far more of an understanding of standing orders than she has so far. I look forward to seeing this information. I commend the motion to the House.

The DEPUTY PRESIDENT (Ms Abigail Boyd): The question is that the motion be agreed to.

Motion agreed to.

DUNGOWAN DAM, WYANGALA DAM AND MOLE RIVER DAM

Production of Documents: Further Order

Ms CATE FAEHRMANN: I move:

That private members' business item No. 1719 outside the order of precedence be considered in a short form format.

Motion agreed to.

Ms CATE FAEHRMANN (17:20): I move:

(1) That this House notes that:

(a) on Wednesday 23 February 2022 this House ordered the production of the latest draft or final business cases for the Dungowan Dam and the Wyangala Dam; and

(b) on Thursday 3 March 2022 correspondence was received from the Department of Premier and Cabinet which stated that "to the best of their knowledge, no documents are held" by the Minister for Lands and Water, and Minister for Hospitality and Racing, Department of Planning and Environment, Infrastructure NSW, Water NSW or Department of Enterprise, Investment and Trade "that are covered by the terms … of the resolution and are lawfully required to be provided".

(2) That this House notes the article in *The Northern Daily Leader* entitled "State government won't release 'commercial-in-confidence' Dungowan Dam business case, despite parliamentary order", dated 9 March 2022, which states that the Government is "claiming the business case is out of scope of the order because it contains cabinet and commercially sensitive information".

(3) That this House:

(a) reasserts its power to order the production of all documents in the possession, custody or control of the Executive Government with the exception of those documents that reveal the actual deliberations of Cabinet, as articulated by Spigelman CJ in *Egan v Chadwick*; and

(b) rejects the definition of Cabinet documents used in the Government Information (Public Access) Act 2009, which if followed may lead to a much broader class of documents being withheld from this House.

(4) That, under Standing Order 52, there be laid upon the table of the House within two days of the date of passing of this resolution the following documents in the possession, custody or control of the Minister for Lands and Water, and Minister for Hospitality and Racing, the Department of Planning and Environment, the Department of Enterprise, Investment and Trade, Water NSW, Infrastructure NSW, or Water Infrastructure NSW relating to dam business cases:

(a) the latest draft or final business case for the Dungowan Dam;

(b) the latest draft or final business case for the Wyangala Dam;

(c) all documents relating to the order of the House of Wednesday 23 February 2022 for the production of documents regarding Dungowan Dam, Wyangala Dam and Mole River Dam; and

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

(5) That, should the Leader of the Government fail to table the documents in compliance with this resolution, it will be a matter for this House to take necessary actions and further steps to address the issue of continued noncompliance.

There have been five orders for papers asking for draft or final business cases for the Government's proposed dam projects, including the Dungowan, Mole River and Wyangala dams. The first was on 5 August 2020 moved by Mr Justin Field, with four subsequent orders moved by me in November 2020 and June and February 2021 and the most recent order on 23 February 2022. The Government has not once provided a draft or final business case for any of these projects in response to these five orders. Paragraph (1) of the most recent order for documents passed by this House on 23 February called for the latest draft of final business cases for the Dungowan and Wyangala dams. The Department of Premier and Cabinet responded to that order for documents on 3 March 2022 stating that there were no documents in their possession that were covered by the terms of the resolution and were lawfully required to be provided. It was only in an article published in *The Northern Daily Leader* on 9 March 2022 that the Government clarified that it had not provided the business cases because it considered them to be commercial in confidence.

The Government has been desperate to keep these projects shrouded in secrecy. It is only through the powers of this House under Standing Order 52 that significant details of these projects have been made available to the public, including a previous call for papers which revealed that the cost of building a new Dungowan Dam had blown out from $484 million to as much as $840 million. In recent times we discovered that has blown out even more. At a press conference on 25 March the mayor of Tamworth accidentally let slip that the Commonwealth's 50 per cent contribution to Dungowan Dam was now $675 million, putting the estimated total cost of the dam at an extraordinary $1.35 billion. Under the partnership for the National Water Infrastructure Development Fund, the State Government committed to achieve acceptance by the Australian Government of the Dungowan Dam detailed business case and completion of Infrastructure NSW's gateway review by the funding milestone deadline of 30 November last year. The Government has struggled so much to make an economic case for building these dams—which have been plagued by delays and cost blowouts—that it missed that deadline.

At the recent budget estimates hearing, when the new water Minister, Kevin Anderson, was asked about viability costs and the impact of these projects, he adopted the strategy of his predecessor by simply responding,

"Don't worry, that will be addressed in the business case." That is the same business case that this Government is so desperate to keep secret that it will abuse the will of this House and refuse to comply with an order for documents. I have previously spoken at length about the flaws of these projects and the necessity for the public to see these business cases. Time will not permit me to go into why we need to see the business cases. But if the Government is confident that it is committing billions of taxpayer dollars to worthwhile projects, it should have no issue with complying with this order for papers.

The community is crying out for transparency. On 22 March all nine members of the Tamworth Regional Council unanimously voted to demand that the water Minister release the business case for the Dungowan Dam. Taxpayers deserve to know on what basis the Government is making the decision to invest in dams, when all the evidence points to the contrary—what little evidence they have produced. I hope that the Government will choose to comply with this order. However, if we return next week or in June and the Government has failed to comply, I will have no choice but to seek to invoke the further powers of the House that are available to all members. I commend the motion to the House.

The Hon. MARK LATHAM (17:24): One Nation supports this motion because we believe in transparency. It is appalling to hear that this is the fifth order for papers without an adequate production of documents by the Government. The Government cannot be allowed to defy the will of the Parliament. The consequence of this is to take the Leader of the Government out of the Chamber. We do not want to necessarily do that. It is his responsibility to make sure that he upholds the powers and responsibilities of this Chamber and that we do not need five or six orders for papers to get the documents that are needed for the honourable member to undertake the scrutiny that she requires.

The member may come to a very different policy conclusion than I would reach. But it is the principle that we all share as parliamentarians that having got this Standing Order 52 power to call for papers, which is so much superior to the Government Information (Public Access) Act, and in the interests of the people of New South Wales, we should all be united as a Parliament in making sure that the Executive side of the Government is brought to account and complies with the orders. It is extraordinary that it has gone this far. The member has shown patience in not actually moving stronger motions. If that is necessary, the Parliament should support that as well.

The Hon. ROSE JACKSON (17:25): Labor will support the motion moved by Ms Cate Faehrmann, as we have all the other motions that she and others have moved in relation to this issue. As Ms Cate Faehrmann outlined, we know now that the business cases exist. The response to the most recent motion was that the Department of Premier and Cabinet said that no documents exist that are legally required to be released. We know that they exist. The Minister confirmed in budget estimates that the business cases existed and are going through the process. We simply want to see them. There is an important distinction in my mind, in that Labor understands that the deliberations of Cabinet are indeed confidential. If the Minister for Finance wants to say in Cabinet, "This is a complete dog of a project. Why on earth would we spend hundreds of millions of dollars in a completely unjustified way on this total waste of money project?" it is his right, and he should be able to say that with confidence that it will be a private contribution to the discussion. I support that.

I support the right of Ministers in Cabinet to make private contributions to deliberations without worrying if they will end up on the front page of the newspaper. That is very different to documentation that has been prepared about overall projects that contain a range of important information that all stakeholders will want to know and is contained in business cases. When that is the attitude taken by the Government and the Department of Premier and Cabinet to what is covered by Cabinet in confidence, what happens is that the Opposition, the crossbench, the community and all of the stakeholders are left completely in the dark. As Ms Cate Faehrmann said, we are entitled to ask questions about projects: What are the benefits? What is it going to deliver in terms of water security? What is it going to deliver in terms of the impact on pricing for Tamworth water users?

As we know, the National Water Initiative requires expenditure on water infrastructure to be borne by water users. Tamworth water users are potentially facing a pretty significant bill increase that we want to ask questions about. The answer to all of those questions has been, "It is in the business case." Fair enough, show us the business case. We cannot have this situation where we are unable to scrutinise the expenditure of billions of dollars of taxpayer funds by the Government because of this very broad interpretation of what "Cabinet in confidence" means. I do not want to know what the Minister for Finance said in the discussion on this project. I do want to know the basis on which billions of dollars of Government money has been committed.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (17:28): I speak to the motion, private members' business item No. 1719 on the *Notice Paper*, moved by Ms Cate Faehrmann seeking the production of various papers in relation to the business cases for Dungowan Dam and Wyangala Dam. The Government opposes the motion. The motion refers to the Government's response to the resolution passed by the Legislative Council on 23 February 2022 calling for various papers, including business cases in relation to the Dungowan Dam, the Wyangala Dam and the Mole River Dam, and other documents related

to floodplain harvesting. The resolution called for the documents in two parts. The first part called for the latest draft or final business cases for the Dungowan Dam and the Wyangala Dam.

On 3 March 2022 the Secretary of the Department of Premier and Cabinet responded to the Legislative Council in respect of the first part of the resolution by indicating that no documents covered by the terms of the resolution and lawfully required to be provided were held by the Minister for Lands and Water, and Minister for Hospitality and Racing, the Department of Planning and Environment, Infrastructure NSW, Water NSW or the Department of Enterprise, Investment and Trade. The secretary further indicated that the Department of Enterprise, Investment and Trade also held no documents in relation to the second part of the order.

On 16 March the Government provided a further response to the Legislative Council in response to the second part of the resolution, being the part calling for various documents relating to dam business cases and floodplain harvesting, including all documents, correspondence and advice relating to any draft or final business cases for the Dungowan Dam, the Wyangala Dam and the Mole River Dam. The Government produced non-privileged and privileged documents obtained from the Minister for Lands and Water, and Minister for Hospitality and Racing, Department of Planning and Environment, and Water NSW. The Department of Planning and Environment also indicated that its response was a partial return and that any further documents would be provided as soon as possible. No documents responsive to the second part of the resolution were held by the Treasurer, and Minister for Energy, the Department of Enterprise, Investment and Trade or Infrastructure NSW.

The motion now before the House again seeks the documents referred to in the first part of the resolution of 23 February 2022, being the latest draft or final business cases for the Dungowan and Wyangala dams. The motion also seeks all documents relating to the resolution passed by the House on 23 February 2022. The motion provides only two days for the Executive to respond.

I seek an extension of time, as it is important that I get this on the record.

Leave granted.

The Hon. DAMIEN TUDEHOPE: I thank the House. As noted on many occasions now the Government respects the authority of the House, as so articulately put by the Hon. Rose Jackson, to make orders to compel Government Ministers and agencies to produce documents. The Government acknowledges its obligation to comply with these orders despite the significant resource and cost burden that is often imposed as a result. However, in *Egan v Chadwick* [1999] 46 NSWLR 563—it is interesting that I am quoting that case today—the NSW Court of Appeal determined that the House's power to compel the production of documents does not extend to Cabinet information. This includes documents that directly or indirectly reveal the deliberations of Cabinet or any other Cabinet documents which would, if they were disclosed, undermine collective ministerial responsibility for government decisions by revealing the position that a Minister has taken on a matter in Cabinet. I do not think the Hon. Rose Jackson would suggest that anything I have said so far is controversial.

Accordingly, even if otherwise covered by the terms of an order, Cabinet documents are neither identified nor produced in response to an order. This Government, like successive governments before it, recognises and respects the importance of Cabinet confidentiality to the system of responsible government. The Premier's Memorandum M2006-8, entitled *Maintaining Confidentiality of Cabinet Documents and Other Cabinet Conventions*, is significant as it gives guidance to agencies for protecting the confidentiality of Cabinet documents. The memorandum states:

> … a convention at the core of the Cabinet system of government is the collective responsibility of Ministers for government decisions. Ministers are collectively responsible for all Cabinet decisions and must publicly support them, even if they do not personally agree with them.
>
> The unauthorised and/or premature disclosure of Cabinet documents, including draft Cabinet documents (such as draft Cabinet minutes), undermines collective ministerial responsibility. It also undermines the convention of Cabinet confidentiality. It is accordingly essential that the confidentiality of Cabinet documents, including draft Cabinet documents, is maintained to enable full and frank discussions to be had prior to Cabinet making its decision.

This memorandum was issued by the former Government in 2006, and its operation has been continued by this Government. All government agencies are required to comply with this memorandum, as they have been since it was issued by the former Government in 2006. The Government opposes the motion.

Ms CATE FAEHRMANN (17:34): In reply: The contribution on behalf of the Government by Minister Tudehope really was extraordinary. What this motion and previous Standing Order 52 calls for papers have all been about is to get these business cases released so that the public can have some kind of certainty that the spend of $1.3 billion will be justified as good value for money for the taxpayer. Last year the Productivity Commission found that Dungowan Dam was extremely unviable at a cost of $484 million—almost a dud of a project, if you like. We now have a spend of $1.3 billion. The new Minister for Lands and Water is saying to the local papers that a business case is floating around. Indeed, it has gone to Cabinet because he is declaring it Cabinet in

confidence. This is despite the cost of this project going up. It was $484 million and then it was something like $850 million. Now it is $1.3 billion and the Government is still trying to say to the people of Tamworth that it is a good idea. It keeps saying that the business case is Cabinet in confidence.

It beggars belief that the Government does not just say, "You know what? We're going to scrap that, we're going to release this and we're going to demonstrate to the people before the election that this is not a pork-barrelling exercise. It is not a pork-barrelling exercise by the Deputy PM, Barnaby Joyce, whose electorate this project is in. It's not a pork-barrelling exercise by water Minister Kevin Anderson, whose electorate this project is in. It is not a $1.3 billion pork-barrelling exercise for the National Party before the election. It makes really good sense. We are going to release this business case and get it out there." No, instead this is what we have got before us. It looks like this motion will be agreed to by the House, which is a good thing. Let us see what we need to do this week. However, I urge the Government to release the business case before we come back to this Chamber next week.

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

The House divided.

Ayes 22
Noes 14
Majority.....8

AYES

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

NOES

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

PAIRS

Houssos	Barrett
Moselmane	Mitchell

Motion agreed to.

SYDNEY METRO

Production of Documents: Order

The Hon. DANIEL MOOKHEY: I move:

That private members' business item No. 1779 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. DANIEL MOOKHEY (17:47): I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents in the possession, custody or control of the Minister for Transport, Minister for Infrastructure, Transport for NSW or Sydney Metro relating to Sydney Metro:

(a) the following documents identified by Sydney Metro in response to an application made under the Government Information (Public Access) Act 2009:

(i) 211029 final report storyline v8;

(ii) 211029 final report storyline v12;

(iii) 211104 Sydney Metro Strategy Review Draft v19;

(iv) 211109 Sydney Metro Strategy Review Draft v24;

(v) 211110 Sydney Metro Strategy Review Draft vWIP;

(vi) 211116 Sydney Metro Strategy Review Draft v33;

(vii) 211116 Sydney Metro Strategy Review Draft v35;

(viii) 211118 Sydney Metro Strategy Review Draft v39;

(ix) 211119 Sydney Metro Strategy Review Final Report;

(x) Briefing Note Approval for Variation of Contract 01 SMC-21-0315;

(xi) "BCG Invoice 2021400594; and

(xii) 211104 Sydney Metro Phase 2 Proposal Letter v3.

(b) all correspondence and communications created since 1 July 2020 sent or received by the CEO of Sydney Metro or the chair of Sydney Metro and:

(i) the current or any former transport Minister;

(ii) the Minister for Infrastructure;

(iii) the Secretary of Transport for NSW; and

(iv) any Deputy Secretary of Transport for NSW.

(c) all documents prepared for all Sydney Metro board meetings, and all documents which record decisions made by the Sydney Metro Board since 1 July 2020;

(d) all documents prepared for all meetings of the Audit & Risk Committee of Sydney Metro, and all documents which record decisions made by the Sydney Metro Audit & Risk Committee since 1 July 2020;

(e) all briefs, including attachments to briefs, regarding any matter related to the Sydney Metro sent to, signed by, drafted by, received by or approved by:

(i) the current or any previous transport Minister;

(ii) the Minister for Infrastructure;

(iii) the current or any previous Secretary of Transport for NSW; and

(iv) any Deputy Secretary of Transport for NSW since 1 July 2020.

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

This is the first Standing Order 52 motion that I have moved under the watchful eye of the Hon. Virginia Chadwick. I cannot help but feel that the best way we can honour Virginia Chadwick, of *Egan v Chadwick* fame, is for me to move three calls for papers in consecutive order. I consider this to be my particular tribute. The first call for papers that I move in honour of our former President relates to an issue of great public importance that has recently emerged: the fact that Sydney Metro is reported to be incurring a cost blowout on a project to the tune of between $2 billion to $6 billion. It is the line that will cross under the harbour and connect the Sydney Metro Northwest through the city and on to the Sydney Metro Southwest. In addition, we are told—not by Sydney Metro, but by others—that this cost blowout will mean there is a very good chance that Sydney Metro will not have the money to build all the projects that the Government has promised.

In fact, in the wake of such reports, a new way to announce projects was invented by some government spin doctor—rather than one opening date, they must have two opening dates. A staged delivery process was the spin doctor's rationale and explanation for why, all of a sudden, the Government was not in a position to proceed with the Sydenham to Bankstown conversion. That is troubling for many reasons. The public has incurred tremendous disruption in anticipation of those projects commencing. There are reports of billions of dollars of blowouts and negative consequences for future transport projects that were promised by the Government, all of which is occurring when the cost of our debt is skyrocketing. We can no longer afford to put the blowouts on the State's credit card. The cost of the State Government's debt has more than tripled since the State budget was handed down on 21 June last year.

On top of that, Sydney Metro has commissioned a strategic review. As is the wont of this Government, this particular strategic review was undertaken by the Boston Consulting Group at great public expense. Incidentally, when others tried to find out what the Boston Consulting Group was reviewing and the outcome of its review, Sydney Metro's response was to deny the release of that information by availing itself of exemptions it says it was entitled to under the Government Information (Public Access) Act [GIPAA]. There is a culture of

secrecy when it comes to transport agencies that are spending billions of dollars of public money in the public's name. This Government thinks that compliance with GIPAA in spirit and law is voluntary, denying information that otherwise should be made public.

As the house of review, we find ourselves having to decide our response. We should apply our powers under the Standing Order 52 request to compel the papers that are needed to get to the bottom of this. These are not trifling matters. Blowouts on big projects are on the State's credit card at a time when borrowing costs are skyrocketing and secret reviews are being undertaken by expensive consultants. We have heard this story many times before. It is time to apply some scrutiny to Sydney Metro, which is going to emerge as a major force in urban politics in this State over the next decade. It is not just answerable to itself; it is accountable to the Parliament. Therefore, I commend the motion to the House.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (17:52): The Government is facing another "Mookhey SO 52". I always love his rhetoric when he says that there are blowouts and it might lead to projects that cannot be completed. The Opposition is the expert in that. I remember the Chatswood to Parramatta metro line that was being delivered by the Labor Government. Guess where it finished? Epping. The experts opposite knew how to deliver infrastructure that was so important for the State. They are looking for opportunities to find out how it is done. That is what this motion about: "We need find out how you guys do it. We have no idea about how you deliver projects because when we try to deliver projects we either finish halfway or, alternatively, rip up the contract and pay millions of dollars in compensation." We all remember the Rozelle light rail. Those opposite are experts at starting but not delivering projects.

I understand why the Hon. Daniel Mookhey wants those documents, but it is not a genuine approach to transparency. Let us be clear: it is an education program for those opposite to learn how the Government delivers infrastructure. There is a serious side to this call for papers, which is its scope. The member has a habit of doing this. It is important to understand the motion. Paragraph (a) has 12 subparagraphs of documents that are required to be produced, including all sorts of reports and correspondence. But it is the second paragraph that is objectionable. It states:

> (b) all correspondence and communications created since 1 July 2020 sent or received by the CEO of Sydney Metro or the chair of Sydney Metro and:
>
> (i) the current or any former transport Minister;
>
> (ii) the Minister for Infrastructure;
>
> (iii) the Secretary of Transport for NSW; and
>
> (iv) any Deputy Secretary of Transport for NSW.

The scope of that search is significant. It requires an unacceptable amount of resources, which I am in the habit of highlighting to this House. Under those circumstances, the Government opposes the motion.

The Hon. SCOTT FARLOW (17:55): Here we go again with another addition to the "Mookhey Wing". This Chamber is just for him. Wednesday's should be renamed "Mookhey Day". There is probably no other department that provides more additions than poor old Transport for NSW. The Government opposes this call for papers moved by the Hon. Daniel Mookhey. It is another in a long line of his fishing expeditions. In fact, we are looking for a trawler for the Hon. Daniel Mookhey. The Transport cluster respects the power of the House to request an order for papers. It might prefer that it did so a bit more sparingly, particularly when it comes from the Hon. Daniel Mookhey. It also respects this House as the house of review.

The Transport cluster will always work closely with the Department of Premier and Cabinet and other agencies to ensure that all the requirements for orders for papers are met. However, since the beginning of the current term of Parliament in May 2019, Transport for NSW has received 76 orders for papers under Standing Order 52. As a result, Transport for NSW has spent around—wait for it—16,720 hours exclusively, or nearly 2,388 seven-hour days, working on cluster responses. Over the past 30 months Transport for NSW has incurred more than $2½ million in external costs in responding to Standing Order 52 requests. That is how much the Hon. Daniel Mookhey is costing the taxpayers of New South Wales. He is the $2½ million man. By the end of this term he will be "The Six Million Dollar Man".

The calls for papers have resulted in tens of thousands of documents being produced to the Legislative Council, using considerable resources and time that have tested the available capacity of the Transport cluster and, I dare add, the capacity of this building to hold all the documents. The number, timing and extent of the requests has required a significant diversion of resources from other projects and deliverables in the department. They are often simultaneous and, therefore, stretching resources. There is a whole cavalcade of Standing Order 52 requests for papers again tonight for poor Transport for NSW. Between January to March 2022 Transport for NSW received six Standing Order 52 requests, many of which had to be worked on simultaneously.

Staff are required to review large quantities of documents within time frames of seven to 28 days and often under technological limitations. A response to a call for papers under Standing Order 52 can divert hundreds of staff hours from tasks that are critical to the effective operation of the Transport cluster. That is why the Government opposes the motion.

The Hon. DANIEL MOOKHEY (17:58): In reply: I am provoked to reply and I imagine it will go for three minutes. First, I take exception to the fact that the Government Whip has accused me of being responsible for $2½ million worth of expenditure incurred by Transport for NSW in responding to Standing Order 52 requests. I deny that that is the cost. Even if those are the costs, the appropriate way to respond is in the manner of Transport for NSW, which would apply the benefit-cost ratio to the investment. If members wish to talk about the $2.3 million, the result of the orders under Standing Order 52 that I have brought before the House on behalf of the people of New South Wales has yielded far more benefit than the $2.3 million that it has cost because those Transport for NSW calls for papers revealed the billions of dollars of works and perks that were put through the Transport Asset Holding Entity. I believe Transport for NSW may have welcomed the scrutiny into that matter, though it would never admit that itself, because we exposed a lot of the wrongdoing that took place. Elsewhere, for projects like the Parramatta Light Rail stage two, I also applied the power to order the production of documents, which I imagine is included in the $2.3 million that the Government Whip—

The Hon. Scott Farlow: It was $2.5 million.

The Hon. DANIEL MOOKHEY: It was $2.5 million. Again, that exposed a lot of the financial wrongdoing in that particular project. I cannot help but recall that, as a result of the Standing Order 52 call for papers, we got to the bottom of the scandalous behaviour surrounding the Camellia site in stage two of the Parramatta Light Rail project. As I am sure the Assistant President has not forgotten, that was when Transport for NSW paid $55 million to acquire a site that was worth only $15 million at the time, and saddled taxpayers with a $100 million remediation bill. I cannot help but feel that the risk return on that investment that was made by the people of New South Wales on behalf of the upper House scrutiny is very much stacked in their favour, which brings me to the comments of the Leader of the Government in this place.

Once more I appreciate his weekly character assessment when it comes to orders under Standing Order 52. The Sydney Metro agency is very powerful. Of all the agencies within the Transport cluster, it has special powers. It is the only transport agency that I know of that has the ability to develop land on top of the railway stations that it intends to build, and that is only one example. Perhaps the Transport Asset Holding Entity now has that power, but Sydney Metro was the first to explicitly attain it. Equally, it is on the verge of signing one of the biggest contracts we will face.

I seek an extension of time.

Leave granted.

The Hon. DANIEL MOOKHEY: Sydney Metro is on the verge of signing a massive contract for the St Marys line at the end of the year. Equally, the agency is responsible for many land acquisitions, which have been explored in previous orders under Standing Order 52. I reject the view that somehow it is above scrutiny. Sydney Metro is subject to scrutiny, especially given the emerging reports of massive cost blowouts. I commend the motion to the House.

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

Motion agreed to.

Business of the House

SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS

The Hon. DANIEL MOOKHEY: I move:

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

Motion agreed to.

ORDER OF BUSINESS

The Hon. DANIEL MOOKHEY: I move:

That the order of private members' business for today be amended by omitting private members' business item No. 1780 item (8) and inserting instead private members' business item No. 1786.

Motion agreed to.

Documents

MASCOT TOWERS

Production of Documents: Order

The Hon. COURTNEY HOUSSOS: I move:

That private members' business item No. 1786 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. COURTNEY HOUSSOS (18:05): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, created since 1 January 2019, in the possession, custody or control of the Minister for Fair Trading, the Department of Customer Service or Fire and Rescue NSW relating to Mascot Towers:

(a) all documents relating to any report written by Professor John Carter, Professor Mark Hoffman and Professor Stephen Forster;

(b) all documents relating to any interim report into Mascot Towers;

(c) all documents relating to the Mascot Towers Independent Engineering Review; and

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

I will be very brief. I have spoken about the plight of Mascot Towers residents many times in this House. This call for papers specifically seeks the report and associated documentation that the Building Commissioner and the Government commissioned after the Building Commissioner called it the worst building he had ever seen. I seek the report because it has been kept secret; it has been kept from a number of the Mascot Towers owners. On a recent visit to the site with Labor leader Chris Minns, Mascot Towers owners raised with me the fact that the Building Commissioner made those comments publicly, commissioned that work using public money but then did not give that report to the residents or the owners who were directly affected, though it could assist them in their plight.

Again I put on record the tenacity of the Mascot Towers owners; they have continued to fight. Three years ago next month they were evacuated from their homes with several hours' notice. Many of their belongings are still in the Mascot Towers unit block. Given what has happened with the Sydney property and rental markets, if the Government does not extend the accommodation package beyond 30 June, which it announced it would do in March, those owners genuinely face bankruptcy. They continue to fight and they continue to plead to the Government. A number of owners have written personal letters to the Premier, appealing for him to understand the plight and the impact that that has had on them and on their families. I am in awe of their strength, tenacity and the way that they continue to fight. They are the victims of incredibly bad luck.

There are many apartment buildings in Mascot. Indeed, they are right across Sydney and New South Wales. Buying a home is a major financial investment. Those home owners face financial ruin and they are asking the Government to simply extend the accommodation support so that they can continue to pay their mortgages, rates and strata fees, which are obviously increasing all the time. I also pay tribute to the local Labor MP, Ron Hoenig, with whom I have been working closely on the issue. I thank the Mascot Towers owners corporation for the very professional way in which it has engaged with me, and it has sought to engage with the New South Wales Government in the same way. With those remarks, I commend the call for papers to the House.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (18:08): The Government will not oppose the motion.

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

Motion agreed to.

TRANSPORT ASSETS AND WORKFORCE

Production of Documents: Order

The Hon. DANIEL MOOKHEY: I move:

That private members' business item No. 1637 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. DANIEL MOOKHEY (18:09): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents in the possession, custody or control of the Minister for Transport, Transport for NSW, Sydney Trains, NSW Trainlink, State Transit, RailCorp, Sydney Ferries, Sydney Metro or Transport Asset Holding Entity of New South Wales [TAHE] relating to transport assets and workforce:

(a) all documents, including correspondence, communications, contracts, memorandums of understanding, business case reports or other reports, relating to the timeline and procurement cost to replace existing transport assets, including buses, ferries, light rail vehicles, trains and Metro, over the next 20 years;

(b) all documents, including correspondence, communications, contracts, memorandums of understanding, business case reports or other reports, relating to the timeline and procurement cost of transport assets for new projects, including buses, ferries, light rail vehicles, trains and Metro, over the next 20 years;

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

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

This call for papers applies to documents that are in the possession, custody or control of a variety of agencies within the Transport cluster. It is to do with some serious documents that are required to be maintained by that cluster and its agencies. Those documents include business case reports, other reports, procurement costs, correspondence, communications and contracts as they apply to the asset base that is controlled by that particular cluster and that includes buses, ferries, light rail vehicles, trains and metros. It is to do with serious levels of capital expenditure as those assets have to be replaced. To be very clear, this Parliament is making decisions about rolling stock that will be used into the 2050s, according to their ordinary life. It also follows comments from the former Premier who said that we are not good as a State at making trains, which I am sure, Mr Assistant President, you will recall.

At the same time we have a new Minister who is talking about his new-found love for train manufacture in New South Wales relative to his predecessors, but it is time to see whether the rhetoric matches the actions and whether that is the case as it applies to buses, ferries, light rail vehicles, trains and metros. To be very clear, there is a tremendous opportunity to create jobs in New South Wales by onshoring construction and, just as importantly, the maintenance of those assets to New South Wales. This State used to do that for many decades on a bipartisan basis. In the past 10 years there has been a shift away from that approach, which is how we managed to find ourselves buying trains from South Korea and ferries from Malaysia. Let's be clear: We judge those things by the results that they attain.

As a result of this Government deciding to buy assets offshore, we have ferries that are not waterproof and trains that do not fit the tracks. Something has gone wrong with the procurement of our State's transport assets. We have missed the opportunity to use that dollar to create a job in New South Wales or Australia. We have bought duds. We have used the money from privatised assets to pay for it. We are now saddled with a coming wave of costs as we have to remediate, repay and repair all the dud assets this Government has bought. That is a very serious cost that is coming and it is a very serious missed opportunity.

Other States have drawn ahead of New South Wales. I challenge anyone who says that we cannot make trains in Australia and New South Wales to visit, as I did—with the Leader of the Opposition in the other place and the shadow transport Minister—the Alstom facility in Dandenong, which is building the rolling stock for Melbourne's trams. I dare the same people who talk down New South Wales manufacturing to visit Western Australian manufacturing where a good Labor Government has onshored two other States that captured the first mover and second mover advantage when it comes to onshoring domestic manufacturing.

We cannot miss that opportunity. We should therefore get to the bottom of what Transport for NSW is planning when it comes to the replacement of key assets. We should be taking every opportunity we can to spend a dollar in New South Wales or in Australia, especially at a time when global supply chains are under such pressure and especially now that the cost differential between onshore and offshore manufacturing and maintenance is shrinking by the day. Therefore, I say that as a House we should engage our powers to see what exactly the transport department is up to. I cannot help but observe that the transport department seems to be working on many policies that the Government never reads, or denies any culpability for, as we learned today. Given that the Government does not seem to read the documents that Transport produces, I am sure it might decide to read them if they are produced to this House. I am pleased that we might be in a position to make that slightly more convenient for Government members.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (18:13): I move:

That the motion be amended by omitting "21 days" and inserting instead "42 days".

This is another Mookhey special. The Hon. Daniel Mookhey often moves a motion under Standing Order 52 so that he can give a little speech and elicit all the political opportunity he can as underpinning the rationale for the Standing Order 52 motion. But he never mentions the fact that we get good deals and we do that for the people of New South Wales. He does not recognise that Australia has such a strong economy because we have free trade agreements with lots of other international firms. Often the reason that overseas tenders for carriages and the like exist is because of our obligations under those free trade agreements. Labor would in fact rip up the free trade agreements that Australia has entered into. Is that now Mr Albanese's policy—to rip up free trade agreements? Perhaps Labor would like to make an announcement tonight that in New South Wales we are urging the Federal Government to rip up free trade agreements under which the primary obligation relating to procurement is to make sure that we get the best outcomes for the people of this State.

We have an unemployment rate of 3.7 per cent in New South Wales. If this motion was predicated on the basis that we need to create jobs because there are so many people unemployed, guess what? That is wrong! Do the numbers. An unemployment rate of 3.7 per cent effectively means that if someone wants a job, they have got one. But the union employees, who are doing the will of their union masters and who come along and want to create chaos in this place, are all in this House. They all sit on the Executive. Let us have the unions running the Labor Party. That is what they want to do. They want to see the documents so that the union movement can use those for their political advantage. We all know that the way that this House operates is that the unions sit outside Parliament and ring up, "Hello, Daniel. We've got one for you. We'd like to talk to you. This is the new direction from the New South Wales union movement." Then the Hon. Daniel Mookhey walks into the House and moves a motion for papers under Standing Order 52 and says, "My boss wants to see these documents." Then he does the forensics on it and comes back and says—

The Hon. Mark Buttigieg: Who rings you?

The Hon. DAMIEN TUDEHOPE: The fact of the matter is that the union bosses are using this process. The Government will not oppose the motion, subject to the amendment.

The Hon. Walt Secord: Here we go—union buster, Scott Farlow.

The Hon. SCOTT FARLOW (18:17): Where is Mr Rath? Come on down, Chris, wherever you may be. Come on, we need you! After those inspiring remarks from the Leader of the Government I am moved to make a contribution to the motion moved by my good friend the Hon. Daniel Mookhey. I reiterate the Government's position that we will not be supporting this completely unreasonable call for documents by the honourable member.

The Hon. Daniel Mookhey: Unless amended?

The Hon. SCOTT FARLOW: Unless amended, which it may or may not be. We will see. It is important to get this on the record. It may be amended again. As outlined previously, these orders can require staff to identify and review what are often large volumes of documents within time frames of seven to 21 days. In addition, there are often technological challenges in ensuring thorough and timely searches are conducted and all relevant information is provided. The orders have resulted in thousands of documents being produced to the Legislative Council, requiring considerable resources and time.

I wish to again touch upon the Transport Asset Holding Entity [TAHE] that the Leader of the Government referred to earlier. The TAHE is an intentionally lean organisation, with just over 30 staff, which the Hon. Daniel Mookhey fails to notice. While it may take five minutes for the honourable member to write this fishing exercise and debate it in the House—maybe not even five minutes; maybe it is done at Sussex Street for him—it in fact creates a substantial impact on resources with many staff diverted away from tasks critical to the effective operation of the TAHE and onto searches of electronic records.

The core business of our Transport and Infrastructure agencies is not to provide weekend reading for the Hon. Daniel Mookhey. It is the betterment of the transport industry in this State, the beneficiary of the single largest investment in the infrastructure history of our State. Touching upon TAHE again, since its establishment in June of 2020 the TAHE has been the subject of six separate Standing Order 52 proceedings, several comprehensive audits, a 10-month parliamentary inquiry and multiple Government Information (Public Access) Act requests. Whilst the entity understands and appreciates transparency and accountability as pillars of an effective government, there is little, if any, documentation or information that has not previously been produced on the entity in its brief existence.

How much more time do our hardworking public servants in TAHE need to be wasting to satisfy the Hon. Daniel Mookhey, given the small number of staff within TAFE who are already undertaking their primary duties, and diversion of resources leads to a substantial disruption to the focus of delivering business objectives and delivering significant benefits to commuters and New South Wales taxpayers? At some point the

question must be asked: Are the high volume of orders merely political pointscoring or are they providing valuable benefits and insights for the people of New South Wales? As such, the motion should be amended.

The Hon. DANIEL MOOKHEY (18:20): In reply: I thoroughly enjoyed the contributions of the Leader of the Government and, once more, the Government Whip. I again shall reply in reverse order. The Government Whip did his best impersonation of the Black Knight from Monty Python when it comes to defending the Transport Asset Holding Entity, the $13 billion that taxpayers stand to lose by the end of the decade—just a flesh wound, according to the Government member—and the 30 people at the Transport Asset Holding Entity who will be detained. Little does the Black Knight know that that organisation's staff head count is set to skyrocket to 80. The very organisation that the Black Knight here defends is right now searching for an expensive CBD office for which it will sign a lease and rack up even more operating expenses. I dare say the Transport Asset Holding Entity, as it furnishes itself in its new office on Pitt Street in Sydney, will have more staff to deal with this House's scrutiny as it applies to the $13 billion of our money that they are set to lose.

I reply to the Leader of the Government, who has accused me of acting at the behest of "union bosses", I think was the term he used, which is interesting language from the Minister responsible for industrial relations. He might call me essentially the stooge of the union movement, but he is in fact the pontiff of Premier State when it comes to this place, on the phone with Michael Photios, getting his marching order for what else to sell, what else to offshore, what else to outsource. We will find out in just a month's time when we see the State budget what exactly Mr Photios has told his henchmen in this place to do. I look forward to debating his record and his closeness.

Especially the Leader of the Government and, I understand, Scott Farlow are good friends of Premier State and the lobbying wing of the Liberal Party. We might be guilty of being the political representatives of the industrial labour movement in this State, but I would prefer to represent the industrial labour movement than the clients of Premier State, as Mr Rath does. Nevertheless, the Government has said that its support of Labor's motion is conditional on the Opposition granting it an additional 21 days. I know that that is important to the Government and the clients of Premier State. In the spirit of cooperation here, let me say this: The Opposition will not be opposing the amendment.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The Hon. Daniel Mookhey has moved a motion, to which the Hon. Damien Tudehope has moved an amendment. The question is that the amendment be agreed to.

Amendment agreed to.

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

Motion as amended agreed to.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): I shall now leave the chair. The House will resume at 7.30 p.m.

Bills

VOLUNTARY ASSISTED DYING BILL 2021

Second Reading Debate

Debate resumed from 30 March 2022.

The Hon. DANIEL MOOKHEY (19:31): I contribute to debate on the Voluntary Assisted Dying Bill 2021. In 2017 I voted against the introduction of a voluntary assisted dying regime to New South Wales. It was a tough vote, and I am accountable for the decision that I made, just as I am accountable for the decision that I am about to make. I remain opposed to the introduction of a voluntary assisted dying regime into New South Wales laws. I gave all my reasons in 2017. My position has not changed. What has changed, though, is the will of the House. Unlike in 2017, it is abundantly clear that a majority of the Legislative Council will shortly vote to consider the bill a second time. I expect we will then resolve into a Committee of the Whole to consider the bill in detail.

Let me be clear about the action I plan to take in Committee. My name will not appear on any tally sheet prepared by any Whip on any of the amendments that the committee might consider. I will not vote in the Committee stage because my reasons for opposing the bill are not technical. The success of an amendment, no matter its merits, has no bearing on my final position. It is disingenuous for me to pretend otherwise, and I have no intention of disrespecting those who will feel disappointed by my decision by toying with a bill I cannot support. No doubt New South Wales will soon have its own voluntary assisted dying system. Once entrenched, it

will not be repealed. I, for one, am definitely not enlisting in any campaign to do so but it will soon fall to us, as the Parliament's house of review, to supervise the regime we are set to create. I sincerely hope that we perform that duty so that we conciliate the divisions in our society that have emerged on this issue, and I sincerely hope we refrain from inciting those divisions any further.

The Hon. MARK PEARSON (19:33): I speak in support of the Voluntary Assisted Dying Bill 2021. This is the second time I have been in this Chamber to debate such a bill. In that first instance, the bill was narrowly defeated, but I am hopeful that this time I will see the successful passage of such a bill into law. Since the failure of the 2017 bill, New South Wales has become the only State in Australia without voluntary assisted dying legislation. I believe that New South Wales residents should have access to the humane option of euthanasia, as do the residents of the other States. I also implore the Federal Government to allow the Territories to legislate without interference from Canberra so that where a person lives is irrelevant to their ability to access services to end their suffering. I will vote for the bill despite what I consider to be its very narrow scope.

The bill limits access to medically assisted dying to those people who are terminally ill and will likely be dead within six months or people with advanced and progressive neurodegenerative conditions who are facing death within 12 months. For those living with debilitating dementia or for those suffering from chronic mental illness and experiencing persistently incapacitating psychiatric symptoms, there is no option to seek voluntary assisted dying. If a person makes the considered decision that they wish to die because they no longer have any quality of life as a consequence of their chronically and incurably painful, debilitating, life-shortening but not imminently fatal medical condition or disability, the bill will not assist them. That includes individuals who suffer from severe cerebral palsy, who are in constant pain from nerve entrapment or osteoarthritis, and who risk choking with each swallow of food or drink. The bill offers no relief for those diagnosed with the cruel but non-fatal Huntington's chorea, a neurodegenerative disease with a triad of severe motor, cognitive and psychiatric symptoms that persist and worsen over several decades before death.

The bill attempts to mollify the concerns of members who worry about the potential for criminal wrongdoing or a too hasty process that does not allow due consideration of the alternatives, such as the best of palliative care. The bill sets out multiple protections and bureaucratic procedures—some would say hurdles—to prevent undue influence, inadequate medical advice or ill-considered decision-making. I emphasise that we are talking about a service that is completely voluntary for both the patient and their doctor, and I absolutely trust our medical professionals to safeguard against the abuse of the terminally ill. I will take the concerns of those worried members at face value, but it seems that fundamentally different moral positions are being taken. Most but not all of those who oppose the bill outright or seek to legislate further restrictions are informed by their religious beliefs, as is their right. In essence, their position seems to be that all lives, even those of unbelievers, must be ruled by God's edicts.

According to Jewish, Christian and Muslim religious scholars, Jehovah or God or Allah has decreed that we do not have autonomy in choosing to end our own lives. It seems a strange interdiction when the religious texts of Jews, Christians and Muslims allow individuals to place themselves in situations where death is certain. Soldiers sacrifice their lives by putting themselves in front of deadly force—think of the Gallipoli soldiers who climbed out of their trenches and charged into the line of Turkish machine guns. No-one questioned the heroism of the Chernobyl firefighters who knew that they would surely die from radiation poisoning, or the 9/11 crews who ran into the burning towers. Why then is it sinful to exercise the final act of compassion for ourselves? My guiding principle has always been about the assertion of individual autonomy. It is my life and, as long as I cause no harm to other sentient beings, I should be free to live and end my life as I wish—and we all should have that right.

In closing, I thank the many hundreds of constituents who wrote heartfelt emails and letters in support of or against the bill. In particular, I thank Jason Ferrie, Maurice Pepper, Janet Cohen, Malcolm Robertson and Ian Garling, who shared with me deeply personal stories about their experiences of being terminally ill, or watching a loved one suffer and die a long, lingering death in terrible pain. If the bill passes, it will provide a very conservative legal mechanism for a much-needed and long-awaited medical service. We will join humane countries, such as The Netherlands, which have had euthanasia laws for more than 20 years with just one claim of malpractice, which is yet to be proven. As with other conscientious social and human rights reform, once the bill is passed and the changes have settled in, we will wonder what all of the fearmongering was about. I commend the bill to the House.

The Hon. TARA MORIARTY (19:40): I speak in debate on the Voluntary Assisted Dying Bill 2021. Voluntary assisted dying is a very difficult issue to contemplate, and I acknowledge the passionate views held on both sides of the debate. I say at the outset that I will not be supporting the bill. Given that this is a conscience vote, I think it is important to explain my position and put it on record before we vote. I again understand the passionate views on both sides of this debate. I recognise the strongly held views from those advocating for this

legislation to be enacted. It is often because they or a loved one has, or is, experiencing a painful illness and heading towards the end of their life. It is something that I understand, too, and I have talked about my dad's situation before. I cannot do it again, so I will refer people to my inaugural speech for the details. My heart is with anyone going through that circumstance now and with people who have been through it with their loved ones.

Death is not something that I generally like to contemplate—none of us do, and most of us do not until we have to face it in some way. But we have to think about this bill as legislators and also as people whose experiences and personal views will shape the debate, given the impact it will have on the lives and deaths of many people across the State. We should and must ensure that people who are suffering have every opportunity to ease their suffering, however possible, with better resourced palliative care. That has been acknowledged repeatedly in this debate as being sorely lacking in this State. The Premier acknowledged that in his contribution to the debate and committed to delivering the best palliative care not just in Australia but in the world.

I comment on that now without a political view or agenda but with a genuine bipartisan view that we all have to do better with end-of-life care. I look forward to seeing the Premier and his Government putting additional resources into this very important area. Proper palliative care should be readily accessible to allow people who are suffering to pass on with as much care and comfort as can be provided. I know everyone in this place acknowledges that, whatever side of the debate they are on, but the distinction for me is the next step, which is what is being proposed here.

I followed the debate and the inquiry into the bill and listened to the many thousands of people who reached out to me with their views. But, having given much consideration to the concept of voluntary assisted dying, not just now in the context of the bill but over the course of my life, I cannot get to a place in my conscience where I can support a mechanism whereby people can choose to end their life with assistance from the State. I consider myself to be a progressive and pragmatic person. I want to live in a society where people can live the lives of their choosing. But, more than that, I want to live in a society where the protection, support and uplifting of our most vulnerable is paramount.

Much debate and consideration has been given to ensuring protection for people not to be able to be coerced or pressured into choosing this course of action. It is certainly something to which I have given a lot of consideration. I have heard the arguments that have been made throughout the debate, and I actually think the bill has sufficient safeguards in that regard. I acknowledge that a lot of work has been done to put those safeguards in. I have thought about it a lot, but I still cannot get to a point where it is acceptable as a matter of principle to put voluntary assisted dying into law. My bigger and ongoing concern is directed more at something that we cannot necessarily legislate, which is how someone will feel at their most vulnerable point in life.

I remain concerned for people who may feel like having to be cared for at their worst point is a burden on the people around them. They may feel as though death, or choosing death, is a valid or better option than trying to fight for as long as possible. To me, there is no safeguard or law that can be provided to make someone in that situation feel any differently. I can only conclude, in my conscience, that the best way to create space for someone to not act on that feeling is to not support the creation of a law that makes it acceptable for them to choose to end their life. Every life is important. Every life is worthy. I know everyone on both sides of this debate believes that. I understand that death comes to us all and for some in kinder ways than others, but I cannot support creating a situation where we as a community support pople to make an active decision to end their life or hasten their death.

I acknowledge the work that has been done on this bill. I think its restrictive nature is really important. I have read the polls, and I engage with the community. I acknowledge community sentiment has shifted on this principle, probably because of the nature of the work done on this bill. But, again, for me the concept is something that I cannot support. I acknowledge the more than 18,000 people who have reached out to me personally to express a view on this matter. I have not responded to each of them, but I acknowledge their views now and thank them for reaching out because all of their views are important.

I completely understand the campaign in favour of this bill. I acknowledge that the arguments have been made in good faith and from a place of compassion on both sides. Based on the debate that has taken place in this Chamber and in the Legislative Assembly, I understand that this bill will be voted on probably tonight and is likely to pass. I know and accept that, but I think on a matter of conscience it is important that we put our views on the record, although we do not have to, so that people can understand where we are coming from.

I say for the record that I am a Catholic. I was raised in the Catholic Church. I attended Catholic schools and my faith is a fundamental part of who I am. It shapes the way I live in the world. I say that purely for the record; it is something I have talked about before. But I also say clearly it is not a reason or motivation for me to vote in a particular way on this or any other matter. We are here to debate and create laws that facilitate the society we want to live in, and personal experience is part of how each of us do that. I acknowledge again the careful and compassionate way that this matter has been debated here and in the community. I know that, whatever their

views, everyone comes from the same place of compassion and with a desire that nobody should suffer unnecessarily. I will not be supporting the bill.

The Hon. CHRIS RATH (19:48): I speak in debate on the Voluntary Assisted Dying Bill 2021. I have been in this place for only a brief time and delivered my inaugural speech just last night, but there has been no issue over my time here that I have thought more about than voluntary assisted dying. Most of the time we come into the Chamber and we vote on party lines. We look to the Whips and we take our orders. Crossing the floor is incredibly rare in the Liberal Party, and it is an expellable offence in the Labor Party. Conscience votes happen only a handful of times per Parliament, sometimes even less. But when they do, they are often of grave consequence, and our role as legislators should be to carefully consider both sides of the argument.

Like my good friend the Hon. Natalie Ward, voluntary assisted dying is an issue that I have grappled with. To appropriate a quote from President Lyndon Johnson, sometimes a legislator's hardest task is not to do what is right, but to know what is right. Throughout the past two months of considering the bill, I have certainly resonated with that. Most people in this Chamber either loved or hated my inaugural speech last night, but they know after hearing it that I am a classical Liberal. I believe in personal liberty and the individual. I believe in the harm principle, as outlined by philosopher John Stuart Mill. Fundamentally I believe that individuals should be free from government control and allowed to do what they want, so long as it does not harm the life, liberty or property of someone else.

The thought of the Government telling us when we can and cannot end our life, especially when we are suffering, does not sit well with me. However, I am also a cautious Burkean conservative and a Christian. I do not profess to be the most devout member of this place; there are many others who could claim that title. However, I have my own quiet faith. Deep inside I find myself in agreement with CS Lewis when he said:

> I believe in Christianity as I believe that the sun has risen: not only because I see it, but because by it I see everything else.

My faith has guided me on this issue, as has my caution. The onus of proof should always be on those wanting to make the change, especially with an issue as consequential as this. It would be accurate to say that I am, in many senses, conflicted over the bill. I believe that there are exceptional circumstances where voluntary assisted dying appears in isolation to be the compassionate option for a terminally ill individual. I must, however, make clear from the outset that I cannot in good faith support a bill that risks compromising the most vulnerable members of our society and diminishes the inviolability of human life. My reasoning starts with the following qualifications: Death is not a simple consideration on which to deliberate, intolerable suffering is not an easy concept to comprehend and the idea of choice is nowhere near as basic as some have claimed it to be.

The Voluntary Assisted Dying Bill legislates State-sanctioned killing. A positive act is taken to terminate life, a decision which has irreversible consequences and is legally unprecedented in New South Wales. The bill must therefore guarantee that the State does not sanction any deaths which are untoward or the product of undue influence. This is of particular concern for my conscience. I am convinced that no volume of protections can defend elderly, isolated or disabled patients from being influenced, even slightly, to end their lives. A party close to the individual eligible for voluntary assisted dying could suggest or encourage its uptake, whether for personal or financial benefit, and the deciding factor in a vulnerable person's decision to employ voluntary assisted dying. I draw the House's attention to proposed section 28 (1) (j) of the bill, which states:

> (1) If the coordinating practitioner is satisfied the patient meets all of the eligibility criteria, the coordinating practitioner must inform the patient about the following matters—
>
> …
>
> (j) it is unlawful for a person to apply pressure or duress on the patient to request voluntary assisted dying …

This required statement is supplemented by proposed section 62 (2) (b) (iii), which requires the medical practitioner to certify in writing that the patient was not acting because of pressure or duress. Whilst I appreciate the intention of those provisions, they are simply not strong enough to defend vulnerable people. Even with the bill's proposed identifying pressure or duress guidelines and tools for medical practitioners, it will be impossible to detect such influence in patients who have been falsely convinced that the decision to opt in for voluntary assisted dying is their own. This is further complicated by health factors. The bill allows the terminally ill to opt in for voluntary assisted dying, even through gestures, outlined in proposed section 19 (3) (b). One must ask whether pressure or duress can be properly identified by a medical practitioner when their patient can only communicate in gestures.

Another two practical conditions with the bill are found in proposed sections 10 (2) and 16 (2) (c). Proposed section 10 (2) allows medical practitioners to suggest voluntary assisted dying as a treatment option. This is a fundamental violation of the Hippocratic oath, contradicting a medical practitioner's foundation principle to heal and not to harm. Medical practitioners should never have to consider whether or not voluntary assisted

dying is appropriate to suggest to a terminally ill individual. The range of factors is simply too complex. Such a law holds the potential to undermine public trust in healthcare professionals. Outlined in proposed section 16 (2), mental illness does not disqualify one from seeking voluntary assisted dying. In fact, the bill does not require any referral from a psychologist for a person suffering from a mental illness. Such a referral will only be mandatory if the coordinating practitioner seeks to assess a person's capacity or if they believe pressure or duress may be present. Practically speaking, the bill lacks critical safeguards. My conscience also draws many to Blackstone's ratio, a legal principle understood and practised since the 1760s:

> It is better that ten guilty persons escape than that one innocent suffer.

In the context of voluntary assisted dying I believe it takes a new form. It is better that 10 persons rely on palliative care than one be coerced into ending their life. Blackstone's ratio affirms the importance of innocence within the criminal justice system, seeking to preserve innocent parties from undeserved convictions. My new application of the ratio seeks to preserve innocent lives from uninvited deaths. I doubt members need to be reminded of the value of human life. I would therefore ask: If this bill passes, are we placing a greater emphasis on assumed innocent before the law than assumed human worth? Our society rests upon the principle that each of us holds intrinsic value and is worth preserving. Human dignity is linked to human value. It is our role as legislators to ensure that where a vulnerable human life is at stake, the one is protected even when the 10 stand to gain.

It is also true that undue influence may not necessarily be sourced from a family member acting unconscionably. The introduction of voluntary assisted dying as an option creates social pressure in and of itself. I was thinking about that earlier today. What if there were a supercomputer that could determine with 100 per cent accuracy that the person was not coerced in any way, that with 100 per cent accuracy the person was freely consenting, rational, of sound mind and they were not coerced into it? Maybe then I would support the Voluntary Assisted Dying Bill, because there would be a zero per cent chance of coercion. However, such a supercomputer does not exist. We do not know with 100 per cent accuracy that the person is making that decision free from any coercion or undue influence.

Legalising voluntary assisted dying crosses a boundary never before traversed in New South Wales: the boundary at which the State begins defining which lives are worth living and where the right to conscious human life becomes revokable. If we choose to cross this line, the consequence of a right to die will inevitably, even if unintended, begin messaging an obligation to die to some of our most vulnerable. High-care patients may feel as though they are a burden on their family or on society, acutely aware of the significant costs to their families, both financial and emotional. That is particularly the case where the only other option is palliative care. Exorbitant palliative care costs, which are only likely to increase if voluntary assisted dying exists as an alternative option, will amplify this effect.

My grandfather, my pop, passed away in 2016 from pancreatic cancer. My grandma, my nan, passed away a year later from a stroke. They were not exactly sure how she died. They thought it was a stroke to start with, but they say she may have died from a broken heart following my grandfather passing away the year before. She was in palliative care in Wollongong Hospital. She thought that she was a burden. We did not think that. Her family did not think that. We did not want her to go. We wanted her to stay for as long as possible. I saw firsthand how vulnerable people are in that state in palliative care. They could be convinced of almost anything when they are that old and that vulnerable. When it comes to this bill I do not want to be in a position to vote and cross that line. Even with all of the safeguards in the world, when your next of kin—such as your elderly grandmother or grandfather—are in a room on their own they could probably be convinced of almost anything. There is no way to prove one way or the other whether they have been coerced into it.

I do not want to make that decision tonight by voting for this bill. The onus of proof should be on the ones who are proposing the change. The question must also be asked, "What message will legalising voluntary assisted dying send to those suffering mental illness who believe their lives are worthless?" How can we in good conscience oppose suicide while simultaneously claiming there exists a benchmark of intolerable human suffering which qualifies for ending one's life? The proponents of this bill admit that suffering is said to be subjective. Can we therefore justifiably claim that an individual's mental illness is not severe enough to qualify for a choice to die? Legalising voluntary assisted dying establishes a conflicting message from this Parliament regarding the value of human life.

The natural consequence of such a message is an increase in the number of people opting for voluntary assisted dying, as well as an eventual liberalisation of accessibility restrictions as more and more people believe their lives are no longer worth living. Some discredit this concept as simply a slippery slope fallacy. Regardless, evidence from Belgium, the Netherlands and Switzerland—countries which have possessed legalised euthanasia or assisted suicide schemes for two decades or more—quantitatively supports the notion of the continued expansion of voluntary assisted dying. Around 3.7 per cent of all deaths in the Netherlands in 2015 were by virtue of euthanasia or assisted suicide. That is up from 1.3 per cent when the procedure was legalised in 2002. It is a

similar story in Belgium and Switzerland. The evidence is clear that legalising voluntary assisted dying will result in a steady but substantial annual increase in deaths affecting those who have never before considered ending their lives. If passed this bill will normalise dying early and the view of death as an opt-in choice.

There are instead other opt-in tools available that do not diminish the inviolability of human life. It cannot be denied that advances in modern medicine have ensured that the vast majority of individuals eligible for the scheme in this bill—those within six months of their death or 12 months for those with neurodegenerative diseases—are able to receive effective palliative care that will either entirely remove, or substantially reduce, their suffering in the end-of-life stage. Over the past seven decades arguments for and against euthanasia have remained philosophically unchanged. However, the ability for new and improved palliative care methodologies to supply pain relief to patients has grown significantly. There is no doubt in my mind that new and previously unforeseen treatments will continue to be developed, both for the purpose of supplying world-class palliative care and to heal those currently without any prospect of recovery. The focus of this House and this Government should therefore centre on providing accessible palliative care which enables the terminally ill to live as peacefully as possible when approaching the end of their life, like my grandmother.

The conversation surrounding death caused by terminal illness should shift from the end-of-life stage to the time of diagnosis. End-of-life options and decisions should be made as early as possible with advanced care planning providing dignity for the ill individual through the assurances that they will not lose control over their own medical treatment plan, even in scenarios of incapacitation. I thank all members for their contributions to this debate. Regardless of the outcome, it is my sincere hope that we will always prioritise the delivery of high-quality palliative care to all in New South Wales. However, to protect the vulnerable, to prevent dangerous messaging regarding intolerable suffering and to ensure that palliative care is guaranteed greater attention, I cannot support this bill.

The Hon. MARK BUTTIGIEG (20:05): The Voluntary Assisted Dying Bill 2022 introduced by Alex Greenwich, MP, is an important bill for competent adults who are enduring horrible suffering in the last phases of terminal illness that cannot be alleviated by palliative care or treatment. This is a very emotional debate and I ultimately made the decision to support the bill based on the experiences of the families and loved ones of those who have witnessed their nearest and dearest with terminal illnesses endure horrific deaths. I also made the decision to support this bill as I have listened to and read about the experiences of our experts, our frontline health workers. The Health Services Union, the Nurses and Midwives' Association, the Australian Paramedics Association and the Police Association all support the bill. They know there is a need for urgent action, based on the firsthand experience of their members witnessing and trying to assist individuals who could not be assisted by palliative care suffering agonising terminal illnesses.

The Standing Committee on Law and Justice held an inquiry into the bill. Frontline workers provided heart-wrenching evidence on the need for voluntary assisted dying laws. I want to thank the families and loved ones of sufferers and the health workers who provided evidence to the committee by sharing their harrowing stories. New South Wales is the only State in the nation that has not passed voluntary assisted dying laws. It is clear that the majority of the public now support New South Wales parliamentarians legislating to ensure that there are appropriate laws in our State. In July 2021 the Australia Institute conducted a survey. The results demonstrated that 74 per cent of people supported voluntary assisted dying laws similar to South Australia, Western Australia, Tasmania and Victoria. In November 2021 *The Sydney Morning Herald* survey showed that merely 11 per cent of voters in New South Wales are opposed to voluntary assisted dying legislation, whilst close to two-thirds are in support.

The bill is extremely important. Some individuals have terminal illnesses and palliative care simply cannot assist their suffering. Tragically they often turn to suicide and suffer horrific deaths. National Coronial Information System data and our experts, including the Black Dog Institute, confirm that a large number of people tragically take their own lives because of the suffering experienced from terminal illness. It is clear that this is extremely traumatic for the families, friends and carers of the sufferers. In addition, our frontline workers are responsible for responding to the suicides of terminally ill people and/or providing medical care to those who have tried to take their own lives. A health worker provided evidence to the Standing Committee on Law and Justice asserting that the impact of suicide, or attempts at suicide, are catastrophic for the loved ones of the terminally ill person and the health workers who have to respond. I quote a frontline worker:

> The harm that we suffer can last the rest of our lives and lead to significant mental health issues of our own.

A paramedic also described the consequences of a lack of voluntary assisting dying laws, stating:

> This lack of control can leave patients feeling that suicide is their only option and their final act of self-determination over their own lives.

> In my role as a paramedic I have attended a number of cases whereby a terminally ill patient has chosen this path. Tragically some of them have succeeded in their goal. Perhaps even more tragic are those that have not been successful and caused themselves more pain and suffering for the remainder of what time they have left.
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> …
>
> Voluntary assisted dying laws are absolutely crucial to restoring agency and dignity to those facing terminal or debilitating illness.

Our nurses are also continually witnessing the unbearable suffering of terminally ill patients. A nurse provided the following evidence:

> I have cared for patients who have attempted to take their own lives in violent and horrific ways. These patients were not suffering from depression rather intractable suffering related to their terminal illness. These circumstances are so tragic.

This evidence is distressing. It is absolutely heartbreaking that, because our State does not have voluntary assisted dying laws, those suffering terminal illnesses endure agonising deaths or, often, horrific and lonely suicides. Without voluntary assisted dying laws, people's families and loved ones—and our health workers—will continue to experience horrendous trauma. There are individuals that oppose this bill and believe that palliative care is the best method to help those suffering with terminal illnesses, and that it requires further resourcing. I note that this bill does not stop individuals from gaining access to palliative care. Information about it would be provided to sufferers under the framework of the bill.

I wholeheartedly support palliative care and believe it is a vital part of our health system. I strongly believe that the New South Wales Government should be providing increased funding, resourcing and assistance with palliative care, and that this should happen urgently. However, the overwhelming evidence from health professionals, including from an Australian Medical Association survey, is that palliative care does not stop the unbearable suffering for every terminally ill patient that receives treatment and care. Even if our State had the most robust and well-funded palliative care system, unfortunately palliative care cannot prevent intolerable suffering for certain individuals with terminal illnesses. A paramedic provided the following statement to the committee:

> I believe and support Palliative Care and encourage its increased funding and utilisation while also understanding it is not suitable for all patients.
>
> The levels of pain over extended weeks and months some endure rather than the drugged fog that is the limits of treatment for them is something we the fit, hale and well-kept do not understand.

A nurse who works in palliative care stated:

> I've been a nurse for over 40 years – and even though there have been great strides in palliative care, people still die in pain, distress, and without dignity… It's cruel to leave people to suffer.

Within submissions provided to the committee there are absolutely heart-wrenching firsthand accounts of what certain terminally ill patients endure when palliative care is of no assistance to their suffering. I believe we should listen to our health workers, who at the end of the day are the people witnessing the anguish that terminally ill people are experiencing day in, day out, and who are by their sides caring for them. The bill provides a legal framework with rigorous built-in protections, ethical safeguards, and checks and balances to ensure that the laws would not be misused or abused. I also acknowledge that further safeguards were passed in the Legislative Assembly, including more extensive obligations on our medical professionals and the health secretary.

I believe the bill provides a safe and compassionate legal framework for those sufferers who want to choose medical assistance to help end their lives peacefully. I believe those with terminal illness who are experiencing unbearable suffering that cannot be relieved should have the right to pass away with dignity, without further suffering and with their family and loved ones.

The Hon. PETER POULOS (20:14): I contribute to debate on the Voluntary Assisted Dying Bill 2021. Many of the arguments in favour and against have been comprehensively canvassed and ventilated both here and in the Legislative Assembly. My considered view is that this significant matter of conscience has fortunately been addressed by all interested parties in a most respectful manner. Similarly, I welcome the approach that has enabled all Liberal members to be afforded the opportunity to exercise a conscience vote on this bill. I acknowledge and sincerely thank those members of the public from across New South Wales who have made extensive representations to my office over an extended period. Like all members, I have received significant and varied pieces of correspondence and phone calls. Many individuals have invited me to appreciate their deeply personal thoughts and shared experiences with their loved ones. Each representation has been heartfelt and sincere. As such, I recognise that the proponents of this bill convey both genuine empathy and compassion in advocating the necessity for euthanasia in this State.

Based on the contributions made to this debate within this Chamber by previous speakers, I note that this bill will ultimately pass. I respect the wishes and determination of the majority of honourable members who feel

comforted in accepting that this bill, which has since evolved from previous iterations and been influenced by both overseas and interstate examples, is much improved and ameliorated with its additional safeguards. Furthermore, I do not intend to venture into this debate by sharing my own personal experiences with close relatives whose passing was tinged with sadness because of medical challenges associated with terminal illnesses. Suffice to say, I am cognisant that unbearable pain prior to death does so often happen. This is clearly a very sensitive and deeply personal journey for both the present generation and future generations to come. Indeed, there were moving testimonies and submissions provided to the Standing Committee on Law and Justice inquiry into the provisions of the Voluntary Assisted Dying Bill 2021. I most sincerely appreciate the input of that committee towards this debate.

There is much to consider and factor into the stance we take as legislators. Ultimately, this type of historic legislation reflects a significant departure from existing conventions. It redefines us and realigns our values and behaviour. The bill changes our society and is a seminal moment. Having been privy to personal appeals based on frustration and concern around how we respond to the terminally ill, I lament that the application of palliative care in many instances is not universally available or does not meet contemporary expectations. We all have an obligation to do better. Amongst our community there is a desire to enshrine a level of dignity in dying. I endorse that approach but, similarly, I cannot reconcile how the apparatus of the State can inconsistently sanction a health system that treats an individual to preserve life whilst, through the adoption of the bill, also enables the very same health system to facilitate the termination of life because it is permissible.

It is more than apparent that nowadays the new norm seeks to apply an accommodation of ideas which dismantle longstanding moral impulses in addressing life's complications and imperfections. I cannot remain assured that measures adopted by the bill will not be eroded by human errors, compromises and coercion. Whilst I have agonised about the rights of the individual, fundamentally I retain a commitment to the core principle that the preservation of life, because it is precious, is inviolable. The bill does not just open a Pandora's box with the fullness of time; I fear it flattens it.

I was particularly drawn to the observations and reservations raised by former Premiers the Hon. Mike Baird, AO, and the Hon. Barrie Unsworth, who co-signed correspondence with former Deputy Premier the Hon. Andrew Stoner, AM. They shared the joint legal opinion by David Jackson, QC, and Gary McGuire, SC. In summary, defects were identified because under the new proposed provisions the intersection of bioethics, medical practice and jurisprudence would dismantle, through the adoption of the bill, important protections for those most vulnerable within our society. Both senior counsel concluded:

> On our view the bill has substantial shortcomings, including with respect to its supervision and enforcement.

Furthermore, they stated:

> The State ought to consider carefully also whether it wishes to repose, de facto or de jure, in medical practitioners the substantial power to enable end-of-life choices by its citizens. Medical practitioners need to carefully consider undertaking the responsibilities and risk attendant upon its operation. The Bill must also, to some extent, undermine the efforts of the society, medical profession and State to advance the treatment and care of ill persons, including the provision of the palliative care necessary for a dignified death, and to prevent deaths through suicide.

After much introspection, I cannot support the bill.

The Hon. ADAM SEARLE (20:23): In reply: I thank all honourable members who have made a contribution to this important debate. While it is customary to name them, at 37 names reciting them would take much time. I thank them, as we say in the Legislative Council, in globo. I seek leave to have the list of names incorporated in *Hansard*.

Leave granted.

> The Hon. Greg Donnelly, the Hon. Peter Primrose, the Hon. Lou Amato, the Hon. Mick Veitch, Ms Cate Faehrmann, the Hon. Sarah Mitchell, Ms Abigail Boyd, Reverend the Hon. Fred Nile, the Hon. Shayne Mallard, the Hon. Catherine Cusack, Mr Justin Field, the Hon. Shaoquett Moselmane, the Hon. Ben Franklin, the Hon. Emma Hurst, the Hon. Scott Farlow, the Hon. Anthony D'Adam, the Hon. Walt Secord, the Hon. Robert Borsak, the Hon. Taylor Martin, the Hon. Bronnie Taylor, the Hon. Penny Sharpe, the Hon. Scott Barrett, the Hon. Wes Fang, the Hon. Rose Jackson, the Hon. Natalie Ward, Mr David Shoebridge, the Hon. Sam Farraway, the Hon. John Graham, the Hon. Courtney Houssos, the Hon. Damien Tudehope, the Hon. Daniel Mookhey, the Hon. Mark Pearson, the Hon. Chris Rath, the Hon. Tara Moriarty, the Hon. Mark Buttigieg and the Hon. Peter Poulos.

The Hon. ADAM SEARLE: The high number of contributions to the bill reflects its significance and the seriousness upon which this House and its members take the subject matter and the terms of the legislation before us. The debate has been conducted respectfully and with maturity, and that reflects well on this House. If only all of our deliberations were undertaken with this degree of care. It is not possible to do justice to each contribution

made in the debate in the time that I have to speak in reply, but I shall endeavour to deal with key points as I see them. I intend no disrespect to any member or point of view as I do so. At the outset I note the point that was raised by the Hon. Peter Poulos that the bill changes society, our norms and our expectations. I do not think that is correct. The bill reflects how our society and its attitudes have changed and evolved to end-of-life care and issues. The fact that the bill has reached this stage in the debate is reflective of that evolution and change in the broader society. The rest of society is much further along this path than members of Parliament have been hitherto.

The Hon. Mark Latham was critical of the detail and length of the bill and opposed it because he could not understand it. In reply I say that there is much legislation that is lengthy or complex but still necessary to meet the public policy needs or challenges. This is one such case. The length and complexity of the bill is to address the many legitimate concerns that have been raised by many in the debate. The contributions of supporters of the legislation in both Houses have set out with reasonable clarity how the proposed scheme is intended to work and the reasons for the different mechanisms and bodies to be established by this law and how they are to operate. There is a level of complexity and detail, but that is needed to ensure that the scheme is truly voluntary, that it is accessed only by those who meet the eligibility criteria and that the process is properly scrutinised and accountable.

The Hon. Mark Latham was also critical that this complexity could end up in the Supreme Court for judicial review in closed, secret hearings. However, part 6 of the bill contains a key safeguard so that patients and any person with a sufficient and genuine interest in the rights and interests of the patient—that is, the families and loved ones—may have the highest court in this land review decisions to permit voluntary assisted dying to occur. The fact that hearings are to be in private is not sinister but preserves the privacy and dignity of all concerned. Some have said that the title of the bill is somehow euphemistic. I draw the attention of honourable members to the contribution of the Hon. Rob Roberts. He said:

> The name of the bill says it all: voluntary assisted dying, not mandatory assisted dying. The concept of voluntary assisted dying is grounded in and arises from compassion. In a compassionate society, people suffering intolerably with a terminal illness with no realistic chance of a cure or relief should have the option to end their life in a dignified way.

Some have said in this debate that voluntary assisted dying will lead inexorably to involuntary assisted dying. The Hon. Lou Amato made that case. But the evidence that he referred to from the Netherlands in 1990 was compiled before the scheme in that country was put in place. It does not sustain the case he sought to make. The Hon. Damien Tudehope also pursued that line, invoking the words of former Labor Prime Minister Paul Keating, as did the Hon. Courtney Houssos.

The Hon. Damien Tudehope argued that this change of the law will lead to the elderly, sick and dying to feel pressure to nominate themselves for VAD against their actual wishes. He suggested that the elderly and the frail will have to proactively decide not to access VAD each day. Honourable members, there is no credible evidence from jurisdictions with voluntary assisted dying that this has occurred or will occur. That argument stems from a view that enactment of the law will fundamentally alter our society and the compact between its citizens, and move it towards a disposable, expedient society where life will be cavalierly set aside when no longer deemed useful by us, others "or even the State", as stated by former Deputy Prime Minister John Anderson and cited by the Hon. Damien Tudehope.

While I understand that philosophical position and approach, I do not share it. A majority of this House have indicated in this debate that they also do not share that view. The bill provides to those who are suffering and are as certain to die as medicine can assess the option to leave earlier on their own terms before they suffer what they determine is an unacceptable quality of life, but only if that is their choice and not the choice of any government body, relative or angel of death nursing them. Those are the key principled arguments raised against the bill.

Against the details of the bill, it is contended that the safeguards provided in the bill are inferior to those in other like legislation—specifically the Victorian legislation. Honourable members, that is incorrect. The bill contains robust protections on eligibility, assessment, review, accreditation and training of those medical practitioners who can participate; the provision of and accounting for the lethal material and its usage; and a host of other matters. A number of those safeguards were even enhanced by the 46 amendments that were made to the bill in the other place. In that regard, two particular matters were raised by the Hon. Greg Donnelly: that the bill does not contain a prohibition on health practitioners being able to initiate discussion on VAD with a patient or resident, and a requirement that the coordinating medical practitioner has relevant expertise in the particular disease, illness or medical condition.

Outside of Australia and New Zealand, no other VAD law gags healthcare workers from initiating conversations about VAD with their patients. Gagging health conversations in medical and health care is an extraordinary measure that is out of step with informed decision-making. In Australia, only South Australia and Victoria include outright bans, while other States regulate those conversations. Western Australia, Queensland

and Tasmania ban healthcare workers from initiating VAD discussions with patients unless the healthcare worker is a medical practitioner or a nurse practitioner and unless they also tell the patient about their treatment and palliative care options. The bill before us only allows healthcare workers to initiate VAD discussions with a patient if they also tell the patient that they have treatment and palliative care options and should talk to their treating doctor about these options. If the healthcare worker is a medical practitioner then, upon raising VAD, they must inform the patient about these treatment and palliative care options.

As I said in my second reading contribution, I join with all honourable members in exhorting the Government—as I believe it will—to significantly improve the investment in and quality of palliative care and to make it more accessible to citizens of this State wherever they might be. Let us hope that that comes a step closer to reality. Patients have the right to know about all of their end-of-life options. Medical practitioners and other healthcare workers are on the front line of the suffering caused by terminal illnesses and often encounter patients in distress. Their conversations in response can alleviate suffering and help patients make more informed decisions. During consultations on the bill last year, paramedics reported attending people in distress associated with a terminal illness, some of whom had attempted or considered suicide. They put forward a strong case for being able to inform patients in such situations that, should their suffering get too much for them to handle, there are safe and legal options to end the suffering.

Many doctors in Victoria report that the gag clause prevents them from giving dying people comfort and relief when their patients are expressing severe distress and suicide ideation. The bill will regulate those conversations to ensure that when a medical practitioner or other healthcare practitioner raises voluntary assisted dying with a patient, it is always raised in the context of informing the patient that they have treatment and palliative care options. The bill provides a safe and regulated approach to initiating conversations about VAD in healthcare settings in the best interests of patients who are already facing the end of their life. We must never forget, this is not about choosing between life and death; the people who are eligible to use the framework in the bill are already dying. This is about the timing of their departure. While honourable members can reasonably regard the safeguards I have outlined in the bill as different to those in Victoria, in my view they do not confer less protection.

As to the second point raised by the Hon. Greg Donnelly, to properly fulfil the function of co-ordinating or consulting medical practitioner, there is no policy-based need for that person to be expert in the specific disease, illness or medical condition. The role in the legislation for the coordinating and consulting medical practitioners is to assess a person's eligibility to access the scheme and to decide whether the statutory criteria laid down in clause 16 are met. They include whether the disease, illness or condition meets the requirements in the legislation; certifying whether or not there is a terminal diagnosis, whether the person has decision-making capacity and whether the person is acting voluntarily and not under pressure or duress; and other matters contained therein. None of those matters require the co-ordinating and consulting medical practitioner to themselves be expert in the specific affliction.

Most people at the end stage of a terminal illness, and with a very dire prognosis, have already seen a range of specialists and doctors, and have extensive files identifying their clinical status, diagnosis and prognosis. Where that is not the case, or where an assessing doctor is uncertain about diagnosis or prognosis, the bill requires the VAD doctor to refer the patient to a relevant specialist. This ensures that specialist expertise is accessed when required. To require one practitioner to be a specialist would result in double handling. The experience in Victoria, for example, has shown it is difficult as a matter of practicality to have enough expert practitioners taking time away from their speciality to undertake this statutory function. Data from the Voluntary Assisted Dying Board in Victoria shows that only 11 medical practitioners who are registered on the portal specialise in neurology—all in metropolitan areas—and only six specialise in haematology, four of whom were in metropolitan areas.

Only 14 per cent of medical oncologists are specifically trained. If similar trends were to occur here, there would be only 37 across the State of New South Wales. What would happen in the case of a rare condition? The effect would be to create an obstacle to access, but with no additional tangible protections afforded. The absence of a requirement in this bill that the co-ordinating or consulting medical practitioner has relevant expertise in the particular disease, illness or condition will not result in any lower or lesser protection being afforded to residents of our State. The bill provides strict eligibility requirements before medical practitioners participate. They must hold either specialist registration or general registration and have practised for a minimum of 10 years, in addition to having completed specific training—as outlined in clause 18—to be mandated by the Health secretary.

The Hon. Greg Donnelly also properly draws the attention of the House to the abuse and cruelty towards the vulnerable, particularly towards the elderly, as a concern in this debate, as does the Hon. Scott Farlow and others. The potential for duress and coercion has been comprehensively addressed in the bill, and those aspects were enhanced in debate in the other place, which saw a variety of inclusions made to the legislation. Together with the original provisions in the bill, I believe these measures provide a complete answer to those issues. The

Hon. Taylor Martin raised the concern that the bill is not limited to those whose death is imminent or certain and is based on the best guess of two non-specialist medical practitioners on a 51 per cent likelihood assessment. He was also concerned that in not defining the term "suffering", the framework in the bill may be open to those who are not in fact terminally ill but merely suffering in the sense that they fear they may be subject to terrible pain in the future. If I understood the contribution from the Hon. Chris Rath, he also shared that concern.

The Hon. Taylor Martin raised specific matters from Quebec, Washington and Oregon, where patients who accessed the scheme reported feelings of loneliness, financial concerns and being a burden on friends and family, which many other people in this debate have also raised, including the Hon. Damien Tudehope. In all of those situations, patients reported these feelings among many in multiple-choice surveys. They reflect some of the many understandable feelings people experience at the end of their life, with all patients reporting a range of kinds of suffering. It is not true that these feelings formed the basis of any VAD application. No-one was deemed eligible simply because they felt lonely or like a burden; they were eligible because they were dying. I draw to the attention of honourable members the fact that to access the framework a person must in fact have a terminal illness or condition that will end their life within six months or, in the case of neurodegenerative diseases, within 12 months.

Yes, there are no absolute guarantees about those time frames, but medical professionals do not flippantly pluck numbers out of the air; they bring their best judgment to bear on each case before them, based upon their learning and experience and that of their colleagues. The Hon. Damien Tudehope made a number of points in his contribution, which should be unpacked a little and held up to the light. He commenced by referencing the views of Dr Philip Nitschke, that any person should have the right to choose when to take their own life. The bill does not do that. He then segued into a proposition that medical professionals who may share that view would "interpret the eligibility criteria under the bill as liberally as they please" or, in code, "They would allow those not eligible—not terminally ill—to access the scheme." This amounts to a proposition that you cannot trust doctors to follow the law. Knowing how seriously doctors take the preservation of life, I am sure honourable members will join me in rejecting that proposition.

The Hon. Damien Tudehope also advanced the further proposition, drawing on what has happened under the scheme in Oregon, that anorexia and other mental health conditions could be assessed as making a person eligible for access. He claimed that a progressive widening of those who access the scheme will occur, even without any changes to the written law. I think the Hon. Chris Rath and the Hon. Lou Amato also talked about mission creep—to use my terminology—in legislation in other countries. The fact is, all of those other schemes in other countries were already much wider than the one in the bill. There has been no mission creep. The arguments raised in that respect are without substance.

Anorexia nervosa is an eating disorder and serious mental illness that can become life-threatening. It is not eligible for assisted dying under any Australian law and it is not eligible under the bill because every Australian law, and the bill, specifically excludes access to VAD based solely on a mental illness. I refer honourable members to clause 16 (2) of the New South Wales bill. In almost three years of VAD operating in Victoria, there have been no cases involving anorexia, nor in Western Australia, where the law came into operation in July last year. Moreover, there is an additional safeguard that a person must have decision-making capacity to be eligible for VAD. The only way a person with anorexia could be eligible for VAD in Australia, or under this bill, is on the basis of another qualifying terminal medical condition, provided that they can also demonstrate decision-making capacity. A small number of people with anorexia have been able to access assisted dying in other countries because their laws differ from the Australian and New South Wales model.

The Hon. Greg Donnelly also raises what I think is perhaps the fundamental dividing line in this debate when he reminds us again, appropriately, that medical care rests upon the bedrock principle of "First, do no harm." The Hon. Lou Amato also referred to this in his contribution. I agree. However, harm is being done now—by forcing those with terminal illnesses or conditions to continue to suffer pain, physical and mental, to lose control of their personal and bodily autonomy, to suffer indignity, until their physical being gives out. That is harmful. That is unnecessary. It is not compassionate. It forces people into unsafe and unregulated behaviour to bring about an earlier end of life.

Let us bring this out of the dark and into the safe and regulated framework where there is transparency and accountability. We know that there are many with a terminal illness or condition whose suffering is such that they would prefer the end of their life, which is as certain as you can get in modern medicine, to occur at a time and on terms that they choose. We know that to achieve this, they often take matters into their own hands, often with terrible consequences both for them and for their loved ones. We know that at present medical professionals assist those who are suffering in ways which hasten life's end, but do so in a way that is not open, not transparent and not currently regulated. The need for this legislation, therefore, is clear, in my view.

The Hon. Greg Donnelly and, I think, the Hon. Damien Tudehope also laid down for us this final challenge: Are we satisfied that the content of this bill will ensure death will only come to those who freely choose it, or does

it only seek to reduce the risk of misuse, abuse and error? I agree that this is a most important distinction. I am satisfied that the checks and restrictions in this bill—which the Hon. Mark Pearson indicated were, for him and for many supporters, too onerous—are such that only those persons who really want to end their life on their own terms will have their life ended under the processes provided for in this bill. I believe this House should also be satisfied of that matter. Mr Deputy President, if this bill errs, it errs on the side of caution.

In conclusion, I wish to recognise that this has been a difficult debate for many people and they have brought their own views and life experiences to bear in the debate. I want to honour that and respect that. I also acknowledge that there are a number of people who have indicated their support for this bill but who are unable to be here tonight to vote on this historical occasion. There is a seat vacant: The seat of Mr David Shoebridge has not yet been filled. It will be filled tomorrow. There is someone with COVID who is missing and there are people with family responsibilities.

The President is not present, which means that the Hon. Wes Fang, a noted supporter of the bill, is in the chair. There are four fewer votes in favour of this bill tonight than there would otherwise be, but it is my hope that this House will honour the shape and the commitment given by a majority in this House in this debate and that it meets the hope and the expectations of the citizens of this State, who look to us to make right what is not yet right: that New South Wales, the biggest and most populous State, lags behind the rest of Australia in extending compassion of this kind to its suffering citizens who need it most. Honourable members, I urge you to vote yes on this second reading vote for this bill.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The question is that this bill be now read a second time.

The House divided.

Ayes 20
Noes 17
Majority.....3

AYES

Boyd	Franklin	Roberts
Buttigieg (teller)	Graham	Searle
Cusack	Hurst	Sharpe
D'Adam	Jackson	Taylor
Faehrmann	Mallard (teller)	Veitch
Farraway	Pearson	Ward
Field	Primrose	

NOES

Amato	Latham	Nile
Banasiak	Maclaren-Jones	Poulos
Borsak	Martin	Rath
Donnelly (teller)	Mookhey	Secord
Farlow (teller)	Moriarty	Tudehope
Houssos	Moselmane	

Motion agreed to.

The Hon. ADAM SEARLE: I move:

That consideration of the bill in Committee of the Whole stand as an order of the day for the next sitting day.

Motion agreed to.

PUBLIC HEALTH AMENDMENT (REGISTERED NURSES IN NURSING HOMES) BILL 2020

Second Reading Debate

Debate resumed from 30 March 2022.

The Hon. MARK BANASIAK (20:56): In reply: I thank all members who contributed to debate on the Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2020: Ms Cate Faehrmann, the Hon. Courtney Houssos, the Hon. Walt Secord and the Hon. Peter Poulos. I will not labour the point too much, but I indicate that the Shooters, Fishers and Farmers Party will support the Labor amendment, which relates to

one of the key recommendations of the inquiry. I always err on the side of what a committee seems to think is the best way of doing things.

I draw attention to some of the comments made in opposition to the bill. The Hon. Peter Poulos made reference to the royal commission's report, which was tabled on 1 March 2020 with 148 recommendations, but 12 months later nothing has really happened. Scott Morrison is doing his best impersonation of Nero, fiddling while the system crashes and burns. The Hon. Peter Poulos also made reference to recommendation 86, which talks about an incremental approach to getting registered nurses in nursing homes by 1 July 2024. It is a telling indictment of the poor planning of this State Government that, according to it, we are nowhere near ready to put that in place. That is extremely disappointing. When I was in high school we were taught about the aging population in year 8 geography. Some 20 years later we still have not taken the necessary steps to plan for that fact.

I conclude my contribution with a recent example of why the bill is necessary. It came to me from a constituent just the other day and it was about her mother, who is in a nursing home. She said that her mother fell in the home, which has a ratio of one careworker to 60 residents at night. There was no registered nurse. Her mum was on the floor. There was no way of lifting her up, so she lay on the floor all night. The worker had no ability to administer medication. No doctor was contacted until the morning. This poor woman lay on the floor all night because there was a ratio of one careworker to 60 residents. How many more residents will spend nights like this, on the floor, unable to be helped, until we somehow get to 1 July 2024? There are lots of examples where the New South Wales Government has seen a failure of the Federal Government and said, "No. This needs to be done better. We're going to step up and take the lead." It just boggles the mind why the State Government does not step up and take the lead on such an issue and not wait for the Feds to pull their finger out.

It is often said that the standard you walk past is the standard you accept. So I draw all members' attention to the lady stuck lying on the cold floor all night. Is that the standard they want to walk past? Is that the standard they would accept for their own parents or grandparents in an aged-care facility? A vote for this bill is to say that our parents, our grandparents and our elderly deserve better than being left on a cold floor all night, and a vote against this bill shows you have a callous disregard for our elders and, in many cases, our most vulnerable. I commend the bill to the House.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The question is that this bill be now read a second time.

The House divided.

Ayes 20
Noes 12
Majority.....8

AYES

Banasiak	Field	Nile
Borsak	Houssos	Pearson
Boyd	Hurst	Primrose
Buttigieg (teller)	Jackson	Roberts
D'Adam (teller)	Latham	Secord
Donnelly	Mookhey	Sharpe
Faehrmann	Moselmane	

NOES

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

PAIRS

Graham	Franklin
Moriarty	Mason-Cox
Searle	Mitchell
Veitch	Barrett

Motion agreed to.

In Committee

The TEMPORARY CHAIR (The Hon. Rod Roberts): There being no objection, the Committee will deal with the bill as a whole. I have only one amendment, which is Opposition amendment No. 1 on sheet c2022-071A.

The Hon. COURTNEY HOUSSOS (21:13): I move Opposition amendment No. 1 on sheet c2022-071A:

No. 1 **Minimum number registered nurses in nursing homes**

Page 2, clause 3. Insert after line 35—

(2) **Section 104 Nursing homes to be staffed by registered nurses**

Omit section 104(1)(a). Insert instead—

(a) at least the prescribed number of registered nurses are on duty in the nursing home at all times, and

(3) **Section 104(3)**

Omit the subsection. Insert instead—

(3) In this section—

director of nursing of a nursing home means the person responsible for the overall care of the residents of the nursing home.

prescribed number means the number prescribed by the regulations for the purposes of subsection (1)(a), being a number not less than 1, determined by reference to the number of residents or patients at the nursing home concerned.

I move this amendment in my capacity as chair of the Select Committee on the provisions of the Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2020. One recommendation to emerge from the inquiry was, rather than simply having one registered nurse in every aged-care facility or nursing home, safe staffing levels are required for all aged-care workers. It is incredibly important to acknowledge at this point the importance of the roles of both clinical and care workers in aged-care facilities. I pay tribute to the NSW Nurses and Midwives' Association. I pay tribute to the Health Services Union, which we worked collaboratively with throughout the inquiry.

The amendment deals specifically with registered nurses because at a State level we only have regulatory control over registered nurses. The committee was emphatic in its view that safe staffing levels need to happen for nurses and for caring staff. At a State level, Parliament is limited in what it can legislate. This amendment will ensure that there is a minimum of one registered nurse on duty at all times—24 hours a day, seven days a week. There are nursing homes that care for a number of high-care residents. The committee heard of a situation where there was one registered nurse for 200 residents, which is clearly inappropriate.

The amendment has not sought to be prescriptive as to what the safe staffing level should be. The committee decided that should be prescribed by the regulations. It is appropriate that the Government go away and do some work in conjunction with the Federal Government to find what level is suitable. That is why the amendment will increase the number of registered nurses in nursing homes proportionate to the number of residents. That is where the discussion is going federally and where the discussion coming out of the aged care royal commission is going. It is certainly what the community expects. It is not appropriate for there to be one registered nurse for 200 residents. Clearly, clinical care cannot be provided to residents like that, particularly if that nurse is the director of nursing and not engaging in direct care.

I concluded my remarks in the second reading debate by saying that the only way to solve the aged care issue was to elect a Federal Labor Albanese Government. The very next night the Labor leader, Anthony Albanese, outlined in his budget reply speech what Labor's plan would be if he were to win on 21 May 2022. I maintain that is the best way to fix aged care, but in New South Wales we can require nursing homes to provide additional clinical care. We should also require additional caring positions. I commend the amendment to the Committee.

Ms CATE FAEHRMANN (21:18): The Greens support this very sensible amendment by Labor and the Hon. Courtney Houssos. The Select Committee on the provisions of the Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2020 inquiry was told of this and it makes eminent sense. The Greens will support the amendment.

The Hon. WALT SECORD (21:18): As the Labor representative for health in the Legislative Council, I support the amendment. I publicly acknowledge the commitment of the Hon. Courtney Houssos, the Hon. Mark Banasiak and Ms Cate Faehrmann to improving the quality of life of older Australians in aged care. I have always

said that the dignity with which we treat the most vulnerable in our society, particularly the elderly, is the benchmark of our society. Members are aware that I served for a number of years as chief of staff to the Minister for Aged Care in Canberra. In that role, I saw the absolute best and the absolute worst examples of aged care. I remember that commercial aged-care providers in Queensland were the worst. We received a report of one chicken being divided up to feed 32 residents in an aged-care facility. It was extraordinary.

I also saw the very best in aged care. Surprisingly, that came from the faith-based organisations. The Baptist and Jewish community organisations were at the forefront of aged care. I will end my remarks there. Safe staffing levels are important, and we must acknowledge that it is not just nurses who provide aged care. There is a need for adequate cleaning staff, kitchen staff and personal care support workers in aged care. Finally, I echo the Hon. Courtney Houssos' remarks on Federal Labor's commitment to aged care: The best way to improve aged care in Australia is to elect an Albanese government.

The Hon. MARK BANASIAK (21:20): The Shooters, Fishers and Farmers Party wholeheartedly accepts the amendment. I thank the Hon. Courtney Houssos for moving it.

The TEMPORARY CHAIR (The Hon. Rod Roberts): The Hon. Courtney Houssos has moved Opposition amendment No. 1 on sheet c2022-071A. The question is that the amendment be agreed to.

Amendment agreed to.

The TEMPORARY CHAIR (The Hon. Rod Roberts): The question is that the bill as amended be agreed to.

Motion agreed to.

The Hon. MARK BANASIAK: I move:

That the Chair do now leave the chair and report the bill to the House with an amendment.

Motion agreed to.

Adoption of Report

The Hon. MARK BANASIAK: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. MARK BANASIAK: I move:

That this bill be now read a third time.

Motion agreed to.

Documents

ERARING POWER STATION

RENEWABLE ENERGY ZONES

Production of Documents: Further Order

The Hon. MARK LATHAM: I move:

That private members' business items Nos 1797 and 1798 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK LATHAM (21:23): I move private members' business item No. 1797:

(1) That this House notes that:

(a) on Wednesday 30 March 2022 this House ordered documents relating to an order for papers regarding the Eraring Power Station;

(b) on Thursday 21 April 2022 the Clerk received a return consisting of the following:

(i) a single document—an email from a staff member at Investment NSW marked cabinet-in-confidence regarding "Project Phoenix";

(ii) correspondence from the General Counsel, Treasury, certifying that all documents covered by the terms of the resolution held by Treasury and lawfully required to be provided have been provided; and

(iii) correspondence from the Secretary, Department of Premier and Cabinet, stating that the Office of the Treasurer and Minister for Energy has advised it was unable to provide a return by the due date and will provide a return as soon as possible.

(c) no further documents have been returned in response to the order of the House.

(2) That this House:

(a) notes the failure of the Government to comply with an order of the House regarding Eraring Power Station and to produce documents necessary for this House to undertake its function of scrutinising the executive government;

(b) reasserts its power to order the production of all documents in the possession, custody or control of the Executive Government with the exception of those documents that reveal the actual deliberations of Cabinet, as articulated by Spigelman CJ in *Egan v Chadwick*; and

(c) rejects the definition of Cabinet documents used in the Government Information (Public Access) Act 2009, which if followed may lead to a much broader class of documents being withheld from this House.

(3) That, under Standing Order 52, there be laid upon the table of the House within 7 days of the date of passing of this resolution the following documents created since 1 January 2021 in the possession, custody or control of the Treasurer, and Minister for Energy, Treasury (including Energy NSW), Investment NSW, or the Department of Planning and Environment relating to Eraring Power Station:

(a) all documents regarding the early closure of Eraring Power Station in 2025, including:

(i) any proposals, communications and negotiations between the New South Wales Government, the Australian Energy Market Operator [AEMO] or Origin Energy;

(ii) all documents relating to options considered to avoid the early closure and job losses;

(iii) all documents relating to implications for electricity pricing and supply in New South Wales; and

(iv) all documents relating to the development of a New South Wales Government jobs or retraining package for the Eraring Power Station workforce.

(b) all documents containing advice to the Treasurer and Minister for Energy about the implications of the early closure of the Eraring Power Station and the Government response;

(c) all documents relating to "Project Phoenix"; and

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

(4) That, should the Leader of the Government fail to table the documents in compliance with this resolution by the due date, this House orders the Leader of the Government to attend in his place at the table at the conclusion of prayers on the day next sitting day to explain his reasons for continued non-compliance.

I now move private members' business item No. 1798:

(1) That this House notes that:

(a) on Wednesday 11 November 2020 and Wednesday 30 March 2022, this House ordered documents relating to an order and further order for papers regarding renewable energy zones [REZs] in New South Wales;

(b) on Wednesday 2 December 2020, in response to the order of the House of 11 November 2020, the Clerk received a partial return consisting of a small number of documents from the Minister for Environment and Energy and the Department of Planning, Industry and Environment relating to the New South Wales Electricity Infrastructure Roadmap;

(c) on Thursday 21 April 2022, in response to the order of the House of 30 March 2022, the Clerk received correspondence from the Secretary of the Department of Premier and Cabinet advising that the Office of the Treasurer and Minister for Energy, Treasury, and the Department of Planning and Environment were unable to provide a return by the due date and will provide a return as soon as possible;

(d) on Thursday 28 April 2022, in response to the order of the House of 30 March 2022, the Clerk received a partial return consisting of the following:

(i) three documents from the Minister for Energy and Environment;

(ii) three documents from the Department of Planning and Environment;

(iii) correspondence from the chief of staff of the Treasurer and Minister for Energy, certifying that the Office of the Treasurer and Minister for Energy has conducted reasonable searches and that all documents covered by the terms of the resolution held by the office and lawfully required to be provided have been provided excepting publicly available documents; and

(iv) correspondence from the General Counsel, NSW Treasury, certifying that all documents covered by the terms of the resolution held by Treasury and lawfully required to be provided have been provided.

(e) the returns of 2 December 2020 and 28 April 2022 did not include key documents within the scope of the orders, including documents relating to:

(i) modelling on the electricity road map undertaken by the Aurora consultancy;

(ii) the modelling audit by Frontier Economics;

(iii) work undertaken by KPMG such as those mentioned in emails from September 2020 obtained in GIPAA request No. 21-1692;

(iv) advice from the Energy Unit within the Department of Planning and Environment; and

(v) the impact of the New England Renewable Energy Zone.

(2) That this House:

(a) notes the failure of the Government to comply with orders of the House regarding renewable energy in New South Wales and to produce documents necessary for this House to undertake its function of scrutinising the Executive Government;

(b) reasserts its power to order the production of all documents in the possession, custody or control of the Executive Government with the exception of those documents that reveal the actual deliberations of Cabinet, as articulated by Spigelman CJ in *Egan v Chadwick*; and

(c) rejects the definition of Cabinet documents used in the Government Information (Public Access) Act 2009, which if followed may lead to a much broader class of documents being withheld from this House.

(3) That, under Standing Order 52, there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents created since 1 January 2020, excluding any documents previously returned under an order of the House, in the possession, custody or control of the Treasurer and Minister for Energy, Treasury, or the Department of Planning and Environment relating to renewable energy zones in New South Wales:

(a) all advice, projections, modelling, audits of modelling and costings on the establishment of renewable energy zones in New South Wales prepared by or provided to the Department of Planning and Environment, consultants to the New South Wales Government, the Australian Energy Market Operator [AEMO], or the Minister with responsibility for Energy, including any document disclosing:

(i) modelling on renewable energy zones or the electricity road map undertaken by the Aurora consultancy headed by Cameron Hepburn;

(ii) the modelling audit by Danny Price of Frontier Economics;

(iii) work undertaken by KPMG such as those mentioned in emails from September 2020 obtained in GIPAA request No. 21-1692; and

(iv) advice from the Energy Unit and Principal Energy Advisor within the Department of Planning and Environment.

(b) any document disclosing the firming capacity needed to make renewable energy zones effective;

(c) any document disclosing the creation of electricity grid connections as a consequence of the establishment of renewable energy zones;

(d) any document disclosing the impact of renewable energy zones on electricity prices, supply and reliability in New South Wales;

(e) any document disclosing the impact of renewable energy zones on coal-fired power stations, in particular, the early closure of stations and the consequential impact on energy security and prices in New South Wales;

(f) any document disclosing the potential impact or work undertaken to assess the potential impact of the New England Renewable Energy Zone; and

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

(4) That, should the Leader of the Government fail to table the documents in compliance with this resolution by the due date, this House orders the Leader of the Government to attend in his place at the table at the conclusion of prayers on the next sitting day to explain his reasons for continued non-compliance.

The two motions follow the standard procedure when the Government has failed to produce documents. The Government had a chance to produce the relevant documents six weeks ago regarding the implications of the impending closure of the Eraring Power Station and in relation to renewable energy zones in New South Wales. I seek leave to move one amendment to both items Nos 1797 and 1798, at the suggestion of The Greens, because the motion should not have to require a fresh search of documents after 30 March 2022.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The Hon. Mark Latham, given that the motions have already been moved by you perhaps a colleague might consider moving those amendments.

The Hon. MARK LATHAM: The Greens have quite reasonably suggested that private members' business item No. 1797 be amended at paragraph (3), line three, to read: "between 1 January 2021 and 30 March 2022". The second reasonable suggestion is that private members' business item No. 1798 be amended at paragraph (3), line three, to read "between 1 January 2020 and 30 March 2022". The Hon. Rod Roberts will move the amendments I have just outlined to the House.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I will allow the Hon. Mark Latham to complete his contribution before, perhaps, the Hon. Rod Roberts might seek the call to move amendments to the Hon. Mark Latham's motions.

The Hon. MARK LATHAM: The only other alteration comes out of the fact that in the one document that was provided on Eraring, quite unusually the Government submitted a single piece of paper that was marked "Cabinet in confidence" and related to internal memos from Investment NSW regarding work that was being done and forthcoming liaison with Origin Energy, the owners of Eraring. This was right up against the end of Christmas Eve last year. They disclosed that the work they had been doing on Eraring was known as "Project Phoenix", as in rising from the ashes. These clowns have got these grandiose codenames, but it would assist the search of documents.

Why has it taken six weeks so far for any documents to be produced, with the promise of further documents? Maybe they just need to do a word search on "Project Phoenix". That would be a nice, simple way in which the relevant documents could be made available to the Legislative Council. For a government that is always whinging about the resources needed for SO 52s, that word search would expedite matters and enable it to produce those documents within the seven days. It is a descriptor of all the items that were in the original motion.

The final paragraph of both motions goes to the standard format of subsequently requiring the Leader of the Government to attend in his place and give an explanation as to why the documents have not been produced. Of course, we know what is going on here. The Government has had six weeks and it has not complied. These are standard motions on two very important matters: the future of the electricity grid and energy security in New South Wales, and the future of those 450 jobs and alternative employment for the workers at Eraring.

The DEPUTY PRESIDENT (The Hon. Wes Fang): Given the level of precedence, I will call the Hon. Rod Roberts before any other members as he may somewhat change the form of the debate.

The Hon. ROD ROBERTS (21:27): I will move two amendments to each of the private members' business items. I move:

That the motion be amended as follows:

(1) In private members' business item No. 1797 omit "since 1 January 2021" in paragraph (3) and insert instead "between 1 January 2021 and 30 March 2022".

(2) In private members' business item No. 1798 omit "since 1 January 2020" in paragraph (3) and insert instead "between 1 January 2020 and 30 March 2022".

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (21:30): I foreshadow that I will move an amendment to the motion. Primarily it is predicated on this: the second of those motions moved tonight has serious ramifications to the consequences of not complying. The point I make is that if the member is to rely on noncompliance with the earlier motion, which was passed by this House, then the additional time that he seeks contained in the first part of the motion tonight should be in identical terms.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The clock needs to be reset so that you speak for the correct time.

The Hon. DAMIEN TUDEHOPE: It is important that the motion correctly reflects the original motion that was passed by the House, if it is amended in the way that it has been, or additional requirements are placed on it. The member will suggest that the additional wording has no additional obligations. I do not know that and he does not know that. He suggests that there is a synergy between the two documents and he is making the assumption that everything related to "Project Phoenix", as he has now identified it, is the same as the document sought in the original motion, which is related to the Eraring shutdown.

He has found a document that has been produced and he has assumed from that document that they are the same subset of documents and that they are produced as part of the obligations pursuant to the new motion. I put to the member that if he wants to rely on the motion or noncompliance with the motion, it ought to be in identical terms to the motion that was originally passed by this House. It has a very strict time limit of seven days and there may well be additional documents that are identified pursuant to the new motion, for which a seven-day time limit would be entirely unreasonable. in my submission, to invoke the consequences of the motion in those circumstances would be entirely unreasonable and should not be supported by the House. I move:

That the motion be amended as follows:

(1) In private members' business item No. 1797 omit paragraph (3) and insert instead:

(3) That, under Standing Order 52, there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents created between 1 January 2021 and 30 March 2022 in the possession, custody or control of the Treasurer, and Minister for Energy, Treasury, Energy Corporation of NSW, or the Department of Planning and Environment relating to Eraring Power Station:

(a) all documents regarding proposals, communications and negotiations between the New South Wales Government, the Australian Energy Market Operator [AEMO] or Origin Energy concerning the early

closure of the Eraring Power Station and a possible way of keeping it open past its new closing date in 2025;

(b) all documents containing advice to the Treasurer and Minister for Energy about the implications of the early closure of the Eraring Power Station and the Government response;

(c) all documents relating to the development of a New South Wales Government jobs package for the Eraring Power Station workforce; and

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

(2) In private members' business item No. 1798 omit paragraph (3) and insert instead:

(3) That, under Standing Order 52, "there be laid upon the table of the House within seven days of the date of passing of this resolution the following documents created between 1 January 2020 and 30 March 2022, excluding any documents previously returned under an order of the House, in the possession, in the possession, custody or control of the Treasurer and Minister for Energy, Treasury, or the Department of Planning and Environment relating to renewable energy zones [REZ] in New South Wales:

(a) all advice, projections, modelling, audits of modelling and costings from the Department of Planning and Environment, consultants to the government or the Australian Energy Market Operator [AEMO], to the Minister for Energy and Environment on the establishment of renewable energy zones in New South Wales;

(b) any document disclosing the firming capacity needed to make REZ effective;

(c) any document disclosing the creation of electricity grid connections as a consequence of the establishment of REZ;

(d) any document disclosing the impact of REZ on electricity prices, supply and reliability in New South Wales;

(e) any document disclosing the impact of REZ on coal-fired power stations, in particular, the early closure of stations and the consequential impact on energy security and prices in New South Wales; and

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

I seek an extension of time.

Leave granted.

The Hon. DAMIEN TUDEHOPE: The amendment to the motion related to Eraring Power Station makes the motion in line with the original motion, which was passed by this House. It should not require any additional investigation, which is foreshadowed by the motion as currently drafted that is before the House. The amendments I have moved, notwithstanding their draconian consequences for noncompliance, obtain rigour around the process of potentially expelling a member or taking other steps, whether it is a suspension or censure or otherwise. At least the motions or noncompliance should be consistent. They should not be a breach of a different order of the House.

Ms ABIGAIL BOYD (21:38): This has become a bit of a mess with all of the proposed amendments, and that is quite unfortunate. Laying out the general principles, The Greens absolutely support any attempt to hold the Government accountable for what has been a clear failure to produce the documents on time. The excuses for the delay do not hold up, as far as I am concerned. I understand that the officials within the departments have a lot of work to do. It is up to the leaders of those departments to hire more people so that they can do what they need to do to comply with their obligations to this House.

I suggest to the Hon. Mark Latham that, although he has moved these orders for papers together, he might consider voting on them separately because there are separate issues. The Greens are prepared to accept private members' business item No. 1797, relating to Eraring Power Station, on the basis of the amendment that the Hon. Rod Roberts has moved. We then effectively have a restatement of the original order, which would not require the departments to do additional work. I take the point that the Minister raised about "Project Phoenix", which is new; however, I would like to see the "Project Phoenix" documents as well. If this had been produced six weeks ago, we would have known more about what those documents were and could have gone through this process a lot quicker.

I understand that seven days will be an imposition on the departments to produce those documents. I encourage discussions between Minister Kean and the Hon. Mark Latham about extending the time for that particular aspect of this order for papers. This is a case of making your bed and having to lie in it. Regarding private members' business item No. 1797, The Greens support the amendments moved by the Hon. Rod Roberts and do not support the amendments moved by the Minister.

Correct me if I am wrong, but my understanding is that the form of the restated motion regarding renewable energy zones is quite different to the one that was passed previously and that the proposed Government amendments bring it back in line with what was agreed previously. If that is the case, The Greens are prepared to support the Government's amendments and will then support the motion. If that is not the case, The Greens will support the amendments moved by the Hon. Rod Roberts. It is unfortunate that this has become messy and it is difficult to follow at this late hour, but that is The Greens' position on the motions.

The Hon. PENNY SHARPE (21:42): I have seen the Government's amendments only in the last 30 seconds, so I indicate that Labor will not support them. Labor supports the amendments moved by the Hon. Rod Roberts. These are serious issues. Everyone knows that Standing Order 52 motions are extremely frustrating for the Government. We play these ridiculous games all the time. Ministerial officers ask for extensions and we still do not get there. I do not know how many extensions have been granted on all of the orders for papers. Most of the time, we are extremely reasonable. The motions that were moved by the Hon. Mark Latham are not sufficiently problematic. But given the Government has not spoken to us about it, I am not inclined to deal with it. We generally deal well with Government members and they usually talk to us about these matters.

We are trying to digest all of this information at this late hour, added to the fact that there is an ongoing level of frustration about the way in which the documents are returned or not returned, and the number of times the Department of Premier and Cabinet sends requests for extensions when members in the House have already agreed to an extension. Most of us are reasonable in acknowledging the amount of time that is given. If the Government cannot produce the documents in 28 days, it should not have us seek leave to make it 28 days while pretending it will meet the deadline. The substance of these two Standing Order 52 motions is worthwhile. We have had a lot of discussion about the workforce transition and the needs of Eraring with what is happening there. Labor has been extremely concerned about the workers and the lack of preparation and care from the Government for that community.

Labor wholeheartedly supports renewable energy. We want to see a transition away from fossil fuels and towards more renewable energy generation, but we cannot leave communities behind. The Hon. Mark Latham is seeking to ensure that that does not occur. Labor agrees with that wholeheartedly and pursued the matter vigorously in budget estimates. Let us remember, this is the result of the terrible answers that were provided by the Minister in relation to that matter in budget estimates hearings. If the Government was up-front and provided the information, as it should have done, to explain to communities what is happening as we do the work, we would not be in this position. Labor takes amendments seriously. If members do not consult Labor on proposed amendments, we will not support them.

The Hon. ROD ROBERTS (21:44): Unorthodox as it may be, I move another two amendments to facilitate proceedings. I move:

That the motion be amended as follows:

(1) In private members' business item No. 1797 omit "seven days" in paragraph (3) and insert instead "21 days".

(2) In private members' business item No. 1798 omit "seven days" in paragraph (3) and insert instead "21 days".

That might smooth the waters.

Ms ABIGAIL BOYD (21:45): On the basis of the amendments that have been proposed by the Hon. Rod Roberts, The Greens will support the motions. However, we will not support the Government's amendments to those motions.

The Hon. MARK LATHAM (21:46): In reply: I am happy for the motions to be dealt with seriatim—in the new Latin language that we use—or separately.

The Hon. Penny Sharpe: Too many lawyers in this place.

The Hon. MARK LATHAM: Yes, that is right. I will explain what has happened. I sought the assistance of the Clerks to deal with the motions appropriately in circumstances where the Government has not produced documents of any substance after six weeks. For the motion relating to renewable energy zones, I was told that if we could identify the documents that we know exist on the public record, as they have been referred to on the public record, it would help to drill down on what has not been provided. That is why at paragraph (3) of private members' business item No. 1798 One Nation mentions the modelling on the renewable energy zones by Aurora consultancy. That is referred to in the road map. One Nation wants to look at the modelling that has not been made available for some 18 months.

We know of the modelling audit by Frontier Economics, we know of the work that was undertaken by KPMG because that has been referred to in the road map and by the Minister as well, and we know that the Minister must have taken advice from his own department about such a substantial change to the electricity grid

in New South Wales. Those matters are known, and the Clerks asked me to outline what was known publicly and therefore should be produced by the Government because that would assist in specifying the documents that should be produced. I have done that, and that is included in the motion. The Leader of the Government in this place has turned into a drama queen and has said that these are draconian provisions.

In both motions, paragraph (4) states that if the Government fails to table the documents, the Leader of the Government in this place must, at the conclusion of prayers on the next sitting day—and he is obviously praying for himself because he is very worried about what is going on—explain his reasons for continuing noncompliance. The draconian paragraph requires the Leader of the Government to stand here, hopefully without the bellowing and the pointing that we get in question time, and simply explain himself. The easiest way to avoid the draconian consequences is to comply. Compliance is a simple notion. That is all the Leader of the Government in this place must do. He can rest easy tonight and he can sleep well knowing that the next consequence is to comply and, if he does not do that, to stand in his place and, without the bellowing and finger-pointing, give an explanation for why there was noncompliance, not by him personally but by Minister Kean—and I know he would enjoy that. It is not draconian at all. It should be a delight for the Leader of the Government to undertake the task. There has been some exaggeration of what is going on here, particularly from the Government. However, it is in good order now. The motions can be dealt with separately, and hopefully we will get compliance from the Government.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The Hon. Mark Latham has moved private members' business items Nos 1797 and 1798 concurrently. However, the Hon. Mark Latham has agreed to the questions being put seriatim. I will deal first with private members' business item No. 1797, relating to Eraring Power Station. The Hon. Damien Tudehope has moved a Government amendment to private members' business item No. 1797. The question is that the Government amendment be agreed to.

Government amendment negatived.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The Hon. Rod Roberts has moved amendments to private members' business item No. 1797. The question is that the amendments of the Hon. Rod Roberts be agreed to.

Amendments of the Hon. Rod Roberts agreed to.

The DEPUTY PRESIDENT (The Hon. Wes Fang): We will now deal with private members' business item No. 1798, relating to renewable energy zones. The Hon. Damien Tudehope has moved a Government amendment to private members' business item No. 1798. The question is that the Government amendment be agreed to.

Government amendment negatived.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The Hon. Rod Roberts has moved amendments to private members' business item No. 1798. The question is that the amendments of the Hon. Rod Roberts be agreed to.

Amendments of the Hon. Rod Roberts agreed to.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The question is that private members' business item No. 1797 as amended be agreed to.

Motion as amended agreed to.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The question is that private members' business item No. 1798 as amended be agreed to.

The House divided.

Ayes 18
Noes 12
Majority.....6

AYES

Banasiak	Houssos	Moselmane
Borsak	Hurst	Pearson
Buttigieg (teller)	Jackson	Primrose
D'Adam (teller)	Latham	Roberts
Faehrmann	Mookhey	Secord
Field	Moriarty	Sharpe

NOES

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

PAIRS

Donnelly	Barrett
Graham	Franklin
Searle	Mason-Cox
Veitch	Mitchell

Motion as amended agreed to.

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

The House continued to sit.

POWER STATION SITES REMEDIATION

Production of Documents: Order

Ms ABIGAIL BOYD: I move:

That private members' business item No. 1690 outside the order of precedence be considered in a short form format.

Motion agreed to.

Ms ABIGAIL BOYD (22:06): I seek leave to amend private members' business item No. 1690 outside the order of precedence for today of which I have given notice by omitting "21 days" and inserting instead "35 days".

Leave granted.

Ms ABIGAIL BOYD: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 35 days of the date of passing of this resolution the following documents created since 6 June 2019, in electronic format if possible, in the possession, custody or control of the Treasurer and Minister for Energy, Treasury, Minister for Environment and Heritage or the Department of Planning and Environment relating to contamination at power station associated sites:

(a) all documents, including correspondence, relating to contamination at sites associated with operations at the following power stations, for which the State may be liable at any time in accordance with the terms of its sale of those power stations:

(i) Mount Piper Power Station;

(ii) Bayswater Power Station;

(iii) Liddell Power Station;

(iv) Vales Point Power Station;

(v) Eraring Power Station;

(vi) Munmorah Power Station;

(vii) Redbank Power Station; and

(viii) Wallerawang Power Station.

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

Back in 2019 one of the first Standing Order 52 motions in this House related to the contamination at sites associated with power stations across New South Wales. The documents that we got back from that call for papers were incredibly informative, to the extent that it resulted in not just me but quite a number of people mentioning the words "coal ash" continuously in every budget estimates hearing from then on, until the most recent budget estimates hearings. But it also revealed the extent of the State's continuing liability for these power station sites following privatisation and the extent to which there is significant contamination at these sites, for which the State will remain liable.

As we are transitioning away from reliance on coal-fired power, these power stations are closing down. And, as we have seen with some of the older power station sites, there is a real risk that the power station operators will walk away, leaving the sites effectively un-remediated. We hear talk of, for example, covering up toxic coal ash dams, which I remind members are, effectively, toxic chemicals sitting in unlined pits next to major waterways and seeping into groundwater. There is a real risk that we do the same thing that we did decades ago: just cover them up and seek to build on top of them without remediating, without moving the coal ash and without taking the opportunity to reuse and recycle it. The worst possible thing one can do, as we now know all of these decades later, is to build upon coal ash sites and old power stations that have not been remediated.

In light of the announced closures by AGL and Origin, and in light of the unanswered questions we still have around the Eraring Power Station's ash dam wall—apparently there was a risk that it could break and that toxic sludge would come down into the Myuna Bay Sport and Recreation Centre—we still have no answers as to what is going on with that site and with the remediation. To be honest, we have no faith that the Government, in accordance with the current lax standards that have been laxly enforced so far, will take the right steps to remediate those sites.

In that light, The Greens propose the exact same Standing Order 52 motion that we successfully moved in 2019. We have ensured that this call for papers does not capture the same documents that were produced then. We are only looking for new documents because we really want to know. I note we uncovered a number of documents in the original SO 52 motion which we were not able to release from privilege. That gave us serious concerns. This time, in light of the site closures, we hope to see more transparency on the task of remediating those sites. Out of a spirit of goodwill, we have agreed to amend the 21 days to 35 days, understanding the pressures on our public servants. In that light, I ask all members to support the call for papers.

The Hon. PETER POULOS (22:10): The Government does not support the order for papers. It is the fifth onerous Standing Order 52 request on electricity asset sales since 2019. Further, this House recently conducted an inquiry into the costs for the remediation of coal ash repositories in New South Wales, which covered the issues raised in the motion. The Government has already fully disclosed all pre-existing contamination associated with the sale of power stations for which it may be liable. Treasury has provided details of the contamination within the baseline studies published on the NSW Treasury website as of 5 November 2021. In its current form, the standing order will largely reproduce material that has already been disclosed.

As previously addressed in recent budget estimates hearings, the State's liability for pre-existing contamination is disclosed in the State's finances as a contingent liability in accordance with the usual accounting practices. Even if the documents requested are returned, the liabilities will still remain contingent, except where a liability for pre-existing contamination has materialised because the Environment Protection Authority has ordered remediation and the indemnity is otherwise triggered. If the indemnity is not triggered, then the liabilities remain contingent. Where the indemnities are triggered, then the State will make a financial provision for that liability, which will be disclosed in the State's financial records. The potential liabilities are reported as an aggregated number due to their commercially sensitive nature. The order for documents will not produce any greater financial transparency than the current arrangements. Therefore, I encourage members to vote against the motion.

The Hon. PENNY SHARPE (22:13): On behalf of Labor, I speak in support of the call for papers. To deal with an issue raised by the Hon. Peter Poulos and his suggestion that previously provided documents will be provided again, that is simply not true. The dates contained in the Standing Order 52 motion are after the date of the last call for papers. The motion clearly seeks new papers, not to rehash any old papers. All of us who spend time in the Mookhey wing do not wish to read papers that we have previously read before. Labor supports the motion.

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

Motion agreed to.

GREYHOUND RACING INDUSTRY SURVEY

Production of Documents: Order

The Hon. PENNY SHARPE: On behalf of the Hon. Courtney Houssos: I move:

That private members' business item No. 1787 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. COURTNEY HOUSSOS (22:16): I move:

That, under Standing Order 52, there be laid upon the table of the House within 14 days of the date of passing of this resolution the following documents created since 1 January 2021 in the possession, custody or control of the Minister for Hospitality and Racing, the Department of Customer Service, the Office of Racing or Greyhound Racing NSW relating to the Greyhound Racing Industry Survey:

(a) all documents, including emails, briefings, text messages and memorandum, relating to the Greyhound Racing Industry Survey conducted by Insightfully in November 2021; and

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

I move this call for papers because I have received information that Greyhound Racing NSW conducted political polling as part of a greyhound racing industry survey of participants in November 2021. I find this incredibly concerning, as I am sure many participants within the greyhound industry would. The organisation charged with running the operational part of greyhound racing in New South Wales conducted a survey of its members—as it should—but tacked on to the end of the survey were questions about the political leanings of its members. More than that, it asked questions about the favourability of the Premier, the Deputy Premier, the Leader of the Opposition and its members' local MPs.

Whilst we would expect government agencies to be in touch with their industry participants and to seek their views on the future of industry and how they can improve the running of industry, it is extremely concerning to see overt political polling questions as a part of the survey. Therefore, we are seeking further information on what was provided to the Minister for Hospitality and Racing on the poll. We are seeking to find out what the role of the Minister was in the survey, because we think it is a really concerning development in an industry that has faced so much scrutiny. I will be clear: NSW Labor advocated for the restart of greyhound racing. We do support the industry but we think it is incredibly important that the body charged with running it focuses on that and not politics. The call for papers seeks that information so that we can get to the bottom of this concerning episode. I commend the motion to the House.

Ms ABIGAIL BOYD (22:19): On behalf of The Greens I support this motion and I thank the Hon. Courtney Houssos for moving it. It is something that was also brought to the attention of my office. In our view Greyhound Racing NSW has conducted what looks to be blatant political polling of their members, asking industry participants what issues will affect their vote at the next State election and whether they support specific politicians. Greyhound Racing NSW receives government funding to run the operational side of the greyhound racing industry, not to conduct political polling for their friends in politics. Not only that but in the same survey it is apparent that they are attempting to build a case to lobby for the privatisation of the organisation, no doubt to be presented to politicians alongside the political polling. Greyhound Racing NSW and the Minister are claiming, as I understand it, that the vast majority of this survey was conducted without their knowledge or consent, so I really think we need to know who signed off on it. I will be moving an amendment which I hope is uncontroversial. I move:

That the motion be amended as follows:

(1) Insert "or Greyhound Welfare and Integrity Commission" after "Greyhound Racing NSW".

(2) Insert at the end:

(2) That the Clerk communicate the terms of this resolution to Greyhound Racing NSW and the Greyhound Welfare and Integrity Commission.

I have moved this amendment because the survey asked industry participants for their opinions not just on Greyhound Racing NSW but also whether they were satisfied with the "job being done" by the Greyhound Welfare and Integrity Commission. Was the commission consulted before greyhound racing industry participants were asked about its performance? Were the results of the survey before it was cut off shared with the integrity agency? Did the agency know that participants were being presented with arguments that privatisation of Greyhound Racing NSW would result in better welfare outcomes? We hope that the results of this call for papers will shed some light on those questions and we support it wholly.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (22:21): The Government will not oppose this motion or call for papers.

The Hon. COURTNEY HOUSSOS (22:21): In reply: The Opposition will be supporting the amendment.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The Hon. Courtney Houssos has moved a motion, to which Ms Abigail Boyd has moved an amendment. The question is that the amendment be agreed to.

Amendment agreed to.

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

Motion as amended agreed to.

Committees

SELECT COMMITTEE ON THE CONDUCT OF ELECTIONS UNDER COVID-19 CONDITIONS

Establishment, Membership and Chair

The Hon. ROBERT BORSAK: I move:

That private members' business item No. 1763 outside the order of precedence be considered in short form format.

Motion agreed to.

The Hon. ROBERT BORSAK (22:23): I move:

(1) That a select committee be established to inquire into and report on the conduct of elections under COVID-19 conditions by the NSW Electoral Commissioner, including the local government elections held on 4 December 2021 and the four New South Wales by-elections held on 12 February 2022, with particular reference to the appropriateness of similar settings in a general election, including:

(a) the COVID-19 restrictions that were in place for the conduct of these elections and any implications that had for the conduct of the elections;

(b) the issuing of postal votes in both elections to all registered voters in the four New South Wales by-elections and the rationale for doing so, the administrative arrangements and processes employed to support this, and any implications for the conduct of the elections;

(c) the adequacy or otherwise of material alerting voters to the upcoming by-elections and explanatory information provided in languages other than English;

(d) the use of the iVote system in the local government elections, the performance of that system and its implications, and future arrangements for use of the iVote system, including the possibility of a replacement software system; and

(e) any other related matter.

(2) That, notwithstanding anything to the contrary in the standing orders, the committee consist of six members comprising:

(a) two Government members;

(b) two Opposition members; and

(c) two crossbench members, one being Mr Borsak.

(3) That the chair of the committee be Mr Borsak.

(4) That, unless the committee decides otherwise:

(a) submissions to the inquiry are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration;

(b) the chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement;

(c) the sequence of questions to be asked at hearings is to alternate between government, opposition and crossbench members, in order determined by the committee, with equal time allocated to each;

(d) transcripts of evidence taken at public hearings are to be published;

(e) supplementary questions are to be lodged with the Committee Clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness; and

(f) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.

I am pleased to move this motion which, if passed, will establish a select committee to inquire into and report on the conduct of elections under COVID-19 conditions by the NSW Electoral Commissioner, including the local government elections held on 4 December 2021 and the four New South Wales by-elections held on 4 February 2022. We are fast approaching the next State elections and it is imperative that this House can look at many of the issues that have been raised with me and, I would suggest, many other members in this House.

It was a little over two years ago that this Government was drowning in its own bile, with a scandal popping up every second day. To say that COVID-19 came as a blessing to this Government would be the biggest understatement made in this House. The Government cannot get enough COVID-19, so much so that it has infected every facet of our lives over the past two years. COVID-19 restrictions were put in place for last year's

local government elections and this year's four by-elections, yet any real analysis regarding the conduct of these elections and any implications they may have had is still forthcoming, if they are analysed at all.

I for one can tell you that the COVID-19 rules were quite ambiguous. As I travelled to different polling stations campaigning, the rules varied from one place to another. What surprised me even more was the number of people arriving at polling stations with postal votes in their hands, particularly during the by-elections. These were unsolicited postal votes. Why was it necessary to send unsolicited postal votes to every registered voter in each electorate? We need to know the rationale for this, the administrative arrangements, the processes employed to support this and any implications for the conduct of our elections. I was also quite disheartened to notice that there was a lack of material alerting voters to the upcoming by-elections and little, if any, explanatory information provided in languages other than English. The last point I raise, and probably the most important issue facing us before the State election, is the use of the iVote system. As a member of the Joint Standing Committee on Electoral Matters since I entered this place, I have been an avid opponent of this system for many, many years.

The Hon. Courtney Houssos: Hear, hear!

The Hon. ROBERT BORSAK: I acknowledge the interjection. I am pleased to know that many others have now joined me in this point of view. It was not that long ago that the commissioner was recommending the iVote system as the best platform upon which our whole electoral process should be based. Thank God its true unworthiness came out during the recent local government elections, and it has been abandoned completely. We must remember that Australia has a long tradition of trustworthy election conduct. If we are to continue to move from manual-based systems into the electronic realm, we need to ensure that the level of quality and transparency achieved with paper-based voting systems is maintained. I have yet to see such a solution. Anything short of this would risk eroding election integrity and public confidence—not to mention our democracy. On a separate matter, but just as important, it beggars belief how the penniless Nationals always manage to bring out a truckload of cash during an election campaign. That in itself should be a matter of public inquiry, as it relates to the electoral process.

The Hon. CHRIS RATH (22:26): The Government opposes this motion. The motion proposes that a select committee be established to inquire into and report on the conduct of elections under COVID-19 conditions by the NSW Electoral Commissioner, including the local government elections on 4 December 2021 and the four by-elections on 12 February 2022. I note that the Electoral Commissioner is not subject to the Government's direction in the exercise of his functions. In December 2021 the NSW Electoral Commission made technology-assisted voting—which is iVote—available at council elections administered by the NSW Electoral Commissioner for the first time, as part of a strategy to ensure that elections were COVID safe. The NSW Electoral Commission is responsible for maintaining the iVote system and for making it available at council elections.

The Government opposes this motion, as there is no need for a new select committee to be established when Parliament has already appointed a joint standing committee that can inquire into and examine the conduct of elections. The Joint Standing Committee on Electoral Matters is a committee of the New South Wales Parliament. The Electoral Commissioner works closely with the committee in relation to the activities and conduct of the NSW Electoral Commission and provides reports to the committee as required. The commissioner may also be asked to provide the committee chair with submissions or advice about electoral matters. The committee, of which I am one member, inquires into and reports on electoral laws and practices, and the spending and public funding of political parties. It can look only at issues that are referred by either House or by a Minister and cannot consider electoral boundaries or the distribution of electorates.

I note that the Joint Standing Committee on Electoral Matters is already conducting an inquiry into the adequacy of the funding allocation to the NSW Electoral Commission for the 2023 State general election, taking into account the latest advice around issues of electoral integrity arising from foreign interference in elections. The hearing for this inquiry will be held on Friday 13 May. The NSW Electoral Commissioner has already determined not to use iVote, the online voting platform used in New South Wales, at the upcoming State election, and is currently undertaking a comprehensive review of the causes of the problems with the iVote system at the 2021 local government elections. For those reasons, the Government opposes the motion.

The Hon. JOHN GRAHAM (22:29): I make a contribution to debate on the motion for the Opposition. The Opposition supports the establishment of this inquiry, which we think is a very important inquiry. I thank the Hon. Robert Borsak for moving the motion and for the consultation with which he has raised the issue with other parties. The Opposition shares his concerns about the conduct of the by-elections and the local government elections during the COVID period. I want to be clear: It was not an easy thing to conduct an election during the COVID period. I do not envy the work of the NSW Electoral Commissioner or the commission staff in conducting elections during that period. They did well to keep people safe, but there were concerns, including the COVID restrictions on campaigning in the local government elections, such as what was referred to as the "100-metre rule" or the proposition that there may be restrictions on scrutineering and the rights of scrutineers.

The Opposition shares the concerns of the Hon. Robert Borsak about the wholesale issuing of postal votes during the by-elections in a range of electorates across the State. We have concerns that many of the voting instructions were in English only, ignoring the fact that we are one of the most multicultural countries on Earth. That is one of the great things about Australia, but it comes with the obligation to make sure that people are able to exercise their democratic rights, regardless of whether they speak English or not. That will be very important at the general election. The Hon. Robert Borsak also spoke about his concerns with the iVote system, which the Opposition shares. For those reasons, the Opposition supports the establishment of the inquiry.

I am disappointed that the Government is not able to do so. The Opposition often likes to use the Joint Standing Committee on Electoral Matters to conduct inquiries like the one proposed in the motion. However, we are not doing so in this case because we are concerned about the amount of work the inquiry would have to do and whether or not it would be able to properly fulfil its duties. Perhaps, in part, we miss the old chair of the Joint Standing Committee on Electoral Matters, a former member of this place. However, we will vote to press ahead with this inquiry. We will put forward the two upper House Opposition members of the Joint Standing Committee on Electoral Matters, the Hon. Courtney Houssos and the Hon. Peter Primrose, to make sure the committee and the inquiry work well together.

I will briefly raise two other issues. First, having spoken to a range of political parties, I believe there could be improved communication between the NSW Electoral Commission and the political parties in New South Wales. In my experience that has historically been the case. I believe it is currently the case with the Australian Electoral Commission. Second, the Government needs to act on funding for the NSW Electoral Commission. The Premier made some announcements about the Independent Commission Against Corruption; he should do the same regarding the rebasing of permanent funding for the NSW Electoral Commission. The House has drawn attention to its concerns about that. It is time the Premier acted to make sure that funding is there.

The Hon. ROBERT BORSAK (22:33): In reply: I am disappointed that the Government is not prepared to support the establishment of this inquiry. Perhaps it is indicative of other motives that I do not understand, but I cannot point to anything specific. The Joint Standing Committee on Electoral Matters is conducting a hearing on Friday, and I will be there. The purpose of the inquiry proposed in the motion is not part of that committee's inquiry, which, as I understand it, is primarily looking at the adequacy of the funding allocation of the NSW Electoral Commission for the 2023 State general election.

I support what the Opposition says about the commission, in any electoral matters hearings that I turn up at, always asking for extra money and needing extra resources and more organisation. It is a very, very complex set of laws that it has to administer. It is difficult for it to do so. Staffing issues for it are a legend. Anyone who has had anything to do with the Electoral Commission when it comes to a run-up to a campaign knows that you can ask people questions and you quite often get different answers. But that is not to say that they are not properly trained. The reality is that they are, but the laws are there and they change from time to time. I think there is a moveable feast of senior people going through that organisation. Now that it has had to finish off iVote once and for all, it has a massive task ahead of finding a source of software that is going to satisfy not just the Government but also the Opposition and the crossbench. In years past we have received plenty of evidence about it during inquiries into various elections.

The reality is that iVote has been a problem for a long time. Our lack of internet actually is a problem, especially out in the bush, and a lot of the problems that iVote has been subjected to were the result of failures of our internet system throughout the State. All of that said, the reality is that that organisation should be funded to the point where it can run the most professional, democratic process every four years, every local government election and also, of course, every by-election that comes along. There is no excuse for it not being done. We cannot have a bodgie electoral process being run by the Electoral Commission. I think what came out after this last local government election showed up some very difficult situations for the Electoral Commissioner. I think the pips are squeaking in that organisation. We need to do something, and it is not just money. At the next State election we do not want to see literally five million or seven million—I do not know how many registered voters there are; probably close to seven million—postal votes floating around the State. That would destroy the confidence that any elector would have in the system.

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

The House divided.

Ayes 18
Noes 12
Majority.....6

AYES

Banasiak	Faehrmann	Latham
Borsak	Field	Moriarty
Boyd	Graham	Moselmane
Buttigieg (teller)	Houssos	Primrose
D'Adam (teller)	Hurst	Roberts
Donnelly	Jackson	Sharpe

NOES

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

PAIRS

Mookhey	Barrett
Searle	Cusack
Secord	Mason-Cox
Veitch	Mitchell

Motion agreed to.

Documents

TEACHER SHORTAGES

Production of Documents: Order

The Hon. COURTNEY HOUSSOS: I move:

That private members' business item No. 1788 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. COURTNEY HOUSSOS (22:47): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents created since 1 February 2022 in the possession, custody or control of the Minister for Education and Early Learning or the Department of Education relating to teacher shortages:

(a) all documents, including reports, briefings, memorandum, emails, email attachments and correspondence specifically related to teacher vacancies and shortages in New South Wales public schools;

(b) all documents, including briefings, memorandum, emails, email attachments and correspondence specifically related to the Recruitment Beyond NSW program; and

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

It is very late, so I will be brief. I have moved a number of calls for papers on teacher shortages. This issue was highlighted last week when tens of thousands of teachers marched down Macquarie Street outside this Chamber to protest about teacher shortages in New South Wales. As recently as yesterday the Minister for Education and Early Learning said in this House that there are no teacher shortages in New South Wales. The Opposition would like to get to the bottom of this issue and particularly to get some more information around the Recruitment Beyond New South Wales program. This New South Wales government program is using taxpayer money to cover the costs of visas for teachers outside of Australia who do not have Australian curriculum experience. The Opposition asked a number of questions about this during the supplementary hearings to budget estimates. We have concerns about the way that the program is being run and we are seeking more information around it. I commend the motion to the House.

The Hon. MARK LATHAM (22:48): I move:

That the motion be amended by inserting after paragraph (b):

(c) all reports, presentations, communication strategies, briefings, emails, memoranda and meeting minutes created since 1 May 2020 of the:

(i) COVID-19 taskforce;

(ii) COVID-19 executive teams, and

I move this amendment because the Standing Order 52 order for papers goes to the question of documents concerning teacher vacancies and shortages in New South Wales public schools. I understand that the work of these task forces and executive teams will tell us a great deal about things that have gone wrong over the past two years inside the Department of Education: that its concern was not so much the health of students and teachers but rather communications and PR strategies; and that its concern was not so much to get teachers in front of classrooms and overcome these shortages but to go to political management questions. I do not want to go over all the territory that members covered yesterday evening in the matter of public importance discussion, but it is a similar concern. The Parliament, the public and, most particularly, the parents and students of New South Wales should have access to these documents from the COVID-19 task force and the executive teams that have been running inside the Department of Education.

The Hon. ANTHONY D'ADAM (22:50): I move:

That the motion be amended as follows:

(1) Omit "21 days" and insert instead "28 days".

(2) Omit in paragraph (a) "all documents, including reports, briefings, memorandum, emails, email attachments" and insert instead "all reports, briefings, memorandum".

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (22:51): Another sitting week, another Standing Order 52 motion on education from the Hon. Courtney Houssos. The Government does not oppose the motion as originally moved by the Hon. Courtney Houssos. As the honourable member highlighted in her contribution, there have been discussions between the member and the education Minister, the Hon Sarah Mitchell. However, it is worth noting that we have yet another Standing Order 52 request on the same topic from the Hon Courtney Houssos. It is just part of the regular flow of sitting weeks now.

One way members might look at it is it is millions of pages of fantastic work from the education Minister and the Department of Education. I note that the Minister, who is unable to be here tonight, is well and truly happy to be transparent and provide the documents to the member as outlined in the original motion. Obviously it is a shame that the hardworking people within the Department of Education have to stop their good work in delivering for students across New South Wales to compile all these emails and documents for the member's fishing expedition. But the department is happy to be transparent. The Government will not oppose the motion.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (22:53): I assume that Labor members will support rejecting the One Nation amendments on the same basis that they rejected amendments they had no chance to see before the amendments were moved. This set of amendments was presented to the Government some 30 seconds ago. I recall the Hon. Penny Sharpe saying the Opposition could not possibly support an amendment that it had had no time to consider. The Government adopts the same position in relation to these amendments. In fact, it is worse in this circumstance: The amendments have been moved when the Minister is not even in the building, let alone in the Chamber, and the member knows that she is away. The Government has had no opportunity to get proper instructions in relation to these amendments. As such, the Government will be opposing them.

The Hon. COURTNEY HOUSSOS (22:54): In reply: It is late, so I will be brief. I indicate to the House that the Opposition will support the amendment moved by the Hon. Anthony D'Adam and the amendment moved by the Hon. Mark Latham. I think it is reasonable to ask for some briefings on the COVID-19 task force and on its implementation.

The Hon. Damien Tudehope: The hypocrisy knows no end.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The Minister will cease interjecting.

The Hon. Damien Tudehope: It gives hypocrisy a bad name.

The Hon. COURTNEY HOUSSOS: I note the comments of the Leader of the Government that the Minister is not present tonight and I acknowledge that, but I do not think it is unfair to seek further information on this important question of teacher shortages. This is something that we on this side have canvassed in the House frequently. It is also something that the Minister is refusing to acknowledge, that there actually is a teacher shortage crisis. It is only the good work of this House, through the budget estimates process but particularly through the call for papers process, that has uncovered the full extent of the issue. That is why we are moving this call for papers tonight and why we will support both amendments proposed to the motion.

The ASSISTANT PRESIDENT (The Hon. Wes Fang): The Hon. Courtney Houssos has moved a motion, to which the Hon. Mark Latham and the Hon. Anthony D'Adam have moved amendments. The question is that the amendment of the Hon. Mark Latham be agreed to.

The House divided.

Ayes 18
Noes 12
Majority.....6

AYES

Banasiak	Faehrmann	Mookhey
Borsak	Field	Moriarty
Boyd	Houssos	Moselmane
Buttigieg (teller)	Hurst	Primrose
D'Adam (teller)	Jackson	Roberts
Donnelly	Latham	Secord

NOES

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

PAIRS

Graham	Cusack
Searle	Mitchell
Sharpe	Barrett
Veitch	Mason-Cox

Amendment of the Hon. Mark Latham agreed to.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The question now is that the amendment of the Hon. Anthony D'Adam be agreed to.

Amendment of the Hon. Anthony D'Adam agreed to.

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

Motion as amended agreed to.

SCHOOL INFRASTRUCTURE NSW

Production of Documents: Order

The Hon. COURTNEY HOUSSOS: I move:

That private members' business item No. 1789 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. COURTNEY HOUSSOS (23:06): I seek leave to amend private members' business item No. 1789 outside the order of precedence for today of which I have given notice as follows:

(1) Omitting "21 days" and inserting instead "28 days".

(2) Omitting in paragraph (a) "all documents, including briefings, memorandum, emails, email attachments and correspondence relating to" and inserting "the".

Leave granted.

The Hon. COURTNEY HOUSSOS: Accordingly, I move:

That, under Standing Order 52, there be laid upon the table of the House within 28 days of the date of passing of this resolution the following documents, created since 1 January 2022 in the possession, custody or control of the Minister for Education and Early Childhood Learning or the Department of Education relating to school infrastructure planning documents:

(a) all documents, including reports, briefings, memorandum, emails, email attachments and correspondence relating to School Infrastructure NSW projects which are currently undergoing infrastructure planning and have not yet progressed to delivery;

(b) the School Infrastructure NSW service needs reports; and

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

Labor is seeking information around the planning of school infrastructure. As I said last night, the Auditor-General has warned that New South Wales will not have enough classrooms, particularly in growth areas. That has been highlighted by the recent visits by Portfolio Committee No. 3 – Education to a number of schools in both north-west and south-west Sydney. Labor and those on the education committee are concerned about the lack of long-term planning to meet school infrastructure needs. There is a serious problem with how schools are being planned in New South Wales when recently built schools have more demountables than permanent classrooms within years of opening. That is what our inquiry is trying to get to the bottom of and what Labor is seeking now. It wants to see what has been learnt from this process.

Schools are holding up their end of the bargain. They are opening their doors and running excellent programs, and students and parents are flocking to enrol. The Government is clearly not holding up its end of the bargain, which has serious implications for these schools. It means that schools are being forced to put demountables onto play space and that beautiful new classrooms are quickly being swamped by demountables. The quality of the teacher is the number one determining factor, but the lack of planning from the Government needs serious scrutiny. Labor is concerned about whether lessons are being learnt.

We have heard from schools that it is having an impact on kids. It is important for kids to get out and run around at lunchtime to burn off energy. When kids do not have adequate space to do that, it has a serious impact on the way they learn. There are some schools where it is getting to the point that kids bump into each other the minute they start running around, which is causing behavioural problems and conflict issues for teachers to resolve. We need more transparency to ensure that issues with school infrastructure planning are identified. We hope the call for papers will allow us get to the bottom of what is going wrong on the school infrastructure inquiry and more broadly, particularly with new schools in the new growth areas on the fringes of north-west and south-west Sydney. I commend the call for papers to the House.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (23:09): The Government will not be opposing the motion.

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

Motion agreed to.

CENTRAL BARANGAROO

Production of Documents: Order

The Hon. MARK LATHAM: I move:

That private members' business item No. 1799 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. MARK LATHAM (23:10): I move:

That, under Standing Order 52, there be laid upon the table of the House within 21 days of the date of passing of this resolution the following documents, excluding any documents previously returned under an order of the House, in the possession, custody or control of the Infrastructure NSW [INSW], Treasury, Department of Premier and Cabinet, Department of Planning and Environment, Premier, Treasurer, Minister for Planning, or Minister for Infrastructure relating to Central Barangaroo:

(a) Deed of Sight Lines Resolution between INSW, Crown and Lendlease dated 18 August 2019;

(b) all amending deeds or agreements, all notices or other documents issued, and all records of payments made pursuant to the Deed of Sight Lines Resolution between INSW, Crown and Lendlease dated 18 August 2019 or any amending documents;

(c) the following documents created between 1 January 2019 and 10 October 2019:

(i) all documents relating to communication or meetings between Simon Draper, Chief Executive Officer of INSW, and John Carfi or Warwick Smith, Aqualand Australia, or Bob Aziz, David Matheson or Paul Brundage, OMERS/Oxford Properties, which refer to Central Barangaroo, Grocon or Daniel Grollo;

(ii) all documents relating to communication or meetings between Philip Paris, Executive Director, Development and Precincts (Barangaroo) of INSW, and John Carfi or Warwick Smith, Aqualand Australia, or Bob Aziz, David Matheson or Paul Brundage, OMERS/Oxford Properties, and referring to Central Barangaroo, Grocon or Daniel Grollo;

(iii) all documents relating to communication or meetings between INSW and the Department of Premier and Cabinet which refer to Central Barangaroo, Grocon or Daniel Grollo;

(iv) all without prejudice email and other communications from or to solicitors acting for Aqualand or Oxford which refer to Central Barangaroo;

(v) all documents sent or received by the Hon. Gladys Berejiklian, former Premier of New South Wales, or the Department of Premier and Cabinet and INSW which refer to Central Barangaroo, Grocon or Daniel Grollo;

(vi) all board papers and documents provided to the Board of INSW by INSW which refer to Central Barangaroo, which may be redacted to remove any matters not relevant to Central Barangaroo; and

(vii) all minutes of the board of INSW which refer to Central Barangaroo, which may be redacted to remove any matters not relevant to Central Barangaroo.

(d) the following documents created between 1 January 2019 and 26 September 2019:

(i) all correspondence and communication, including documents which record the content of correspondence between the Hon. Gladys Berejiklian, former Premier of New South Wales, and John Carfi or Warwick Smith, Aqualand, which refer to Central Barangaroo;

(ii) all correspondence and communication, including documents which record the content of correspondence, between the Hon. Dominic Perrottet, Premier of NSW, and John Carfi or Warwick Smith, Aqualand, which refer to Central Barangaroo; and

(iii) all correspondence and communication, including documents which record the content of correspondence between Tim Reardon, former Secretary of the New South Wales Department of Premier and Cabinet, and John Carfi or Warwick Smith, Aqualand, which refer to Central Barangaroo.

(e) all documents provided to or received from the NSW Expenditure Review Committee which refer to Central Barangaroo;

(f) all documents of the NSW Expenditure Review Committee which refer to Central Barangaroo;

(g) all documents relating to the interpretation of the clauses in the Crown and Lendlease development agreements for Barangaroo South concerning the sightlines from their respective developments to the Harbour Bridge and Opera House, referred to as "Sight Lines clauses" in the case of *Crown Sydney Property v Barangaroo Delivery Authority*; *Lendlease (Millers Point) v Barangaroo Delivery Authority* [2018] NSWSC 1931;

(h) all documents relating to negotiations with Crown and Lendlease, or their solicitors, in relation to the Sight Lines clauses, or the resolution of the dispute concerning them, including all without prejudice communications;

(i) all documents relating to the terms of settlement, proposed or agreed, with Crown and Lendlease of the appeal of the judgment in *Crown Sydney Property v Barangaroo Delivery Authority*; *Lendlease (Millers Point) v Barangaroo Delivery Authority* [2018] NSWSC 1931;

(j) all documents relating to consideration as when or whether to issue a notice pursuant to section 1.10 of the Central Barangaroo Development Agreement dated 15 November 2017 [CENDA], sometimes referred to as a "section 1.10 notice", to Grocon or Aqualand;

(k) all draft and final section 1.10 notices;

(l) all documents relating to any proposal in relation to the content of any section 1.10 notice;

(m) all documents relating to any proposed amendments to the CENDA;

(n) all documents relating to the State's target financial return for the Central Barangaroo development;

(o) all documents relating to the expected or proposed above-ground developable floor area of the Central Barangaroo development;

(p) all documents relating to the transfer of development rights for Central Barangaroo from Grocon to Aqualand, including any proposal to do so;

(q) all documents relating to all proposed development envelope or design for Central Barangaroo since 27 September 2019;

(r) all documents relating to any reasons for delay of the commencement of construction of the development at Central Barangaroo;

(s) any document from the Department of Premier and Cabinet which responds to the briefing paper from INSW dated 23 August 2019; and

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

The motion goes to matters that were raised at the budget estimates hearing with the Premier, which concerned very serious issues of corporate favouritism exercised inside Infrastructure NSW and the former Barangaroo authority. Essentially, one company was left hanging for an extended period of time to get its sightlines. It went broke and had to sell out. The day after Aqualand took over—headed by Warwick Smith, the former Federal Liberal Party Minister—the sightlines were, incredibly, made available to the advantage of the new owner. That followed an extraordinary set of circumstances that occurred earlier on at Central Barangaroo where two sets of sightlines to Sydney Harbour and the Sydney Harbour Bridge were sold, one set to Crown and Lendlease and the other to Grocon.

Initially those matters were interrogated by the Hon. Anthony D'Adam, who made a call for papers under Standing Order 52 on Central Barangaroo. But perhaps due to some misunderstanding or failure to disclose, the matter concluded at the end of 2016. The motion before the House brings the documents up to date so that members may examine the full set of circumstances, which seem completely unacceptable, not only in terms of

the propriety of the matter, but also in terms of urban development. At the moment the Government is building a very expensive metro station near Central Barangaroo that services a hole in the ground. What was promised as an amazing redevelopment project for central Sydney lingers as an embarrassment and potentially a waste of metro money.

There are very serious allegations of favouritism for one set of corporate interests over another inside the agencies of the Baird Government onwards. It looks like crony capitalism has quite possibly been exercised by the officers of the Baird and Berejiklian governments, and the allegations go right to the top of the Berejiklian Government, given the close relationship between the former Premier and former Federal Minister Warwick Smith. The call for papers under Standing Order 52 seeks those documents in order to establish the truth and to build on the questions that I asked of the head of the Premier's department, Mr Coutts-Trotter, in budget estimates hearings. The public needs to know what has been happening. When you look at the hole in the ground, the fiasco of the metro that is being built and the allegations that are being made, there is an essential right to know. That is the legitimate function of Standing Order 52 calls for papers. I urge members to support the motion.

[*A Government member interjected*.]

Do not get involved. Do not do anything silly on this one, pal.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (23:13): I accept the admonition from the mover of the motion not to do anything silly on this one. The Government will be opposing the motion. On 24 November 2021 the House ordered the production of documents regarding proposed sight lines for the proposed Crown Towers at Barangaroo. On 9 February 2022, 60 documents that were obtained from Infrastructure NSW and the Office of the Premier were delivered to the House. The Hon. Mark Latham now asks the House to make an additional order for the production of documents relating to Central Barangaroo. The documents sought under this order are extensive and cover a detailed range of documents relating to Central Barangaroo development, including major aspects of the Central Barangaroo development agreement, or CENDA; the resolution of sightlines at Central Barangaroo; and the exit of Grocon from the Central Barangaroo consortium.

The subject matter of the Standing Order 52 motion is currently the subject of litigation commenced by Grocon against Infrastructure NSW, originally in relation to the Central Barangaroo tender and the CENDA, and more recently in relation to the issue of a section 1.10 notice. *Grocon Group Holdings & Ors v Infrastructure NSW* is the case in question. Infrastructure NSW continues to defend the claims made by Grocon. I am advised that the litigation is currently proceeding through evidence and discovery. The final hearing will occur in accordance with a timetable set by the court. In those circumstances, the use of the House's power to order the production of this extensive range of documents is inappropriate for a number of reasons. I do not make any suggestion that the member would act inappropriately. But the documents that are the subject of discovery in the Supreme Court proceedings are also the subject matter of this order for papers. However, the order would potentially garner more documents because of the power of this House.

It would be entirely inappropriate if the power of this House to order the production of documents under Standing Order 52 was being used in circumstances where someone benefited from the production of those papers in the course of the litigation. This litigation exists and it is inappropriate to proceed with the motion because of the imputation or potential suggestions of inappropriateness that may arise. I put it no more highly than that. But the motion is unacceptable in circumstances where that Supreme Court case is ongoing.

The Hon. PENNY SHARPE (23:17): Labor supports the motion calling for the production of documents under Standing Order 52. However, I pick up on the issue that the Minister raised. We take the responsibilities that come with calls for papers very seriously. The standing orders contain mechanisms to protect privileged documents if that is a concern. I am worried because the Minister basically dropped an allegation that members of this House cannot be trusted with the information and that, somehow, they might act to interfere with a court case—

The Hon. Damien Tudehope: I didn't say that.

The Hon. PENNY SHARPE: You went pretty close. You basically implied it. The point is that this House has made more orders for the production of documents under Standing Order 52 than almost anywhere else. We have a well-established process relating to privilege that has not been broken.

The Hon. Damien Tudehope: I'm not so sure.

The Hon. PENNY SHARPE: The Minister's suggestion is insulting. It is also wrong. We take our responsibilities seriously. The minute we do not is the minute that we are all in a lot of trouble.

The Hon. Damien Tudehope: Point of order—

The Hon. PENNY SHARPE: Do not make a debating point. That is not a point of order.

The Hon. Damien Tudehope: I was very careful in the circumstances. The Leader of the Opposition is making a suggestion that I made an imputation in relation to—

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): What is the point of order?

The Hon. Damien Tudehope: The point of order is that the member should withdraw the suggestion that I made an imputation about the member that he would act inappropriately. All I said was that the Leader of the Opposition should withdraw any suggestion that I represented that the Hon. Mark Latham would act inappropriately.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): For the sake of clarity, Minister, what is your point of order? What are you trying to say?

The Hon. Damien Tudehope: I am saying the Leader of the Opposition should withdraw the imputation that I suggested the member would act inappropriately.

The Hon. PENNY SHARPE: There is no point of order.

The Hon. Mark Latham: To the point of order: I heard the comments because they were directed at me. The comments were an inference that I was acting on one side of the court case, which is fundamentally untrue.

The Hon. Damien Tudehope: I did not say that and you know I did not say that.

The Hon. Mark Latham: I am not such a snowflake that I want apologies and withdrawals in this place, but it is a bit rich for the person who made the slur to then complain and ask someone else to withdraw the matter that he unreasonably raised in the first place.

The Hon. Damien Tudehope: I was particularly careful not to do it.

The Hon. PENNY SHARPE: To the point of order: There is actually no point of order. The Minister is making a debating point. If he wants to make a personal explanation, he can do that later.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): There is no point of order.

The Hon. PENNY SHARPE: I am not going to withdraw the comment. I have only got seven seconds left. It is fairly clear that we have well-established processes that we all take very seriously. Any inference otherwise is insulting to every member of this House. We all have to deal with these matters properly. This is an appropriate motion under Standing Order 52 and Labor will support it.

The Hon. Damien Tudehope: Under Standing Order 89, I seek leave to speak again. I do not expect that I need leave, but I have been misquoted in the comments made by the Leader of the Opposition.

The Hon. Mark Latham: Seek to make a personal explanation.

The Hon. Damien Tudehope: No. It is not a personal explanation.

The ASSISTANT PRESIDENT (The Hon. Rod Roberts): The Minister can certainly speak in relation to the suggestion that he has been misquoted or misunderstood, but the Minister must understand that he cannot introduce any new material.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (23:21): As I suggested earlier, the Leader of the Opposition suggested that I accused the Hon. Mark Latham of inappropriately using the papers that are the subject of this order. I was absolutely careful not to make the suggestion that that would occur. All I said was that the Standing Order 52 motion, as drafted, ran the problem of a suggestion that that inference might be drawn. That was the problem, as I saw it, with the Standing Order 52 motion in circumstances of ongoing Supreme Court litigation. I was very careful—very careful, and if the Leader of the Opposition had listened to me she would have understood that I was careful—not to suggest that the Hon. Mark Latham would act inappropriately. For those reasons, I want to include on the record and in *Hansard* that I absolutely made no such suggestion.

The Hon. ANTHONY D'ADAM (23:22): I support the motion moved by the Hon. Mark Latham. Last year I moved a motion under Standing Order 52 in relation to a similar subject matter. The documents that were produced should have included the document mentioned in paragraph (a) of the Hon. Mark Latham's motion. I am very concerned that that document was not produced. I think it is appropriate that that particular document should be in the public domain. For that reason I believe that the motion should be strongly supported.

The Hon. MARK LATHAM (23:23): In reply: There are three reasons why we know that this is a cracking appropriate Standing Order 52 motion. One is that the Government had not produced the document—

the vital sightlines resolution dated 18 August 2019. Why has the Government not produced it, according to the earlier call for papers? The second reason we know it is a good SO 52 motion is the Tudehope fluster index. Whenever the Hon. Damien Tudehope gets flustered and races around with multiple speeches and indicates he will vote against the motion, we know this is information the public needs to see.

The ones that go through on the nod maybe do not amount to much. But when the Leader of the Government works himself up on the fluster index and makes the sort of display we have seen here, which is only a couple of notches below his question time displays, members know this is a really good Standing Order 52 order. The third reason we know it is a good order for papers goes to the politics of it. Mention was made of the court case and a schedule. The Government is doing everything it can to push that past the next State election. It is scheduled for February, with an expectation that the Government will push it past—

The Hon. Damien Tudehope: How do you know that?

The Hon. MARK LATHAM: How do I know? You would be amazed what I know on this matter. The Leader of the Government should have taken my wise counsel, as we swapped places, not to immerse himself in this quagmire. He ignored that, and we will see what the documents produce. But he would be amazed what I know and where I know it from. It is not to do with the corporations that are involved in the court case, but I do know that the Government is doing everything it can to push this past the March State election, and it is intensely political.

It is an embarrassment already that this much-lauded urban development program is a hole in the ground at Central Barangaroo being serviced by a metro station for a pit. The Government that talks about infrastructure down there would hang its head in shame at what has happened at Central Barangaroo, mainly as a consequence of the issues raised in orders for papers under Standing Order 52. That is embarrassing enough, but what could come out of the court case is embarrassing to Government members to the point they want to push it past the next New South Wales election.

We should not be cowed into submission by the existence of a court case when the Government does not want the information out, in a political context, before March next year. We should exercise our powers as a separate wing of governance in New South Wales to have the call for papers, to get the information and to treat it with the due confidence. The privileged documents will always be respected. One of the slurs from the Leader of the Government was that he was not so sure that members have always respected privilege. He never stumped up any example of someone breaking privileged documents up there on the eighth floor. He was muttering away, "I'm not so sure about that". We can be sure that the Parliament has always acted in a responsible way with the large number of orders for papers under Standing Order 52, as it will in this case.

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

The House divided.

Ayes 18
Noes 12
Majority.....6

AYES

Banasiak	Faehrmann	Moselmane
Borsak	Field	Primrose
Boyd	Hurst	Roberts (teller)
Buttigieg	Jackson	Secord
D'Adam	Latham (teller)	Sharpe
Donnelly	Moriarty	Veitch

NOES

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

PAIRS

Graham	Barrett
Houssos	Cusack

PAIRS

Mookhey	Mason-Cox
Searle	Mitchell

Motion agreed to.

Motions

END YOUTH SUICIDE WEEK

The Hon. SHAYNE MALLARD: I move:

That private members' business item No. 1674 outside the order of precedence be considered in a short form format.

Motion agreed to.

The Hon. SHAYNE MALLARD (23:37): I move:

(1) That this House notes that:

(a) 14 to 18 February 2022 was End Youth Suicide Week organised by Youth Insearch;

(b) members were invited to wear a blue pin to promote awareness of this growing tragedy in our community;

(c) this campaign encourages young Australians to look past the stigma around mental health and suicide and talk openly with friends and family about these topics;

(d) one in four young Australians experience a mental health issue every year and, on average, nine Australians take their life and over 178 people attempt to take their lives every day;

(e) the youth suicide rate continues to grow year by year;

(f) the rates of suicide for our Indigenous population, our Aboriginal and Torres Strait Islander youth, our LGBTIQA+ people, and our young people who live in rural and remote areas are higher still;

(g) suicide is the leading cause of death for Australians aged between 15 and 44; and

(h) on average, for every life lost to suicide, up to 135 family members, work colleagues, friends, and first responders are impacted.

(2) That this House affirms its commitment to reducing and eliminating youth suicide and commends Youth Insearch and other organisations and government agencies for their efforts to reduce harm to young people.

There can be no greater tragedy than the preventable loss of potential and life through youth suicide. I was moved to draw the issue to the attention of the House following correspondence that members received earlier this year from suicide prevention charity Youth Insearch to mark End Youth Suicide Week, which was in early February 2022. One in four young Australians experiences a mental health issue each year, and approximately nine people die by suicide each day. The rates of suicide for our Indigenous population, our Aboriginal and Torres Strait Islander youth, our LGBTIQA+ people and our young people who live in rural and remote areas are still higher.

As part of the End Suicide Week Campaign, members were invited to wear a bright blue pin to promote awareness of the tragedy that is youth suicide, encourage frank conversations about suicide and mental health in our everyday lives and participate in an online forum. As is the case with many health challenges, Australians often adopt a "cop it on the chin, she'll be right" attitude to mental health, particularly men in our community. This stoic attitude can mean important conversations about anxiety, fragility, loneliness and other contributing factors are left unspoken. Any suicide is a devastating blow to family, friends and the larger community. Losing a loved one is always hard, but to know a loved one took their own life because they faced difficulties that they thought they could not overcome is even harder.

The devastation and feelings of guilt of those left behind are amplified when the life lost to suicide is that of a young person. When a young person takes their own life, they take a lifetime of unknown potential. Graduating high school or university, starting their first job, getting married, raising a family, travelling the world, volunteering for their community—so many of life's experiences are never realised or shared. In 2020, 381 young Australians aged 18 to 24 and a further 99 young Australians aged five to 17 took their own lives. That is 480 young Australians who died far too early. They died because they believed death was preferable to living and because they did not have access to the help they needed to get past those feelings. Suicide is the leading cause of death for Australians aged 15 to 24, making up one-third of all deaths within this age bracket. That is why the work Youth Insearch does is so important. Youth Insearch has been supporting at-risk youth aged 14 to 20 for over 35 years. In this time it has helped 32,000 young people and it continues to assist over 1,000 young people every year.

In 2019, 91 per cent of participants who attended a Youth Insearch program no longer felt suicidal. Eighty-nine per cent of participants who had attempted suicide in the past had not attempted suicide again after completing the program. Of those who attended the Youth Insearch program, two out of three had considered suicide and half of those had attempted it. On average, within 90 days of the program, an individual's suicide risk was reduced from high risk to low risk. This work has made a tangible difference to the lives of thousands of young Australians and those of their families, friends and communities. I am encouraged by recent progress. There were 27 fewer suicides among young people last year compared with before the COVID-19 pandemic. At the same time youth suicides are falling, presentations to emergency departments for self-harm and suicidal ideation have increased.

While any young person having suicidal thoughts is devastating, it is reassuring to see that they are seeking help and accessing intervention services before it is too late. Reducing suicide, and in particular youth suicide, is a key focus for the Government. The Towards Zero Suicide target to reduce the rate of suicides in New South Wales by 20 per cent by 2023 remains a Premier's priority. I understand that the Minister for Mental Health, the Hon. Bronnie Taylor, will speak to this motion and I commend her for her tireless work in this space. Of course, there is no simple answer to eliminating youth suicides. It a deeply complex issue. But investments and the work of organisations like Youth Insearch are making a real impact on the number of young people who can access support and who do not have to feel isolated or alone in a time of crisis. End Youth Suicide Week encourages our community and young people to defy the stigma associated with mental health and to talk openly about suicide with their friends, families and communities. I commend Youth Insearch and similar organisations for their work to provide hope to young people and to guide them through the most challenging times in their lives.

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (23:41): I thank the Hon. Shayne Mallard very much for moving this motion. Earlier this year Youth Insearch organised End Youth Suicide Week. I thank it for acknowledging and, most importantly, for raising awareness of such a critical issue. I commend the important work that it does and the Government is pleased to show support by providing $346,000 in funding for its Supporting Healthy Transitions to High School Project. The past two years have no doubt been really difficult, tough, challenging and disruptive for children and young people. It has also been distressing and difficult for parents who have had a child who has been overwhelmed by feelings of distress and heightened levels of anxiety. That is why it is important that parents and young people have accurate information about how to access the services that are out there.

We ran some really successful programs with headspace during the pandemic that gave parents and caregivers strategies on how to speak to their young people about the feelings they were experiencing. It has really opened up that window and the entire approach to mental health with young people. We really have to work on not just the young person but also everybody around them—the community, the school and everything—and make sure that we are all heading in the right direction. New South Wales is leading the way in the mental health sector with a range of innovative initiatives and services as part of Towards Zero Suicides and the Mental Health Recovery package.

I am really pleased that we have started to directly address the waiting lists that exist by putting masters students into headspace centres to see people. This has never been done before. It is a partnership with headspace. Usually the State Government does not play in the Federal Government space but we absolutely did this time. I am pleased with how that is looking and what is going to eventuate from it. A lot of things have also been real game changers for youth, including youth aftercare programs and our suicide prevention outreach teams. We recently also announced camps for young people who have had a significant other or someone very close to them or their family commit suicide to learn about how to move forward and how to deal with that trauma and grief.

We have had some incredibly great anecdotal evidence coming back from that already. The bilateral funding agreement with the Federal Government has been a great initiative and we will see more services coming from that. I am pleased to have landed that bilateral agreement and to see this enormous investment in mental health. Tonight in a debate the Hon. Anthony Albanese commended the Prime Minister for our work in mental health that we have been doing with the States. That bipartisan approach is powerful. I could talk forever on mental health but my time has run out. I thank the Hon. Shayne Mallard for bringing forward this motion.

The Hon. TARA MORIARTY (23:44): On behalf of the Opposition I indicate our support of this motion and thank the Hon. Shayne Mallard for bringing it forward. We are on a unity ticket. I will continue the bipartisanship with the Minister on doing and supporting whatever we can to reduce suicide in New South Wales. The motion focuses on youth suicide and I am pleased to support that focus. I had a bit to do with Youth Insearch when I was the shadow Minister for Mental Health. I support its initiative, End Youth Suicide Week, which ran from 14 to 18 February 2022. It is a terrific initiative. Anything we can do to bring awareness, have young people talk openly about suicide and feel comfortable doing it, and make sure that they are aware of the available support services is absolutely essential.

It is nothing short of a tragedy that one in four young Australians experience mental health issues every year. On average every day nine Australians take their life and over 178 people attempt to take their lives, which I am sure is unacceptable to all members. We have to do everything we can to reduce that number. It is nothing short of a tragedy that the youth suicide rate continues to grow year by year. We need to invest in more and more services to deal with that in any way we can. It is particularly important to recognise the rates of suicide in our Indigenous population, Aboriginal and Torres Strait Islander youth, LGBTIQA+ people and our young people who live in rural and remote areas. It is essential that these services are equally spread, particularly where there is need in those areas. The Minister acknowledged it; that is where she lives. Rural and remote areas are where people feel more isolated and need more in-your-face support for these services. I thank Youth Insearch for running End Youth Suicide week and the Hon. Shayne Mallard for moving the motion.

The Hon. BEN FRANKLIN (Minister for Aboriginal Affairs, Minister for the Arts, and Minister for Regional Youth) (23:47): I thank my friend the Hon. Shayne Mallard for moving this important motion today. In the living memory of most of us, there was a time when it was not okay to ask if you were not okay. That was a time when mental health was stigmatised, and when people believed that asking someone if they were planning to take their own life would be putting the idea in their head or potentially making the problem worse. Thankfully, times have now changed and we have initiatives like End Youth Suicide Week to encourage conversations about mental health and suicide.

I take the time to raise the importance of supporting the mental health of young people living in regional New South Wales. It is encouraging to see that in New South Wales, the rate of young people taking their lives has decreased. However, intentional self-harm hospitalisations remain much more common for regional youth. In 2018-19, the rate of intentional self-harm hospitalisations by 15- to 24-year-old youths, per 100,000 people, was 329 in inner regional New South Wales, compared with 198 in major cities. Recent flood events across the State are likely to have had a significant impact on the mental health of regional youth. The disaster experience for young people is often different to adults and, as such, they need specialised recovery support. What is more, young people have faced multiple adverse events over the past few years, including drought, fires, floods and COVID-19. All of those events can result in delayed onset trauma, which has the potential to persist long term.

Fortunately, the New South Wales Government is taking action in many ways. First, the Office for Regional Youth, a department for which I am responsible, is connecting with young people, stakeholders and communities to gather information on the impacts and future recovery needs. Second, following the release of the strategic framework for suicide prevention in New South Wales, the Mental Health Commission of New South Wales has been in consultation with the Regional Youth Taskforce, listening to young people who have lived experience of mental illness and suicide, to update the current framework. In this way, the Government is putting the voices of young people at the centre of policy decisions that affect them.

Third, as part of a vast investment in youth mental health, the Government has committed $36.4 million over four years to provide specialised mental health treatment across regional New South Wales that will support communities during disaster recovery. Through these initiatives, the New South Wales Government and the Office for Regional Youth hope to reduce the impact of natural disasters on the mental health of regional youth. In this context, End Youth Suicide Week is an important reminder that it is always okay to talk about mental health. Through early intervention, support and empowerment of young people we can end youth suicide. The Government understands this, which is why it must invest in such a wide range of practical mental health services. I thank the Hon. Shayne Mallard again for raising awareness of youth suicide and for giving the House an opportunity to openly discuss mental health.

The Hon. LOU AMATO (23:50): I commend the Hon. Shayne Mallard for his motion recognising the tragedy of youth suicide. Being a child of the sixties, I lived through the dreadful stigma attached to mental illness. I had a close relative with mental illness, and a close friend of mine was in a similar situation. We were both forbidden to speak of it. Families would hide mental illness, as it was considered shameful. Sadly, this attitude was continued in my own outlook on life. Every single person in our society has, at some stage, experienced some form of acute stress in their lives, resulting in mental and emotional challenges. No-one is exempt. Unfortunately, I was taught that, no matter what the circumstances, no matter how difficult the road, I was to remain stoic and carry on with a stiff upper lip. Anything else was a sign of weakness. This attitude meant that all of us from that time hid our challenges with a false exterior. Tragically, some experienced extended periods of depression and ended their lives. I know of people who ended their own lives, and I did not see the signs. How could I? I had done no different. I too had remained silent behind a forced smile.

Thankfully, due to the efforts of people increasing awareness, like the Hon. Shayne Mallard, we are moving forward into a new era, where it is okay to talk about how we feel. It is okay to be overwhelmed. There is no shame in suffering anxiety or the sadness of depression. There is no shame in seeking help or talking to your loved ones and friends when things become too difficult. When we talk about our problems, we can work them out

together. When we share together, we heal together. Only now, in these latter days, do I feel comfortable to discuss the challenges of growing up with a close relative with mental illness. I no longer feel embarrassment or any shame in discussing how I felt during those challenging times.

Life will always present us with challenges. There is no way we can avoid them. We can, however, provide the awareness, for not only our young people but also everyone, that it is okay to talk about how we feel. I again thank the Hon. Shayne Mallard for this important motion. The more we discuss the problems of mental illness and youth suicide, the more comfortable we will be to discuss our challenges and seek the help we need. The message is clear: It is okay to talk about how we feel, and there is no shame in seeking help.

The Hon. SCOTT FARLOW (23:52): I thank the Hon. Lou Amato for his contribution. I know how heartfelt and genuine it was. I thank also the Hon. Shayne Mallard for bringing the motion before the House. It has taken us a few weeks to get to debate it, but it is still very important for us to talk about what is an aim for all of us in ending youth suicide. There is no denying that the past three years have been incredibly tough for our young people, with long periods of remote learning, missing out on social activities and losing opportunities for fun and what all of us would have enjoyed during our years of misspent youth. As we reach a point where life resembles what we had before we knew what COVID was, it is especially great to see that our young people once again are enjoying life. From being back in the classroom to being back on the sports field, our young people are taking back the moments they lost during the pandemic.

Despite life returning to normal, it is also completely normal that many of our young people may be feeling higher levels of psychological distress, stress, depression and anxiety. We need to remember that the past few years have been anything but ordinary and also understand that this impacts everyone differently. Each moment of this pandemic has brought its own challenges, fears and dangers. Processing those is emotionally and mentally taxing. It is okay to not feel okay. I cannot stress enough how important it is that we all continue to reach out for help—whether that is having a chat with your mum or dad, or even your best friend, or, of course, reaching out to a professional.

End Youth Suicide Week was last month. I stress how important it is that we continue to make mental health a priority, and that we see high rates of help-seeking continue. While it is upsetting for any parent to have a child overwhelmed by these feelings, they should be reassured that their child or young person is getting support when it is needed. It is a positive and welcome first step in anyone's mental health journey. Sadly, I have seen families where that step has not been taken and the tragedy that ensues. All of those families would want the opportunity to access those support services.

We need to keep being proactive and vigilant with our mental health, especially when it comes to our young people. If you are struggling with feelings of depression or anxiety, talk to your GP or call Lifeline, Beyond Blue, a suicide call-back service or Kids Helpline. Sharing our anxieties and challenges is important, and the opportunity to talk is helpful. It is important that when someone admits to feeling anxious or worried, those feelings are validated. Finally, I urge people to make their wellbeing a priority. We must look after ourselves before we can look after each other.

The Hon. SHAYNE MALLARD (23:56): In reply: I thank the members who contributed to the debate. Motions like this are sometimes lost in the intensity of private members' day. It is important to have these discussions, and I will share the contributions of the members with people from youth suicide organisations so that they can see that the House has acknowledged their work and members have debated the issue. I acknowledge Minister Bronnie Taylor, whose deeply felt passion for mental health is unrivalled. I appreciate her care in this area. I also acknowledge the non-partisanship of the Hon. Tara Moriarty, which is really important. I thank my friend the Hon. Ben Franklin, who brought the regional youth perspective to the debate.

I echo the Hon. Scott Farlow's comments about the Hon. Lou Amato sharing a personal journey from a different generation about the stigma attached to mental health in that period. Sharing that experience with us was really important and special. For a long time the Hon. Scott Farlow has been the chair of the Parliamentary Friends of Mental Health, and he has done a lot of work in that area to canvass support services. I thank members who participated in the debate. I would like to see more of these sorts of motions on private members' day. I know it is hard to fit them in but they are important. I commend the motion on End Youth Suicide Week to the House.

The Hon. Ben Franklin: Point of order: Thank you, Mr Chair—my apologies, Mr Deputy President. Congratulations on your extremely impressive elevation. I think all members of the House are very impressed by, and appreciative of, your rise. I heard a very significant—

The Hon. Natalie Ward: Point of order: I ask that the Hon. Ben Franklin use the microphone so that he can be heard by Hansard when addressing the House.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I uphold the point of order of the Hon. Natalie Ward. The Minister will come to the lectern to speak.

The Hon. Ben Franklin: My apologies, Mr Deputy President and Minister. I am slightly embarrassed now because my point of order was that there was significant laughter from the shadow Minister for Police.

The Hon. Walt Secord: There was no laughter.

The Hon. Ben Franklin: I could not really hear what was being said by the Hon. Shayne Mallard. Nonetheless, the time has passed, so I retract the point of order and will resume my seat.

The Hon. Walt Secord: To the point of order: There was no laughter. The Hon. Ben Franklin is mistaken. It is a very serious debate and I was listening intently. I acknowledge the heartfelt contribution from the Hon. Lou Amato. I saw and heard another side of Lou that I was completely unaware of and I am glad that he shared his experiences and his feelings with this Chamber.

The Hon. Ben Franklin: Further to the point of order: In no way was I suggesting that the shadow Minister was in any way not taking this debate seriously. I know that he was. My point of order was about another matter entirely, but I have retracted it because that was not the case, and I know that the honourable member treats these issues seriously, as all members of the Chamber do.

The DEPUTY PRESIDENT (The Hon. Wes Fang): I do not believe there was a point of order. The question is that the motion be agreed to.

Motion agreed to.

The DEPUTY PRESIDENT (The Hon. Wes Fang): According to sessional order, it being midnight proceedings are interrupted.

Adjournment Debate

ADJOURNMENT

The DEPUTY PRESIDENT (The Hon. Wes Fang): I propose:

That this House do now adjourn.

WESTERN SYDNEY MANUFACTURERS

The Hon. SHAYNE MALLARD (00:00): Western Sydney is undergoing a revolution in smart manufacturing. Over the past few weeks I have represented the Minister for Western Sydney, the Hon. Stuart Ayres, in my capacity as the Parliament Secretary for Western Sydney. Tonight I want to highlight two very different businesses that have launched new smart manufacturing facilities in western Sydney. The first is Fresenius Medical Care, which recently opened its new manufacturing plant in Smithfield. The new plant produces approximately 2.4 million fluid bags every year for use in dialysis treatment. The plant supplies all of the Australian requirement for dialysis material and also exports to Hong Kong and developing markets overseas. It is a great Australian manufacturing story. During construction the business employed 238 western Sydney locals to build the semi-automated plant, incorporating intelligent technology and automation in the manufacturing process. Fresenius has been able to significantly improve production capacity and reduce waste output, not only boosting economic growth and investment in western Sydney but also doing so sustainably.

Fresenius has recognised that operating sustainably with smart technology is not only good for the world but also good for the company's bottom line. With large water storage tanks, it has been able to reduce water wastage and by using power more efficiently, it has been able to use less generation power, decreasing inputs and reducing some of the biggest costs involved with operating a manufacturing company. Presently, Fresenius supplies 84 per cent of fluid bags manufactured in Smithfield to domestic clinics and patients and exports 16 per cent to New Zealand and Hong Kong. With its proximity to the under-construction Nancy-Bird Walton Airport and the Moorebank Intermodal Terminal, and the newly announced commencement of construction of the M12, Fresenius will be well placed to expand its manufacturing capacity and further venture into the export markets in western Sydney.

Fresenius may also be eligible to take advantage of Investment NSW's Going Global Export Program, which helps New South Wales manufacturers access global export markets. The New South Wales Government recognises the important role smart manufacturing will play not only in our recovery after COVID but also in lifting New South Wales to new heights. That is why in December last year the Premier announced the appointment of a Modern Manufacturing Commissioner to identify local research and ideas that can be transformed into new opportunities while removing barriers to support the growth of advanced manufacturing in New South Wales and particularly western Sydney.

Operating on a very different level, but in a no less important sector, is GME, which recently opened its Zone 4 manufacturing facility at Winston Hills, near Seven Hills. A Zone 4 facility refers to a high-security facility capable of building highly classified products and holding highly classified data. This unlocks a new market for GME to access a whole range of defence contracts. The new facility is the largest of its kind in Australia and has the high assurance capability to build communications and electronic products to support a large range of defence industry projects as well as private customers. By employing smart manufacturing, the facility will be able to build the high-quality equipment needed to supply the Australian Defence Force going forward. Through our careful and focused approach to managing the economy and supporting employers, the New South Wales Government is creating conditions for sustainable technology and the advancement of globally competitive defence industries across the State, such as GME.

The important thing to note about GME and its new manufacturing is that it answers the call for Australian-made manufacturing in the defence space. It is certainly a good time to be doing that. The Indo Pacific 2022 exposition currently underway at Darling Harbour is one example of the Government's commitment to creating an environment that supports the development of smart manufacturing in western Sydney. This Government is the principal sponsor of Indo Pacific 2022, and is joined by GME and 38 other co-exhibitors. The expo gives Australian manufacturers the opportunity to showcase products and technological advances to industry, government, defence and scientific representatives from the Indo-Pacific region.

This year the expo is hosting 182 delegations from 48 nations and 657 participating exhibitor companies from 22 nations, and will welcome over 21,000 attendees over the next three days. The expo boasts an unparalleled concentration of defence and civil decision-makers, prime contractors, tier one and tier two suppliers, universities and research organisations and small to medium businesses. This allows smart manufacturers like GME to network and establish relationships with key players in new markets. The Government also supports the Modern Manufacturing Expo to be held in September this year. The Modern Manufacturing Expo showcases the future of manufacturing and puts a spotlight on the incorporation of technology and information on manufacturing.

BLUE PLAQUES PROGRAM

The Hon. WALT SECORD (00:05): As the shadow Minister for the Arts and Heritage, I speak to the Perrottet Government's Blue Plaques Program. The $5 million fund was announced by heritage Minister James Griffin and was timed to coincide with World Heritage Day on 18 April. It is claimed that it was modelled on the London Blue Plaques Program set up in 1866. The ubiquitous London plaques celebrate historical figures ranging from Charles Darwin to Freddie Mercury to Boris Karloff. I support the stated aims of the program and welcome the celebration of the 17 New South Wales landmarks announced. These celebrate people and events ranging from Brett Whiteley to Camden Red Cross to First Nations activist Charles Perkins. While I support these reminders of community heritage—indeed, because I support them—I must address the rampant politicisation of this community program. How else to explain that of the 17 blue plaques announced for this round of the program, not one was placed in a Labor electorate?

Somehow—at least, according to this Government—there are no great stories, no great events and no great remembrances that happened in Labor electorates. There is not one, despite 763 community nominations to the program. This is a pattern of behaviour. Last year we saw disgraceful behaviour in the distribution of arts, culture and community grants. We now see the continued politicisation of Australian history and culture. It not only takes petty partisanship to a new level; it also disrespects those in the community who spent hours preparing their nominations. I know many parliamentarians, their staff and hundreds of community groups, including historical societies, spent hours preparing documents and seeking permission from present-day owners of sites to install potential plaques, which was one of the requirements of the complex process.

Shortly after the announcement of the 17 blue plaques I asked my colleagues to provide examples of the nominations from their communities. They put forward a range of unique and exciting nominations. The suggested plaques would have celebrated the building of the first road across the Blue Mountains in 1814; Mei Quong Tart, a pioneer of the Chinese Australian community and one of New South Wales' most famous and well-loved personalities; Australian-born snooker champion Eddie Charlton; Barnett Levey, Australia's first Jewish free settler and father of Australian theatre; American humourist Mark Twain's 1895 Australian visit, which included a visit to the Hunter, where he had a tooth extracted by a Newcastle dentist; Isaac Nathan, the father of Australian music, who gave the first performances of Mozart and Beethoven in Australia and in 1847 wrote, composed and produced Australia's first opera; and the Bonds factory site at Pendle Hill, which was Australia's first cotton spinning and weaving operation.

The nominations also included Bellambi Point, a significant spiritual place for Aboriginal people in the Illawarra; the first systematic documentation of an Aboriginal language in Australia, in the 1830s in Newcastle; and the site of Cinesound Productions at 65 Ebley Street, Bondi Junction. Led by Stuart Doyle and Ken G. Hall, this was one of Australia's most important filmmaking studios during the 1930s and 1940s. In 1942, Mr Hall

directed the documentary *Kokoda Front Line!* It was the first Australian film to win an Academy Award, thereby making it our first Oscar winner. These are just 10 examples of the diverse stories that somehow were not fit for this Government to celebrate. They were all different except for one thing: the party registration of their local MP.

Finally, I conclude by quoting from the April 2022 letter from Elizabeth Owers, the Acting Executive Director of Heritage NSW, who wrote to unsuccessful nominees saying that the Perrottet Government plans to run a public nomination process in "late 2022" and that they should renominate. Renominate? They have to be kidding. Given the partisanship shown by the Perrottet Government so far, one could understand the reluctance of community groups to bother submitting to the process again. On that note, I urge the heritage Minister to re-examine from the existing nominations rather than making the community go through the whole charade again. This time the nominations should be properly and fairly assessed without political interference. I thank the House for its consideration.

KOSCIUSZKO NATIONAL PARK BRUMBIES

The Hon. ROD ROBERTS (00:10): I report to Parliament on my recent experience in the Kosciuszko National Park investigating my concerns over brumby numbers. Recently I had the opportunity to fly over the national park by helicopter. The purpose of my flight was to observe the Australian brumby in the wild and to try to get a true understanding of the number of horses in the park. I thank the members of the Snowy Mountains Brumby Sustainability and Management Group, in particular Mr Alan Lanyon and Mrs Di Hardley, for facilitating this trip and letting me experience firsthand the sight of these magnificent animals in their natural state.

We had perfect flying conditions: no wind and crystal-clear blue skies. Clearly, as Deputy President Fang would know, this is important when conducting aerial observations. We set out from Tumut airport and concentrated on what is referred to as the northern block of the national park. We flew over areas known as Long Plain, Kiandra, Currango Plain, Wild Horse Plain, Boggy Plain, Cooleman Plain and Tantangara. It is important to identify those areas because there is agreement that this is where 85 per cent of the brumby population is. We spent over two hours flying over those locations. Mr Deputy President, as you would know, a helicopter can cover a fair bit of territory in two hours.

Prior to being invited on this flight, I looked at what is known as the 2020 Cairns wild horse population survey, which the NSW National Parks and Wildlife Service relies upon as the basis for its trapping scheme and population target in the Kosciuszko National Park. This was a government-sponsored and funded aerial survey and the report was authored by Stuart Cairns in 2020. The Cairns survey estimates that there is a whole-of-park brumby population of over 14,000. The report cites that 85 per cent of the brumby population is within the northern block. Therefore, according to the survey, over 12,000 brumbies are located in the northern block. Having read that information, I was concerned about those large numbers. I did not think that such a large number was a sustainable or manageable number of horses to be roaming the park. I believe that is the conclusion that most people would arrive at.

However, I report to this Parliament that what I saw in no way correlated to the information provided in the Cairns survey. Mark Twain's quote of "lies, damn lies and statistics" came flooding back to me. In over two hours in the air, flying over where the NSW National Parks and Wildlife Service agrees that 85 per cent of the park's horse population lives, we counted only 992 horses—I repeat, 992. The often-quoted Cairns survey estimated the brumby population in that area of the park to be over 12,500. If that is to be believed, that means we missed approximately 90 per cent of the horses. That is not only unbelievable but impossible. I am the first to admit that it would have been impossible for us to have seen every single horse in that part of the park, but to miss 90 per cent? Come on, that is just straight-out unbelievable. The big question is where were the 11,000 other horses? Were they hiding under rocks or behind trees? I do not think so. They just do not exist.

I have a couple of interesting points to make. Using the Government Information (Public Access) Act process, interested parties made a revealing discovery. In September 2019 the NSW National Parks and Wildlife Service conducted a horse count flight across the same territory, the northern block of Kosciuszko National Park, and counted 3,110 brumbies. In June 2020 the NSW National Parks and Wildlife Service conducted another aerial count over the same area and on that occasion it counted only 2,468 brumbies. Those figures, which to me seem more realistic, were only discovered by Government Information (Public Access) Act applications by concerned citizens. The big question is why did National Parks and Wildlife not publish those figures? Was it an inconvenient truth? Also observed from the air were a number of trap sights still used by National Parks and Wildlife to trap and remove horses from the park.

In November 2021 the Government released the Kosciuszko National Park Wild Horse Heritage Management Plan, which stated that the population target for brumbies is 3,000. Taking that target in mind, looking at the result of the unpublished survey results and making my own observations from the air, I ask: Why is trapping still taking place? If trapping continues unabated it will lead to the extinction of the iconic Snowy

Mountains brumby. I call for an unbiased and transparent count to be undertaken using independent auditors to determine the true figures. I call upon the Minister to do what I did and take a flight over the park to see for himself. In the meantime, a moratorium should be placed on further trapping until the count is done. It is the only fair and reasonable way to proceed.

NATIONALISM

The Hon. LOU AMATO (00:15): It is common knowledge that there has been a steady push towards the dismantling of nationalism. George Orwell wrote of the evils of nationalism in his essay entitled *Notes on Nationalism*. However, Orwell admitted that nationalism was not the right word in describing the behaviour of oppressive and totalitarian regimes. Orwell, being aware that nationalism is essential for social cohesion and national pride, clarified his meaning of the use of the word by stating:

> By 'nationalism' I mean first of all the habit of assuming that human beings can be classified like insects and that whole blocks of millions or tens of millions of people can be confidently labelled 'good' or 'bad'. But secondly—and this is much more important—I mean the habit of identifying oneself with a single nation or other unit, placing it beyond good and evil and recognizing no other duty than that of advancing its interests.

Orwell needed to clarify his meaning because the type of nationalism he opposed was the precursor to the outbreak of war in 1939. According to Orwell, extreme nationalism created "the lunatic modern habit of identifying oneself with large power units and seeing everything in terms of competitive prestige." However, the push to eradicate nationalism has come at a great cost. For national pride to exist, nationalism must be present. In our efforts to eradicate nationalism we have in many ways destroyed national pride.

An example of a country defined by its national pride is Switzerland. In 1969 the Seiko Watch Company introduced the world's first quartz-regulated wristwatch, called the Astron 355Q. Gone were springs, gears and mechanical escapements to regulate the passage of time. The Astron used battery power to create a precise electronically controlled oscillation, providing accuracy to within less than a second per day. Not only were quartz watches more accurate but they could be mass-produced and sold for a fraction of the cost of a mechanical timepiece. The advent of quartz watches created what was known as the quartz crisis in Swiss watch manufacturing. Swiss watch manufacturers suffered a huge hit, with many Swiss manufacturers ceasing operations.

The manufacturing of quality mechanical timepieces was intrinsic to Swiss national pride. To counter the crisis, the Swiss Government and smart entrepreneurs consolidated and improved the industry. The Swiss marketed watches not so much as an essential item but as a work of engineering art. A fine Swiss watch was a statement that added a sense of refinement and culture to the wearer. In spite of continual technological changes to time recording, including the introduction of the Apple smart watch, the Swiss continue to produce cherished timepieces of horological excellence.

But what of Australia? What happened to our national pride? Sadly, our recent preoccupation with identity politics and political correctness has diverted our attention from who we are. Our national pride in manufacturing has been replaced with insatiable consumerism fuelled by cheap foreign-produced finished goods. When the last car manufactured in Australia rolled off the production line, the crash test dummies that were once used to test vehicle safety made more noise as they were discarded in the rubbish bin than the Australian people. Why? Because the destruction of nationalism meant the destruction of national pride. Basically, nobody really cared.

Since the appointment of Dominic Perrottet as our Premier there has been a shift back to our former national pride. Our Premier believes that New South Wales can achieve anything, including the reinvigoration of our manufacturing industry. New South Wales now leads the nation in aerospace technology. This month the New South Wales defence and aerospace industry showcased state-of-the-art technology to nearly 40 nations at the Indo Pacific 2022 International Maritime Exposition. The event was held at the International Convention Centre Sydney. Our Premier is leading the way to a new and advanced New South Wales manufacturing industry. If we truly wish to find our national pride in the things we make, we must all make an effort. We must insist on Australian made: Buy Australian made and buy with pride.

AIRLINE WORKERS

The Hon. DANIEL MOOKHEY (00:19): In August 2020 as Australia was locking down and as the Commonwealth Government, at the behest of both organised labour and the Business Council of Australia, was rolling out JobKeeper, Qantas made the extraordinary decision to announce the dismissal of 2,000 members of its workforce and replace them with labour hire. As a result of this decision amidst the pandemic those workers found themselves without employment. This action came from a company that had accepted hundreds of millions of taxpayer dollars from JobKeeper. In the midst of the pandemic, it was devastating news for those families. The cuts occurred at 10 airports across the country, affecting thousands of people in Sydney, many people in regional New South Wales and many others across the country.

Those workers fought back. They organised and joined with their union to challenge the decision by Qantas. Last week those workers had an extraordinary victory. In December the Federal court declared that the actions of Qantas were illegal. Qantas appealed. Last week the full bench of the Federal Court unanimously found in favour of the workers. The decision by Qantas to remove its workers was illegal. Sadly, Qantas has indicated that it will challenge the decision in the High Court. Whilst many people will pay attention to the findings that court makes, what is clear are the economic reasons that Qantas made the decision. It did not make the decision capriciously; it was made deliberately. Qantas understood that by replacing those 2,000 workers with labour hire it would save hundreds of millions of dollars. But the service was not different. It does not matter whether a direct employee or a labour hire person is taking a bag out, pushing an aircraft back or putting fuel in a plane. There is no difference in the quality of work or the nature of the task, nor is there any difference between, or complexity in, the task that applies to labour hire people or direct employees.

The real reason Qantas used a labour hire arrangement was purely to make savings on cost so it could effectively engage workers on the award again. That was its own evidence that was discovered as the matter wound its way through the Federal Court. This tendency to put one label on one worker and another on a labour hire worker is not limited to Qantas, nor is it limited to the airline industry. Recently I and other members of Portfolio Committee No. 6 heard directly from bus drivers, as I think Mr Deputy President did. Two bus drivers working on the same roster perform the exact same work. They pass each other in the same depot in the now privatised Tempe facility that is operated by Transit Systems, but one of them earns $13,000 more per year than the other. This is happening as a result of the decisions made by the New South Wales Government when it privatised those routes. We await the findings of the committee inquiry into that matter.

My point tonight is that there is a better way. We can build an economy in which competition, be it in the aviation industry or in the transport industry, takes place on the basis of innovation, on the ability to deliver a better service and on the ability to organise operations in a manner that is not just about pure cost cutting when it comes to labour hire. The truth is one thing that has distinguished our form of capitalism in this country from others is that we do not believe in this sort of brutal extractive model. We believe that those who work hard deserve fair reward for the time that they invest. Very soon Australia will make an important decision about the future of the Commonwealth Government. One party, my party, is offering a "same work, same pay" policy. The other is not. We can make a choice to put an end to these arbitrary distinctions. We can make a choice to again establish the most basic of principles that if you do the same job as someone else, you deserve the same pay.

The DEPUTY PRESIDENT (The Hon. Wes Fang): The House now stands adjourned.

The House adjourned at 00:24 until Thursday 12 May 2022 at 10:00.