



New South Wales

Legislative Council

PARLIAMENTARY DEBATES (HANSARD)

**Fifty-Seventh Parliament
First Session**

Thursday 19 May 2022

Authorised by the Parliament of New South Wales

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LEGISLATIVE COUNCIL

Thursday 19 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.

Addresses

HER MAJESTY QUEEN ELIZABETH II PLATINUM JUBILEE

The PRESIDENT: I inform the House that on Wednesday 18 May 2022 the Usher of the Black Rod and I presented to Her Excellency the Governor the address of congratulations to Her Majesty the Queen on the completion of the seventieth year of Her Majesty's reign and platinum jubilee celebrations, which was adopted by the House on Thursday 12 May 2022.

Committees

COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Message

The PRESIDENT: I report receipt of the following message from the Legislative Assembly:

MR PRESIDENT

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

That:

- (a) Pursuant to clause 2 of schedule 2 of the Advocate for Children and Young People Act 2014, Nathaniel Gerard Smith be appointed to serve on the Committee on Children and Young People in place of Stephen Bruce Bromhead.
- (b) A message be sent informing the Legislative Council.

Legislative Assembly
18 May 2022

JONATHAN O'DEA
Speaker

Documents

HAWKESBURY CITY COUNCILLOR SARAH RICHARDS AND MATTHEW BENNETT

Return to Order

The CLERK: According to resolution of the House of Wednesday 11 May 2022, I table documents relating to an order for papers regarding Councillor Sarah Richards, Hawkesbury City Council, received on Wednesday 18 May 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received on Wednesday 18 May 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

ADVERSE WEATHER AND FLOODING EVENTS

Return to Order

The CLERK: According to resolution of the House of Wednesday 23 March 2022, I table documents relating to an order for papers regarding potential or actual adverse weather or flooding events, received on Wednesday 18 May 2022 from the Secretary of the Department of Premier and Cabinet, together with an indexed list of documents.

Claim of Privilege

The CLERK: I table a return identifying those of the documents received Wednesday 18 May 2022 that are claimed to be privileged and should not be tabled or made public. I advise that pursuant to standing orders the documents are available for inspection by members of the Legislative Council only.

ANIMAL RESEARCH**Tabling of Documents Reported to be Not Privileged**

The CLERK: According to resolution of the House this day, I table redacted documents received on Wednesday 18 May 2022 from the Legal Branch of the Department of Premier and Cabinet, identified as not privileged in the report of the Independent Legal Arbiter, the Hon. Keith Mason, AC, QC, dated 6 May 2022, on the disputed claim of privilege on papers relating to animal research.

*Business of the House***POSTPONEMENT OF BUSINESS**

Ms ABIGAIL BOYD: I move:

That business of the House notice of motion No. 1 be postponed until Thursday 9 June 2022.

Motion agreed to.

Ms ABIGAIL BOYD: I move:

That business of the House notice of motion No. 2 be postponed until Thursday 9 June 2022.

Motion agreed to.

*Committees***SELECT COMMITTEE ON THE CONDUCT OF ELECTIONS IN NEW SOUTH WALES****Chair and Membership**

The PRESIDENT: I inform the House that the Clerk has received the following nominations for membership of the Select Committee on the Conduct of Elections in New South Wales:

Government:	The Hon. Wes Fang The Hon. Scott Farlow
Opposition:	The Hon. Courtney Houssos The Hon. Peter Primrose
Crossbench:	Ms Cate Faehrmann

I further inform the House that, as stated in the resolution of the House establishing the committee, the Hon. Robert Borsak is Chair of the committee.

*Business of the House***SUSPENSION OF STANDING AND SESSIONAL ORDERS: ORDER OF BUSINESS**

The Hon. DAMIEN TUDEHOPE: I move:

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

Motion agreed to.

ORDER OF BUSINESS

The Hon. DAMIEN TUDEHOPE: I move:

That standing and sessional orders be suspended to allow private members' business item No. 1606 outside the order of precedence to be called on forthwith.

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

Motion agreed to.

*Bills***VOLUNTARY ASSISTED DYING BILL 2021****In Committee**

Consideration resumed from 18 May 2022.

The CHAIR (The Hon. Wes Fang): We are dealing with Shooters, Fishers and Farmers Party amendment No. 1 on sheet c2022-095B and the Hon. Sarah Mitchell's amendment No. 1 on sheet c2022-087A. Last night at the midnight hard adjournment I was forced to interrupt the Hon. Robert Borsak's contribution. The member has the call.

The Hon. Sarah Mitchell: Can he remember what he said?

The Hon. ROBERT BORSAK (10:14): Of course I can remember what I said, Minister. I said that your amendment No. 1 on sheet c2022-087A did not come anywhere near mine, and that mine was the better one. Then, when the Chair tried to stop me, I kept talking. That is the reality of the way this place works.

The CHAIR (The Hon. Wes Fang): Order! Mr Borsak—

The Hon. ROBERT BORSAK: No, hang on. I am moving towards it now—

The CHAIR (The Hon. Wes Fang): Mr Borsak! Please resume your seat while I am speaking.

The Hon. ROBERT BORSAK: Please do not raise your voice to me.

The CHAIR (The Hon. Wes Fang): Previously I have indicated to the Committee that while I sit in the chair I will not allow this Committee to disrespect the Chair, the Chamber or the procedures of this place. It is not always me who will be in the chair. Whoever is in the chair represents this Chamber, and to disrespect the Chair is to disrespect the Chamber. I do not believe the Hon. Robert Borsak's contribution was respectful to the debate or to the person presiding over the Committee of the Whole. I ask members to consider that as we finalise the bill today. Given that yesterday we were able to debate the amendments in a very respectful manner, I hope that we can continue to do so today. The Hon. Robert Borsak has the call.

The Hon. ROBERT BORSAK: Mr Chair, at all times I respect the Chair. All my comments in relation to this matter or any other matter when you are in the chair are always directed through you. Equally, I expect to be respected as a member of this place and not yelled at. The reality is that our amendment to the bill, in relation to the reporting of annual spending on palliative care and how that reporting process takes place, is a much better approach than what we see in the Hon. Sarah Mitchell's amendment. I commend my amendment to the Committee.

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (10:16): I do not intend to make a lengthy contribution on my amendment No.1 on sheet c2022-087A. Last night when we started debate on this amendment I tried to be quick and beat the clock but was unsuccessful. I will briefly elaborate on a couple of things for the record. In relation to funding and palliative care—and I did touch on this last night—all members would agree that investment in palliative care is critical, particularly for regional communities. As someone who has lived their whole life in regional New South Wales, is raising a family there and has had loved ones who have needed palliative care there, I note there is fantastic support for people at that end stage of life—but, of course, there is more that we can do.

This amendment is about providing transparency when it comes to palliative care funding across New South Wales. I also make it clear that the Government invests \$220 million every year in palliative care. Last year an additional \$82.2 million was contributed over the next four years. I know that she is not in the Chamber now but my friend and colleague the Hon. Bronnie Taylor, the Minister for Regional Health, is working very diligently on issues related to palliative care, particularly in regional New South Wales. I am sure she will have more to say about that in due course.

This amendment will make sure that the enactment of the new Act will correspond with greater transparency and scrutiny of palliative care funding. It will require the health secretary's annual report to include the total amount that Health spent on palliative care in each of the preceding five years and the number of persons who access palliative care, both in and out of hospital. I think that is important. Data must be provided at both the statewide and local health district level so that assessments can be made about palliative care funding and access, particularly in rural and regional areas.

Obviously the quality of access is an incredibly important issue to those members who live in regional New South Wales. I believe that my amendment is sufficient in terms of providing the transparency of that data. It does not require or trigger the secretary to do an entire review of this piece of legislation should there be changes in palliative care. I do not believe that is necessary. I think my amendment covers what we need in terms of transparency for palliative care funding and I encourage members to support it.

The Hon. GREG DONNELLY (10:19): I will contribute to debate on these amendments. I say at the outset that whilst it comes at the very end of the debate on the bill in some respects it ought to be much higher up in the order. Nevertheless, we deal with bills in a particular way and debates are framed accordingly. I refer to palliative care in the bush—and I will use that vernacular, the bush. I am talking essentially outside of Newcastle, Sydney and Wollongong, so I will use that general sort of vernacular. That is the vernacular we used as an easy descriptor when we were participating in the inquiry, which would be well familiar to the Chair as a member of the committee. We travelled around the bush in rural, regional and remote New South Wales and heard endlessly from the Queensland border to the Murray River and out to Broken Hill about the utter and complete failure of

this Government over its term of office to provide for the provision of adequate and appropriate palliative care for the citizens of this State who live in rural, regional and remote New South Wales.

As I indicated yesterday just briefly—and I thought I would bring it today just to demonstrate that I was quite clear about what I had done—this is *Hansard* for the whole inquiry into rural, regional and remote health and hospital services in New South Wales. This is the complete *Hansard* transcript. As I said yesterday, and I can confirm today, I sat down myself—me; I did not ask someone to do it—and went through *Hansard* for an inquiry that went for over 11 months; and for an inquiry, to remind honourable members, particularly those from the National Party, who have just said through the Minister at the table about all this work that has been done—that is past tense—in the bush in regard to palliative care, that received more than 700 submissions over the course of 11 months, with 15 hearings. We visited seven locations, just to remind the House—Deniliquin, Cobar, Wellington, Dubbo, Gunnedah, Taree and Lismore—and heard from 220 individual witnesses.

You, Chair, were present at most of those hearings. That was greatly appreciated in terms of receiving your input to hear the evidence for yourself firsthand. I am not pulling anyone's leg, but I actually ran out of post-it notes. I had to go and buy more post-it notes because there were so many references to palliative care or, perhaps, rather, better described as a lack of palliative care in rural, regional and remote New South Wales. I actually had to go and buy stationery. I think I went to Officeworks on Hunter Street to get myself some new post-it notes. For the Minister to come to the table and have the gall to actually suggest that this Government has been adequately providing for palliative care in the bush is just extraordinary. I will not use unparliamentary language. Perhaps if I get the Minister one-on-one in an office, I will be happy to have a talk with her. I will give her some sort of explanation in more forward language.

The Hon. Sarah Mitchell: I live in the regions, Greg. I do not need you to tell me.

The Hon. GREG DONNELLY: Here we go. The Minister says, "You don't need to tell us."

The CHAIR (The Hon. Wes Fang): Order! I do not know what happened between last night and this morning.

The Hon. Robert Borsak: Five hours' sleep.

The CHAIR (The Hon. Wes Fang): Last night we managed to get through a large number of hours and a large number of amendments with a level of grace and respect on both sides of the debate. I will not allow the debate to descend into a rabble in the final moments of debating the last few amendments. That is not a reflection of the way this place operates or who we are in this Chamber. We will have this debate and everybody will have their say. There will be no kerbing of the debate, no interjections and no disrespecting each other across the table or across views. I ask the Hon. Greg Donnelly to direct his comments through the Chair. We will continue the debate respectfully. The member has the call.

The Hon. GREG DONNELLY: I will be very clear that what I am saying now is not the result of five hours' sleep. In fact, I think it was only about 4½ hours. I was going to say this last night but for the fact that we had the hard adjournment at midnight. It is exactly what I was going to say last night. The position that has been asserted about the provision of palliative care in this State in rural, regional and remote New South Wales by the Government is beyond the pale when it comes to putting a, shall we say, positive representation of it. As I say, the evidence is there in the *Hansard* transcript. Not only is the evidence there in the transcript, the committee produced its report of almost 300 pages. That report explicitly has parts within it that deal with palliative care. Perhaps if I had my way with the preparation of the report it would have been lack thereof, but I did not press that in my drafting nor did I press it in the deliberative meeting to settle the report. I was half inclined to do so, but I did not.

It is dealt with here and it points out the egregious gaps, disinterest and under provision of palliative care in regional, rural and remote New South Wales that we have before us right now, in plain sight. If you talk to members of Parliament here, perhaps outside the Chamber, being very frank about things—and I do not need to name individuals but they are from parties that have constituency outside those three large cities; we know the parties we are talking about and the way in which they engage with constituents or, dare I say, would be constituents—they clearly confirm what this report says. Indeed, they were heavily involved, if I could put it that way, in advancing ideas around findings and recommendations for this report in regard to palliative care. I do not need to go through it. The report speaks for itself.

The report has a finding—and, once again, perhaps the wording is not as strong as I would have liked but we deal with these matters as best we can with an inquiry settling a report. It says at finding 13 that there is a lack of palliative care services in rural, regional and remote New South Wales. If there was ever an understatement of a finding in any report, you would have to say that that is getting pretty close to it. Why am I saying all of this? It all relates directly to what is before us in the House now. The Shooters, Fishers and Farmers Party have, over a

period of time—and I am talking about years—actively, strongly and forthrightly prosecuted this argument in and out of this place about the parlous situation with respect to the provision of palliative care and palliative care service in rural, regional and remote New South Wales. It is to the utter shame of the other parties in this place, particularly—I am not talking about crossbench parties; I do not want to get into that discussion about picking winners there. I am talking about the major parties: the Labor Party, the Liberal Party and The Nationals. The Nationals particularly have some calling to account here because of who they say they are and who they say they represent.

Those three major political parties in this State should hold their heads in shame about the way they have utterly failed the residents and citizens of this State who live outside metropolitan areas. Perhaps my colleagues in my own party will give me a swift kick up the pants later today for doing this, but I want to put on the record that position, which no-one can contest. We find ourselves now in a situation whereby that is the reality. People who are watching this debate or reading *Hansard* never quite know what goes on in this place, and that is fair enough because they are not on the inside. But with respect to the two amendments that are before us—we are talking about amendment No. 1 on sheet c2022-095B in the name of the Hon. Robert Borsak from the Shooters, Fishers and Farmers Party, which was filed at 9.07 a.m. on 17 May 2022, and amendment No. 1 on sheet c2022-002A in the name of the Hon. Sarah Mitchell, which was filed at 3.03 p.m. on 17 May 2022.

I am happy to make the point because I know the man and his office happens to be next to mine—not that I put my ear to the wall and listen to what he has to say. Members of the Shooters, Fishers and Farmers Party are located next to me on level 11 and I talk to them about these issues, and proudly so, and encourage them to prosecute these arguments. I have been talking to that party and those two members who are represented in this House and, indeed, I have been talking with their members in the other place about what an "RS" situation it is for residents in rural, regional and remote New South Wales when it comes to palliative care. I urged the members of that party to consider putting amendments forward and to do whatever they could to bring accountability to this Parliament and to the government of the day—and I do not care which government it is, in the sense that governments come and governments go—to be more accountable.

It is all well and good to come in here and say, "The Minister said this" and "the media release has been saying that". I have been following this for bloody years. People know I have a bit of an interest in this. It is no answer for someone to get up and say, "Well, there is a new Minister for this" and "there has been a big announcement for that". We are talking about a manifest bloody failure, a train wreck, a dumpster fire—whatever language you want to use, it really does not much matter. It is shameful. For the proposition to be put that, with respect to the provision of palliative care outside of Sydney, Newcastle and Wollongong, I say to members that I do not know whether that is quite right. What about this situation of going out into the country and going into the small towns and talking to people. I think that the Minister thinks that the only people who do that are members of her party.

The fact of the matter is that those stories that I have told are not stories, they are not fiction, they are not confected. There are people in nursing homes in regional, rural and remote New South Wales who are having such a deplorable death today, tomorrow and the next day. And guess why—they cannot get a bloody syringe driver to inject them and relieve their pain. That is happening now. It was happening yesterday, last week, last year. It is no good for the National Party or the Minister to come in here and assuage our feelings that things are okay in the bush in regard to palliative care. They are not. In my engagement with the Hon. Robert Borsak I said, "Go for your life. See what you can do. It will be a challenged debate in the Legislative Council. We have been told that any amendment will be characterised as hostile, so let's gird ourselves for that, but let's do it."

The Hon. Robert Borsak: Hostile!

The Hon. GREG DONNELLY: A hostile amendment and we are doing it in bad faith; just understand that this is bad-faith politics! The Hon. Robert Borsak went and put together a clause. The bloke has been around the block a few times. He is no dill. I should say that he has been around the bush a few times.

The Hon. Rod Roberts: The bush block.

The Hon. GREG DONNELLY: He probably does his block in the bush. But if you look at the language and what the member is endeavouring to do with respect to his clause, he is going pretty bloody hard. He wants accountability. He does not want glossy leaflets, he does not want media releases, he does not want glowing, self-serving speeches from Ministers who have some responsibility in this area, or indeed from members whose parties claim to represent the interests of people in regional and rural New South Wales. That bloke over there has bowled up a clause demanding and insisting accountability. I will not read out the clause, but I invite honourable members to be aware of what it is—and I presume that most, if not all, have read it. I simply draw attention to it. It is on sheet c2022-095B. Members will see that it is a clause in three parts. The heading states:

184A Minister to report annually about palliative care spending

I will not read the amendment, but if members do read it they will see that it is pretty detailed. Do you know why that is? He is a pretty smart bloke, but I said to him, "Go and get stuck in." I said, "Don't ask in some little Mickey Mouse voice, 'Could you sort of give us a bit of a report, a bit of a yes, no, how do we go sort of thing?' Go hard! Go hard or go home!" So that is what he did. He produced a clause, and members will see how rigorous it is. It provides for spending and aggregate amounts across local health districts.

Members will note that the Minister's clause in the amendment that she is sponsoring looks remarkably similar in regard to some elements of the clause of the Hon. Robert Borsak. I am not impugning or suggesting for a moment that there was any intention to do this, but I say this. But for the fact of the rigorous clause moved by the Hon. Robert Borsak—and I hope he does not mind me saying that it was with some degree of encouragement from myself. I said to the Hon. Mark Banasiak, "Get this thing tightened up," and he shares those views, as far as I know, but it would be a different view if that is not the case. I said, "Let's do it. Go and do it. Get stuck in."

They actually moved another amendment on the palliative care plan in this House yesterday, which, in its infinite wisdom of trying to improve the integrity around the provisions of the bill, would be seeking to provide within the legislation the provision of palliative care to a person who was going to consider going down the path of assisted suicide or euthanasia. The wisdom of this House was to vote that down, which I think was an extraordinary thing to do, but nevertheless. But this is the other proposition from the Shooters, Fishers and Farmers Party. I simply make the point—and I am sure this will be put back as a response, if there is a decision from the Minister to respond, and she may or may not do that—through the Chair, that but for the fact of the proposed amendment from the Hon. Robert Borsak in the name of the Shooters, Fishers and Farmers Party, we would have never seen a clause from the Minister. That is a matter of fact. That clause was never in the Minister's or the Government's mind.

The Hon. Sarah Mitchell: Don't impugn my motives.

The Hon. GREG DONNELLY: You can speak for yourself in a minute. It was never even discussed. There was no rumour, no suggestion, no small talk. Members know how stuff gets around this joint, that things are going to happen and things are not going to happen. The only thing we heard was that all the hostile amendments will get voted down in the Legislative Council. And guess what? Mysteriously, out of nowhere comes the amendment on sheet c2022-087A from the Hon. Sarah Mitchell. I will leave my remarks there. How this clause from a Government Minister came about has just been described by me.

I am very keen to hear the Minister, if she chooses to respond, and perhaps I will invite other members in this House who I have engaged with vigorously about the need to improve accountability because, at the end of the day—let me use a phrase which is quite a vernacular Australian phrase that we are all familiar with, and people in the bush who claim to be representing the people from the bush know the phrase as well—unless you have accountability in terms of measurement and spending and determining how things are going to be done, it is all just hot air. It comes to nothing, and we know, as politicians who have been in and out of government, that is how things work—accountability, not just fine words. I commend the amendment of the Hon. Robert Borsak.

The Hon. ROD ROBERTS (10:40): I support the amendment moved by the Hon. Robert Borsak. Every member and those who have read the second reading debate know that I am a supporter of the bill. However, I come to the Chamber with an open mind and always with the intention of working towards providing the best legislation for the people of New South Wales. In that regard, I have taken the time to read the report put together by the portfolio committee chaired tremendously by the Hon. Greg Donnelly, and I am completely disturbed and disappointed about the extent of the failure of the health system, particularly in rural New South Wales. I will read a fraction of my contribution to the bill's second reading debate that goes directly to this amendment. I said:

For the record I state that I support palliative care for the terminally ill. In that regard I urge this and future governments to ensure that palliative care organisations are resourced properly, both financially and staff-wise. I agree that palliative care works for some people—

Not all but for some. The quote continues:

It is a viable option for some and helps them find comfort at the end of their life; of this there is no argument.

It is an option for some people. However, that can only happen if it is properly resourced. The Hon. Robert Borsak's amendment will keep the spotlight on the Government and future governments to ensure an appropriate and required level of spending in palliative care, particularly in rural and regional New South Wales. For that reason, I support the amendment.

The Hon. MARK BANASIAK (10:42): I reiterate my support for my colleague the Hon. Robert Borsak's amendment. I note the Hon. Sarah Mitchell has put forward a similar amendment. Hers goes some way to presenting some transparency and accountability but, in my mind, not enough. Members in this place get bombarded with annual reports and reports of all natures, and quite often after being tabled they are resigned to

the annals of history to gather dust and nothing much is ever done with them. I think that is the key difference between the Hon. Sarah Mitchell's attempt at transparency and our attempt at transparency; there is that trigger point with that report. We actually do something with the report instead of putting it on a shelf to gather dust.

The supporters of this bill have said they do not believe there is going to be any adverse impact on palliative care funding with the introduction of the bill. If they are so confident in the robustness, the so-called conservativeness of the bill, the checks and balances—whatever other buzzwords they want to use—and that it will not have an adverse effect, why are they so afraid of this tiny little subclause that says the Health secretary can review the report and the objects of the Act and see that everything is going okay?

The Hon. ADAM SEARLE (10:44): I contribute to the debate on the two competing amendments. I spoke to Mr Bernie Smith over the weekend about the issue in these amendments. In the wake of that I spoke with a number of supporters of the bill, and I assume that is where the Hon. Sarah Mitchell's amendment has come from. I was not aware of Mr Borsak's amendment until approximately the same time. Reading the two amendments, they are strikingly similar.

I actually agree with the critique, if I can use that word, by the Hon. Robert Borsak and the Hon. Greg Donnelly of the lack of palliative care in New South Wales and, particularly, outside of the major metropolitan centres and the need to have transparency, accountability and for government—small G—of whatever political complexion or stripe to lift its game and do better. The need for the Government to do better has been mentioned by a lot of members throughout the debate on the bill. It is good that all sides of the debate are seeking that transparency and accountability in the bill. I share their concerns and critique.

On behalf of the bill's co-sponsors, I recommend support for the Hon. Sarah Mitchell's amendment rather than the Hon. Robert Borsak's for a reason that has nothing to do with palliative care. When one looks at the two competing amendments concerning proposed clause 184A to the bill, they both require the Health secretary to provide a report on palliative care spending in the previous year and in the previous five financial years both generally and by local health district. That is common to both amendments; there is no difference. They are differently expressed but that is the substance.

What is the key difference? The key difference can be found in subclause (3) of the Hon. Robert Borsak's proposed amendment, which is that if there is a variation indicating a reduction in the amount spent on palliative care in New South Wales generally or in a local health district from the previous amount of the previous year, the Health secretary must, within three months of becoming aware of the variation, review the operation of the Act and give the Minister a report about the review, and then the Minister must publish it. That is not a review about palliative care that is triggered. If it were, I might be more attracted to the Hon. Robert Borsak's amendment. It is not a review about palliative care or its adequacy or how it might be improved. It is a review of the whole Act because this Act is about voluntary assisted dying and, yes, there are some mentions of palliative care as a hugely important issue.

I acknowledge the amendment moved by Dr Joe McGirr in the other place and the amendment proposed by the Hon. Greg Donnelly and accepted by the Committee ensuring a review of this Act in two years, if it becomes an Act. Not only is access to voluntary assisted dying a key focus of that review, but access to palliative care is also part of that review. The bill as it stands already provides for a review, including a review of access to palliative care within two years of the Act's commencement and every five years thereafter. But the Borsak amendment provides for a review of the whole Act, which is about voluntary assisted dying. It is not a trigger about palliative care and how to improve it but about the voluntary assisted dying regime proposed in the bill.

Taking the contribution of the Hon. Mark Banasiak, I agree that we do not want reports to just sit on shelves and we want there to be action. But what is the action proposed here? It is potentially an earlier review of the legislation rather than a review in two years. That is the key difference. The Hon. Sarah Mitchell's amendment provides for the reporting mechanism by year for the five years by the health districts. Obviously, if there is a diminution in palliative care, that will be a matter of public record. That should be a matter of shame, if it happens, and there should be political consequences. It is correct that there is no other trigger caused by the report, but in my submission triggering a report on the whole of the bill, if it becomes an Act, the whole of the voluntary assisted dying regime is, I think, an unhelpful conflation of the two issues of voluntary assisted dying and palliative care.

As I said, if it was only about palliative care and reviewing how it could be improved, I think that would be a more appropriate inclusion in this amendment, but that is the key difference between the two. That is why the co-sponsors have recommended, are recommending and will recommend support for the Mitchell amendment rather than the Borsak amendment—not because we do not want transparency, not because we do not want accountability, and not because we do not want to improve access to palliative care or its funding either generally or in rural, regional and remote New South Wales. We do. I think that is a genuine concern I hold, and I think all honourable members of the Legislative Council would agree that improving palliative care is a must. Of course,

there is a heavier responsibility for those who are in government to achieve that. With that contribution, I urge that course of action on the Committee.

The Hon. WES FANG (10:51): My contribution to this debate will be very brief. I will read onto the record a direct quote that is lifted directly from *Hansard*:

This Liberal-Nationals Government has done more for palliative care in this State than the Labor Party ever did. I could not get the issue on the agenda, which is probably a reflection on my inadequacy and inefficacy in presenting the arguments. But Jillian Skinner and Brad Hazzard have done more for palliative care in this State, and all power to them. I have put that on the record before and I will continue to advance that view of the Government. The Labor Party has some catching up to do if it thinks it can just talk about this issue.

That contribution was made during the last Voluntary Assisted Dying Bill debate on 16 November 2017. That was an excerpt from the last paragraph of the contribution of the Hon. Greg Donnelly. I draw no further conclusions, other than putting that on the record.

The Hon. GREG DONNELLY (10:52): I stand exactly by those words. I think there has been a manifest failure by successive governments—a manifest failure—but the difference is, of course, that this Government has been in government for a period of time. We know what that is. There will be an election in March next year, so the period will be 12 years and there will be four years for consideration after that, and that is the point. There has been that failure by governments of the past of different complexions, but we are looking over a period from 2011 to 2023 and beyond. Does the mindset of those in government include respect for the dignity of the lives of people, families, living in rural, regional and remote New South Wales in respect to a whole range of matters, including palliative care services?

Can I just say this, we are not talking about getting syringe drivers out there, folks getting a shot in the arm in the last half day or the last couple of hours. We are talking about high-quality, multidisciplinary, wraparound palliative care services for people in regional, rural and remote New South Wales. I will not digress, but I invite all honourable members who have not done so already to read the evidence to the inquiry by Dr Sarah Wenham, who works as a palliative care specialist in the Far West Local Health District. If the Government wants to know—and I say this as well to the Labor Party, which is aspiring to become the government in March next year—if we want to know how we do palliative care for people living in rural, regional and remote areas, I think our respective leaders and respective health Ministers, considering that we now have our regional health Minister—and I certainly do hope we get a regional Opposition health spokesperson, but hopefully Labor will be in government next year after March—should get on a plane and go out to Broken Hill to have a good talk to Dr Sarah Wenham about how you do it.

While isolated in a most significant way by being based at the Broken Hill Hospital, Dr Sarah Wenham delivers a comprehensive palliative care service that we all aspire to, that we want when we are on our deathbeds. When we or our loved ones are on our deathbeds, that is what we want, not just the syringe driver and hoping to get that delivered. Can I just say this, the mindset is important. I include a short quote about this issue. I am quoting directly from the *Sunday Herald* of 19 September 2021 about this issue. Chair, like you did, I am quoting an excerpt. It is an excerpt of Fitz. We know who Fitz is—the red headband man—and the Hon. John Barilaro, leader of the National Party but one. Fitz starts:

Fitz: Deputy Premier, unaccustomed as we are to civil discourse—

which is a bit of a joke—

I was stunned to hear whispers that you and the Nats will be supporting Alex Greenwich's coming legislation for assisted dying in New South Wales. Can that be true?

The Deputy Premier at the time, the Hon. John Barilaro, responded—

Barilaro: Yes, most Nationals MPs will support it, with only one member, perhaps, not supporting it. We are in part driven by our members—

And he then goes on to say—

We have a realism in the bush, we are maybe more pragmatic and just as we understand that animals in pain have to be put down, so too, sometimes when humans are in agony, and there is no way out, there should be a humane way to end life. ...

So we just put human beings down, like animals. That was the Leader of the National Party but one. That is the individual who led that Coalition party outlining the position of himself and members of the National Party in this Parliament: "We put 'em down. We're pragmatic in the bush. A bit of pain, put a shotty to the throat. That's how we do it." I will conclude on this point. I have to say it is so utterly cigarette-paper thin for the proponents of this legislation, working with members of the Government in positions of seniority on matters to do with issues directly associated with this legislation—and that is what they have been doing—to actually come together, as is going to be done very shortly—and we have seen it, from what has been described—the Hon. Adam Searle and the member

for Sydney, Mr Alex Greenwich, MP—and vote down a clause in the name of the Hon. Robert Borsak, produced by the Hon. Robert Borsak, which provides for far more enhanced accountability with respect to palliative end-of-life care in New South Wales, and as a second-grade, miserable consolation prize, say, "Well, you can have this. You'll have to cop this." That is what is about to happen.

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (10:59): I have been in the Chamber for almost the entirety of this debate, particularly during the Committee stage. Members have made their contributions to the second reading debate. The Committee stage has gone through a large number of amendments. All members who are sitting at the table have talked about the fact that we are a House of review and that individual members in this Chamber—particularly on a matter such as this, which is a conscience vote for most parties, including the National Party—have a right to contribute to this debate, to move amendments as they see fit and to vote as they see fit according to their conscience. I put that on the record, because I teach my kids they have to stand up for themselves when something happens to them that they do not agree with.

I completely disagree with any suggestion made of my motives in moving this amendment. The reality is with this amendment I am putting accountability on the table for the Government—whoever the government of the day may be, because I am sure this legislation will outlive successive governments—in terms of what funding is provided for palliative care across New South Wales, with a breakdown by local health districts. I am doing that, as I am fully entitled to do as a member of this place, in good faith and in a respectful way. That is how this debate has and should be carried out. I leave my comment there.

The Hon. SCOTT FARLOW (11:01): I associate myself with the comments of the Hon. Greg Donnelly from 2017 that were outlined to this Chamber by the Hon. Wes Fang in debate previously. I disassociate myself from many of the comments made by the Hon. Greg Donnelly in the debate we just had. The Committee has two amendments before it, one moved by the Hon. Sarah Mitchell and one moved by the Hon. Robert Borsak. They are both good amendments to the bill. They both improve the bill. However, on balance, I believe that the amendment of the Hon. Robert Borsak is the better amendment. In terms of the contribution of the Hon. Adam Searle, I believe these issues are interrelated about whether the bill should trigger a review of just palliative care or of the entire system, because one is dependent upon the other.

That is the correlation that we are looking for in terms of palliative care spending in the legislation before us and the changes that voluntary assisted dying will bring about. In that regard, I think that the amendment of the Hon. Robert Borsak will assist in ensuring the legislation will be reviewed if we do see a worrying drop in palliative care spending and palliative care expenditure. I can read the numbers in this House, and it is a good thing that the Hon. Sarah Mitchell has moved her amendment. I commend her for that. I think it is an amendment that will make the legislation better. Those members who may be opponents of the bill should also be supportive of measures made by the proponents of the bill that meet the concerns that some of us may have.

The Hon. ROBERT BORSAK (11:03): I have listened with great interest to the comments from my legal friend the Hon. Adam Searle and the Hon. Sarah Mitchell. The reality is that unless I had put my amendment up, there would be no accountability amendment on the table now to be considered. Just as the Hon. Sarah Mitchell says she puts her amendment up in good faith, I likewise do the same. I love how the Hon. Adam Searle gives us the lawyer's interpretation in terms of quibbling—

The CHAIR (The Hon. Wes Fang): The member will direct his comments through the Chair.

The Hon. ROBERT BORSAK: Through you, Chair, the reality is that we cannot separate a review of the Act from a review of expenditure on palliative care because one will, in a very material way, impact the other. If we are going to have a measure of understanding of what is going on in palliative care expenditure, the quality of palliative care et cetera, we need to do a review of the Act and how it is interplaying and working in rural and regional areas of New South Wales. The reality is that if the Shooters, Fishers and Farmers Party was not contesting rural and regional New South Wales, we would not have a regional health Minister. We would not be discussing this matter right now. The debate would be all focused on the deal done with the member for Sydney, who is sitting in the Chamber gallery, who has services out of his yin-yang for his constituents. He is bringing along a government dominated by the Liberal Party, which also has services, and the reality is—

The CHAIR (The Hon. Wes Fang): I draw the Hon. Robert Borsak back to the amendments. I appreciate his acknowledgement of members of the other place in the gallery during this debate, but I ask the member to address the amendments.

The Hon. ROBERT BORSAK: I am addressing the amendments, and I will get back to my speech. The reality is that we need to think carefully about not just getting this amendment through and getting a second-rate, broken-down version of an old crapped-out car. What we need is a Rolls Royce measure in this area if we are truly interested in guaranteeing the future better rollout of palliative care in the bush. Even if someone wants

voluntary assisted dying, they will need palliative care at some stage in the run-up to that process. That is what it gets down to. To pass the Hon. Sarah Mitchell's amendment over my amendment simply sweeps that under the carpet. It sweeps the accountability under the carpet and moves it to the side and makes sure that the people of Sydney, yet again, get exactly what they want and the bush comes second, getting short shrift.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (11:06): In many respects, it seems to me this debate has got away from the real substance of what we should be debating here. In fact, we have two very similar amendments, both of which relate to the importance of palliative care. Quite rightly, the Hon. Greg Donnelly has emphasised the lack of palliative care facilities available in regional New South Wales—no-one in this Chamber can but agree with that. The problem that we have is that the proponents of the bill rejected an amendment yesterday that probably would have obviated the necessity for the Hon. Robert Borsak's amendment. If, in fact, there was a correlation between a person making a decision and also having reference to a consultative palliative care practitioner or care service as part of that consultation process for the purpose of making a decision, then in many respects the role of palliative care would have been entrenched in the bill.

The problem we now have is that by rejecting that amendment, the obvious role of palliative care in the process of people making life-ending decisions has been diminished. The Borsak amendment says that if, in fact, there is a diminution in the amount that governments spend on palliative care and potentially a growth in the number of people who are availing themselves of the provisions of the bill, the nexus is that there may not be enough emphasis on the availability of palliative care. That correlation may or may not exist, but a review would need to take place of the nexus between this bill and the provision of palliative care services. That is why, in many respects, we ought to be reviewing—if, in fact, there is a downturn in the delivery of palliative care services, especially in regional New South Wales—the nexus between that downturn and the manner on which this bill has been relied upon.

That potential observation would have been obviated by including a requirement that a consultation with a palliative care specialist or service be a part of the decision-making process, but it was not. That is the great tragedy that those who are the drafters of the bill do not say that for end-of-life decision-making there is a whole range of things available for people to make an informed decision about what can be provided to them to rely on. All members agree that these amendments focus on the delivery of palliative care. I welcome that, and that focus should be in place. The Cancer Council's advice on the definition of palliative care and its role is a very short, sharp and simple sentence:

The main goal is to help you maintain your quality of life by identifying and dealing with your physical, practical, emotional, cultural, social and spiritual needs.

The Cancer Council also says:

This type of care can improve quality of life from the time of diagnosis, and can be given alongside other cancer treatments.

...

Palliative care also offers support to families and carers.

Maybe palliative care is a service that someone faced with a terminal illness should consider at the same time as considering what they would do with the assistance of the provisions in the bill. It is entirely regrettable that we did not go down the path of requiring a person facing a terminal illness, in circumstances where they have all sorts of emotional and physical needs, including intolerable pain, to access palliative care services, not only for their own benefit of being given an opportunity to see what is available to assist them, their families and those around them, but also to ensure that the delivery of quality of life is a component of the way that they see their end-of-life decision-making. I support the amendment of the Hon. Robert Borsak, not because I think that there is anything wrong with the amendment of the Hon. Sarah Mitchell but because it draws a nexus between the decision-making relating to the bill and the delivery of palliative care services, which we should have embraced as part of the bill.

The CHAIR (The Hon. Wes Fang): There are two amendments before the Committee. The Hon. Robert Borsak has moved amendment No.1 on sheet c2022-095B. The Hon. Sarah Mitchell has moved amendment No.1 on sheet c2022-087A. I will first put the question on the Hon. Robert Borsak's amendment No. 1 on sheet c2022-095B. The question is that the amendment be agreed to.

The Committee divided.

Ayes14

Noes20

Majority.....6

AYES

Amato
Banasiak
Borsak (teller)
Donnelly
Farlow

Latham
Martin
Mason-Cox
Moriarty
Moselmane

Nile
Poulos
Roberts (teller)
Tudehope

NOES

Barrett
Boyd
Cusack
D'Adam (teller)
Faehrmann
Farraway
Graham

Higginson
Hurst
Jackson
Mallard
Mitchell
Pearson
Primrose

Rath
Searle
Sharpe
Taylor
Veitch (teller)
Ward

Amendment negatived.

The CHAIR (The Hon. Wes Fang): The question now is that the amendment of the Hon. Sarah Mitchell be agreed to.

Amendment agreed to.

The CHAIR (The Hon. Wes Fang): Before I put the question on the bill, I thank all honourable members for the conduct of the debate. I particularly thank the procedural staff and Clerks, who put together a very useful and comprehensive running sheet, which allowed the debate to happen in the way that it did.

The question is that the bill as amended be agreed to.

Motion agreed to.

The Hon. ADAM SEARLE: I move:

That the Chair do now leave the chair and report the bill to the House with amendments.

Motion agreed to.**Adoption of Report**

The Hon. ADAM SEARLE: I move:

That the report be adopted.

Motion agreed to.**Third Reading**

The Hon. ADAM SEARLE (11:25): I move:

That this bill be now read a third time.

The Hon. GREG DONNELLY (11:25): I thank everyone sincerely for their patience, perhaps specifically with respect to the way in which I have prosecuted this debate—at least from my point of view because we all are representing ourselves in this House. I will not be indulgent; this will not be long. I make a small number of final completing points.

I have spoken in this House over a long time about my strong opposition to voluntary assisted dying or assisted suicide/euthanasia. People have, I think, drawn conclusions about why my position is as it is—and that is fair enough—but I want to, with indulgence, refer the House to two speeches that I have given in the past. I do not intend to read them, but I draw the House's attention to an adjournment speech that I gave on Thursday 21 October 2010 and a contribution to debate on the 2017 assisted suicide/euthanasia legislation on 22 June 2017.

The first one in 2010 highlights—and it is a reflection by me—that I actually attended a Dying with Dignity conference in Melbourne on 8 October 2010. I will not go through it; it was open to the public and I went along. In fact, the Hon. Cate Faehrmann was there. I do not know whether she remembers, but we bumped into each other getting a muffin at the coffee station. I honestly do not know who was more surprised, and I did not know what to do. I think I said, "Cate, how are you?" In any event, once we got through the awkward pleasantries—

Ms Cate Faehrmann: I had erased that from my memory.

The Hon. GREG DONNELLY: That is okay, I bring it back and I double it. There were two speakers at that conference who I will mention very briefly. One was Professor Glidewell from Oregon, who was associated with the Oregon legislation and who spoke about the practical operation of that legislation because she had been involved in it from day one. I do not intend to go through the legislation, but Professor Glidewell participated in it. She was very open—and it was a public event—about the fact that securing the Oregon legislation in its current form was the best that could be done in the circumstances. When pressed, because there were questions, she said, "This is done in stages. We just had to get it done at a first stage in a process that is ongoing". It is ongoing. She said quite explicitly that the legislation had to be giving us something that could be got into the statute books and then built upon. You have to start somewhere; you have to thread the needle.

The second matter that caused me concern was her answer to a question about existential pain and suffering. She was asked whether she thought the Oregon-style legislation could be enhanced to provide the opportunity for people to end their lives if they were experiencing existential pain and suffering. She said, "Yes, of course they should be able to. There is no question." At the same conference, a second speaker, an academic from Belgium, Professor Jan Bernheim, spoke. He was a professor in the Department of Human Ecology, Faculty of Medicine from Vrije Universiteit Brussel. He was one of the overseas guests. What did he say? He strongly encouraged the participants at this conference from Dying with Dignity who were bemoaning the fact that, at least at that stage, they had not got any runs on the board.

He gave a PowerPoint presentation and said that we needed to articulate that assisted suicide and euthanasia had to be drawn into and made part of "medicine, nursing, caring, political and general public discourse with respect to palliative care". Wrapping euthanasia or assisted suicide in the holistic language of palliative care, using his words, "provides an almost guaranteed way of insulating the procedures from attack". He outlined that this was the precise strategy that they had commenced in Belgium, which was successful, and that this is what should be done in Australia. This was his sage advice and recommendation for people in Australia who were activists in this area. You have to get it started and then build on it.

This morning I circulated to members a short video of the gentleman I referred to yesterday from Belgium whose mother died. If members have not seen that, I bring it to their attention. If members want to know what happens when a country runs amok once a law like this enters the statute books, I invite them all to look at Canada. I refer to pages 5-6 of the Canadian Government's *Second Annual Report on Medical Assistance in Dying in Canada 2020*, published last June.

In the 2020 calendar year there were 7,595 cases of assisted suicide and euthanasia, accounting for 2.5 per cent of all deaths in that country. The number of cases of assisted suicide and euthanasia in 2020 represented a growth rate of 34.2 per cent since 2019. At the time the report was prepared, the total number of reported deaths in Canada from assisted suicide or euthanasia since enactment in 2016 was 21,589. If we are looking at where things can go, and where it runs amok, Canada is what we are looking at. I have two final points on the matter of conscientious objection. This was prosecuted yesterday, and I do not intend to repeat it, but I want to say I was very disappointed and surprised with—

The Hon. Catherine Cusack: Point of order: The honourable member might be anticipating this. The third reading debate is the last opportunity for members to put on record their support or opposition to a bill, and scope of the debate is limited to that purpose. I put it to you that the member is making another second reading contribution. I understand the sensitivities around this, but I respectfully ask that you confine his remarks to the third reading of the bill.

The PRESIDENT: I was prepared to give the member some latitude in the context in which the debate has been governed. Now that a point of order has been taken, the member will ensure his remarks are centred on his reasons for opposition to or support of the bill rather than discursive in the sense of the second reading debate.

The Hon. GREG DONNELLY: Perfectly fair and reasonable proposed amendments on preserving and respecting into the future, without limit, the conscientious objection or nonparticipation rights for religious ethos organisations or facilities have been voted down by the proponents of the bill and their supporters. I submit that this was not done for any good or cogent reasons, but because they could. If the bill passes, as I expect it will, I want to put this on record very clearly. I am not being self-indulgent, but I quote two paragraphs from Martin Luther King's *Letter from Birmingham Jail*. He says:

One may well ask: "How can you advocate breaking some laws and obeying others?" The answer lies in the fact that there are two types of laws: just and unjust. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that "an unjust law is no law at all."

Now, what is the difference between the two? How does one determine whether a law is just or unjust? A just law is a man made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust.

I say this most carefully, addressing faith-based and religious ethos institutions: Your staff, your volunteers and your residents cannot and must not accept the killing of innocent human beings, however it is described—whether as voluntary assisted dying or the actual practice of assisted suicide or euthanasia. Accordingly, as institutions, you should not cooperate at all with the implementation of the provisions of the legislation that would impact you as organisations in respect to your staff, volunteers and residents in the way that the proponents and supporters of the bill intend. You must not do that, and you have an obligation not to do that. The law with regard to this is wrong, in my view. It provides for the killing of human beings who are innocent, and it cannot be countenanced or supported or have you involved in it in any way.

I share with honourable members the desire to assist individuals to relieve or nullify pain and suffering leading up to their death. Where I part company with my colleagues who support the bill, and this type of legislation, is the endorsement in legislation of the practices of assisted suicide or euthanasia to relieve or nullify pain and suffering leading up to death. I believe that these practices are intrinsically unethical and inherently dangerous, especially for vulnerable individuals, at present and into the future. Moreover, those practices are not just corrosive but are destructive of the shared values upon which we base human relationships and our society.

If we can envisage that in creating a law for what proponents and supporters claim is a small number of people who want the ability to access "voluntary assisted dying" we expose others on an ongoing basis who may involuntarily be drawn into the net of these practices—I say "may" because we will never know, because the person will be dead—we have no choice but to oppose and reject such a bill. I use the word "may" to make it very clear that the attempts by the members in this House, including me, to try and obviate this happening have been prosecuted as well as possible. The proponents—the supporters—effectively voted down all our reasonable attempts to do as I have just described.

In my opinion, as legislators we have an absolute obligation when considering legislation to apply rigorously what I thought we all agreed to—that is, the precautionary principle. We cannot and must not support a bill if it is possible that individuals who would not otherwise partake in the practices of assisted suicide or euthanasia may—and I press this word "may"—be drawn into and succumb to them. There is much evidence to that effect from overseas jurisdictions and Victoria, and the evidence was placed before this House in regards to that. Not one single soul should ever have to be placed in such circumstances. Finally, I implore all honourable members to join me in opposing the third reading of the Voluntary Assisted Dying Bill 2021. The citizens of this State, current and future, rely on us—indeed need us—to do so.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations)
(11:41): This is the last opportunity members have to reject this legislation. People such as those I passed when coming into Parliament this morning will celebrate this day as a day on which New South Wales joins the rest of Australia in going down this path. I say it is a sad day because it was an opportunity for New South Wales to say, "We can be better than this." What we are doing today—and I anticipate the bill will be passed—will be judged by history. The observations made by the Hon. Greg Donnelly may be well reinforced in the judgement of history that this bill has been a dreadful mistake.

More importantly, it is a commentary about where we have got to as a country. We have so diminished our respect for life to its natural end that we do not support proper wraparound services for people up to their death, and that we do not provide proper palliative care in regional areas. If one thing has emerged from this debate, it is the necessity and importance of making sure that services are available for everyone in this country when they are having to make end-of-life decisions so that they and their families are supported, and that their needs are being met. Their needs are not being met by giving them a drug that will take their life. Notwithstanding that some will say that reaching this point today, when the members of this House endorse this legislation, is a great moment for New South Wales, I will leave here today thinking that it is a dark day for our State.

When members reflect on this moment in our own end-of-day times we will potentially say to ourselves, "What did we do?" We would have expected the governments of our country—all the State governments that have endorsed this sort of legislation—to do more for us. By adopting this process we have in fact betrayed not only the generation of people currently approaching end of life but also the generations in the future who will approach end-of-life decisions. This option will be put to them as the alternative that they can adopt, rather than we as a government and a society saying, "We respect you, we value you, we love you, and we will wrap around you all those services which see out your dying days in a proper and dignified manner."

One of the more appalling parts of the campaign in favour of this legislation is that it is portrayed as death with dignity. I have to say that death with dignity is better and more ably provided in circumstances where we as

a nation say that we value those people who are nearing end-of-life decisions, not devaluing them in the manner that this legislation is going to impose upon our citizens. I apologise to all people and all families who will be impacted by decisions made pursuant to this legislation, but I want them to know that at least some members in this House absolutely reject this path for approaching end-of-life decisions. I urge members to reject this legislation on its third reading.

The Hon. ADAM SEARLE (11:45): In reply: I thank all honourable members for their contributions, even when I have not agreed with them. That is the essence of democracy, that we do not solve matters out on the street but do so by reasoned debate in this Chamber and in the other place. I thank the other 27 sponsors of the bill. At 28 co-sponsors, that is a record for a bill. It reflects that this is not a partisan measure but one brought forward by members of Parliament from across the political spectrum and across the Houses. I acknowledge the work of Mr Alex Greenwich, the chief sponsor, as well as that of his office and Tammie Nardone, in assisting all of us who were prosecuting the case for this law reform. More, I acknowledge the many people who have been campaigning out in the community because of their very real personal life experience of end of life and the reasons that have led to this bill and its predecessors being debated in this Parliament and in the parliaments of other jurisdictions around this nation. I acknowledge the suffering of those who died waiting for this compassionate measure.

The contributions to the third reading debate really reflect the dividing line in the broader debate. Opponents of the bill have said it is about the killing of innocent persons; that it reflects a diminished respect for life; and that it is destructive of our shared values as a society. One of the regrettable things in this debate, which has mostly been conducted in good spirit, is that from time to time there has been an impugning of the motives of the bill's sponsors and those who support these measures. There has been a suggestion—a statement, even—that we do not respect the sanctity of life and that somehow we think life is a commodity, and that these measures represent a diminution of the sanctity of life and the way it is viewed, and that life is some disposable commodity. I know that is a view those members might share and hold genuinely.

However, I invite members to reflect that the bill's other sponsors, including me, and other people who support these measures do so because we respect life and its sanctity, and we respect its quality and an individual person's right to choose their path when they come to the end of their life. We are motivated by love, respect and compassion and, ultimately, because we think those choices should be for the person concerned—as well as their families—in the light of all of the information that should be given to them so they may choose their own path. This is not the result of a diminished respect for life. I think it reflects an enhanced respect for people's lives.

I wish the measures in the bill were unnecessary. I wish the life experience of so many people did not necessitate that these measures come to this Parliament. But you cannot pretend you live on another planet or in some parallel universe. We have to confront life as it is and make laws that do their best, as flawed as they may be, to support people in their last hours, weeks or months. We have endeavoured to do that in this debate. The bill was brought forward after a lot of work. It is the third attempt to pass such a law in this State. There was a comprehensive debate in the other place, with 46 amendments made and many others that did not succeed. There was a comprehensive review by the Law and Justice Committee and this House has deliberated very thoroughly on many amendments. Only a few amendments were made in this House; that is true. But it is not true that the bill's supporters rejected reasoned amendments just because we could.

[Interruption]

The Hon. ADAM SEARLE: I acknowledge that quite rude interruption from the Hon. Greg Donnelly. You were not interrupted. Please show some respect.

The Hon. Greg Donnelly: I just had a cough.

The Hon. ADAM SEARLE: The point is that we simply have a different view. We listened and we evaluated and we did not agree with you. That does not make us bad people and it does not mean that we are motivated by sinister concerns. It just means that we did not agree with you and you did not make your case in this place. Those of us who have been here long enough know that quite often you do not succeed in persuading your colleagues to your point of view. That is the essence of democracy, as flawed as it is. Honourable members, on this third reading, I ask you to support the bill as amended because it represents a significant and positive step forward in end-of-life care for our citizens. It is not for everyone, it is not compulsory, it is not being forced on anybody and it is not required. It is providing another option for end-of-life care. People should have the right to choose. Honourable members, I ask you to join with me. Let us get this done, let us send this back to the other place and let us make this law.

The PRESIDENT: The question is that the bill be now read a third time.

The House divided.

Ayes23
 Noes15
 Majority.....8

AYES

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

NOES

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

Motion agreed to.

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

Visitors

VISITORS

The PRESIDENT: I welcome Mr Stephen Twigg, the Secretary-General of the Commonwealth Parliamentary Association [CPA], accompanied by Mr Jack Hardcastle, the Programmes Manager at the CPA, to the President's gallery for question time. By way of background, Mr Twigg is visiting from the CPA headquarters in the United Kingdom for a two-day program prior to the commencement of the CPA Parliamentary Academy's Advanced Parliamentary Development Residency Programme, which is being hosted by the New South Wales Parliament, commencing on Monday 23 May 2022. Mr Twigg addressed members of the New South Wales branch of the Commonwealth Parliamentary Association this morning at morning tea, which I think most of us missed because we were involved in the debate on the Voluntary Assisted Dying Bill 2021. This afternoon a number of executive committee members will be joining us in my dining room for lunch, during which conversation will no doubt touch on the nomination by the New South Wales branch to host the CPA conference in 2024 as the culmination of the celebrations to mark the bicentenary of the Legislative Council.

The CPA conference is the largest gathering of parliamentarians throughout the Commonwealth each year. In 2024 it will bring 600 members of parliaments in over 50 countries to Sydney for the first week in November and will provide all of us in the New South Wales Parliament with an opportunity to showcase our vibrant democracy. Mr Twigg is a former member of the United Kingdom's House of Commons and a former Minister of State for Educational Skills and School Standards in the Blair Government and, among other posts, chair of the International Development Committee in the House of Commons. He has a very strong interest in international matters, which is very appropriate given the position he now holds. Welcome, Stephen. It is wonderful to have you in the Chamber. Hearing from the New South Wales education Minister no doubt brought back memories of your time in question time. There are no answers in question time, they say, but I think it might be a little bit different to Prime Minister's question time. Nonetheless, you are very welcome.

Members

REPRESENTATION OF MINISTERS ABSENT DURING QUESTIONS

The Hon. DAMIEN TUDEHOPE: Before we commence question time, I advise honourable members that the Hon. Sarah Mitchell will take questions in the absence of the Hon. Ben Franklin and I will take questions in the absence of the Hon. Natasha Maclaren-Jones.

*Questions Without Notice***AMBASSADOR SCHOOLS PROGRAM**

The Hon. PENNY SHARPE (12:04): I direct my question to the Minister for Education and Early Learning. Why were no regional or rural high schools selected to be part of the Ambassador Schools program, and why, therefore, is there no regional high school representative on the Ambassador Schools Principal Advisory Group, which is supposed to provide advice on lifting student outcomes?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:04): I thank the honourable member for her question and for the opportunity to talk about our Ambassador Schools program, which has been put together to identify our 10 highest performing schools across a range of metrics. In particular we have identified schools that are effectively what we call "statistical outliers". Those schools have the X factor and they are seeing amazing results in their school communities. Those first 10 Ambassador Schools have developed partnerships with a number of universities, which are conducting research into what constitutes best practice and how we can expand that to other schools across New South Wales. I am pleased to say that a number of schools from regional New South Wales are part of the Ambassador Schools program, including at Millthorpe, Mathoura, Charlestown South and Huntington. So we do have regional school representation in our Ambassador Schools program. Millthorpe is a fantastic public school, and principal Penny Granger is doing an amazing job.

Initially there are 10 Ambassador Schools, but we hope that list will grow. We hope to see more schools added to our Ambassador Schools initiative. What is really pleasing about the advisory group that we have brought together—recently they met with me and the Premier here at Parliament House—is that we have an opportunity to hear from some of our best performing principals and our best performing schools. They are very humble. Every single one of them said that they think their schools are doing a great job but that they could do more, or that they are not really sure why they were picked as stand-outs because they are so dedicated to the work that they are doing. As I have said, it is fantastic to see a number of regional schools as part of our Ambassador Schools program. It was a pleasure to meet with that advisory group. We absolutely want to see that list of 10 Ambassador Schools grow. It is an exciting time for education, especially in the regions.

TEACHER PROFESSIONAL DEVELOPMENT

The Hon. CATHERINE CUSACK (12:06): I address my question to the Minister for Education and Early Learning. Will the Minister please update the House on what the Government is doing to increase the number of expert teachers in New South Wales?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:07): Quality teaching is at the heart of the educational aspirations that we hold for our young people. International research consistently shows that the quality of teaching is the most important in-school factor in student learning. That is why the New South Wales Government is committed to recognising the State's top teachers and drawing on their expertise to continue to improve teaching practice and student outcomes across the system. Last weekend I announced a revitalised accreditation policy for Highly Accomplished and Lead Teachers, or HALTs, to enable more of the State's top teachers to be recognised as expert practitioners using evidence-based outcomes. I am sure that every member in this House would agree that there are thousands of extraordinary teachers right across New South Wales, yet only 275 are currently accredited at higher levels in New South Wales.

That is why we have set a target to increase the number of New South Wales teachers who are Highly Accomplished and Lead Teacher [HALT] accredited to 2,500 by the end of 2025, to continue to drive improvements for the future of education right across our State. It is an ambitious target, but it demonstrates the high aspirations we have for our teaching profession. Building the capacity of practising teachers is a priority for the Government, and I am pleased that currently more than 1,000 teachers are pursuing an application for HALT accreditation with the NSW Education Standards Authority [NESA]. The new HALT application and assessment process clarifies expectations and is designed to be more accessible and more developmental for teachers.

The result is a more streamlined process that is still rigorous but reduces unnecessary burden on teachers and also provides greater support through feedback from trained HALT assessors. NESA will also support teachers to achieve HALT accreditation through an extensive online resource hub and an extensive suite of online workshops and courses. Working in partnership with the Australian Institute for Teaching and School Leadership, New South Wales will become the first jurisdiction in the country to introduce HALT specialisations to recognise the expertise of teachers in key areas including mathematics and classroom management. By lifting the number of expert teachers in key areas of need, we can drive whole-of-profession improvements.

Achieving nationally certified HALT accreditation is a rigorous process that requires teachers to demonstrate how their practice aligns with the high levels of the Australian Professional Standards for Teachers through documentary evidence, referees and an external observation. Not only has HALT improved the outcomes

for students in accredited teachers' classrooms, it also actively supports colleagues across the system to enhance teaching and learning practices to consistently improve. Achieving the accreditation provides a valuable opportunity for teaching professionals to work together and improve their own teaching practice. It also opens up a number of career opportunities, without teachers having to leave the classroom, and also encourages the top teachers to stay in front of students. Taking part in the accreditation process is voluntary. It provides access to higher salary scales, acknowledging that it is an important achievement. I thank the stakeholders and the teachers involved in developing the revised policy and I look forward to seeing the outcome.

MOBILE SPEED CAMERA FINES

The Hon. JOHN GRAHAM (12:12): I join the President in welcoming Mr Twigg. I am sure he will find the proceedings more genteel than those of the House of Commons. My question is directed to the Minister for Regional Transport and Roads. What is the Government's response to community concerns about a mobile speed camera set up in the Lismore area on the night of 28 February, when residents were fleeing the devastating floods?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (12:13): I thank the member for his question. It has been brought to my attention—

The Hon. Mick Veitch: It's a bit insensitive; they were fleeing.

The Hon. SAM FARRAWAY: This is a serious answer for a serious question, so listen. It has been brought to my attention that in late February a mobile speed camera was in force in the Lismore area. Those infringements are under review by Revenue NSW. I think it is important to note—

The Hon. Damien Tudehope: They have been waived.

The Hon. SAM FARRAWAY: They have been waived, as the Minister responsible for Revenue NSW—

The PRESIDENT: Order! The Minister has the call.

The Hon. SAM FARRAWAY: What is important to note is that following the weather events, following what was a natural disaster, my office, along with the Minister for Metropolitan Roads, instructed Transport for NSW to remove mobile speed camera enforcement in the affected local government areas [LGA] on the North Coast, which included the Lismore LGA. That has been in place for the past two or three months, from memory. I am happy to take the specifics on notice. It is important to note that I was one of the two transport Ministers who instructed Transport for NSW to ensure that there was to be no mobile speed camera enforcement in those affected LGAs due to what that community was going through and the fact that the community was trying to rebuild and get through their daily lives and that some of the road infrastructure was unsafe and non-usable. I confirm that the Lismore LGA was one of those.

The Hon. JOHN GRAHAM (12:14): I ask a supplementary question. I thank the Minister for his answer; he has spoken directly to my question. Will the Minister elucidate the part of the answer where he spoke about fines that have been waived? Is the Minister aware of any other instances, other than this mobile speed camera, of speeding fines being issued in areas affected by floods?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (12:15): I am not responsible for Revenue NSW. Revenue NSW conducts the review process but, at times, instances are raised with me. On 17 May Revenue NSW initiated a review of all fines issued during the floods, including fines incurred while responding to evacuation directions. Where appropriate, Revenue NSW will take no further action and will proactively reach out to all customers impacted. It is important to note that enforcement action was suspended from 11 March. That was done proactively by the New South Wales Government and the transport—

The Hon. John Graham: Point of order: I take a point of order under direct relevance. The Minister has been giving excellent answers, but I am not asking about proactive enforcement. My supplementary question was specifically about fines that have been waived. Are there more of these cameras?

The PRESIDENT: The Minister will direct his answer to the specifics of the question.

The Hon. SAM FARRAWAY: Again, I refer to my previous answer. I am not the Minister responsible for Service NSW, which reviews those infringements. Specific instances have been raised with my office and other offices as well. I confirm that the fines from the mobile speed camera in the Lismore LGA, which was under an evacuation order, have since been waived. As I said, the Government removed mobile speed cameras from flood-impacted LGAs as a proactive measure to ensure the community could worry about evacuating, looking after each other and supporting their community. As the Minister for Regional Transport and Roads, my focus is on helping those communities and putting the resources into those communities. It is not the Government's priority to have—

The PRESIDENT: Order! The Clerk will stop the clock. It has been a long night and early morning, and I warned the Secretary-General of the Commonwealth Parliamentary Association that today could be termed "Theatrical Thursday". I do not want to encourage members too much but I seek a moment of restraint for the Minister to answer the question without incessant interjections. The Minister has the call.

The Hon. SAM FARRAWAY: I have concluded my answer.

The Hon. ROBERT BORSAK (12:18): I ask a second supplementary question. Will the Minister elucidate his answer and provide how many cameras were operative in the Lismore LGA at the time and how many of the fines are going to be waived, rather than tell us in general terms that it is happening?

The Hon. Sarah Mitchell: It is very specific.

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (12:18): It is very specific, but I will give some context. Firstly, the infringements—

The Hon. Penny Sharpe: Yes, you better be directly relevant.

The Hon. SAM FARRAWAY: How about the Leader of the Opposition listen to a serious answer to a serious question? Clearly that does not happen.

The PRESIDENT: The Minister will direct his comments through the chair.

The Hon. SAM FARRAWAY: There is plenty of bark from Opposition members.

The Hon. Courtney Houssos: Point of order: I ask that the Minister be brought back to the question and be directly relevant to it. This is an incredibly important question. While some initial comments are allowed, berating the Leader of the Opposition across the table is not within the standing orders.

The Hon. Natalie Ward: To the point of order: The Hon. Robert Borsak has asked a very serious question of the Minister. The Minister was attempting to provide an answer. Members opposite were interjecting repeatedly, not allowing the Minister to complete an answer and provide the House with information that has been requested of him. It is a bit rich for the member opposite to take a point of order when the Minister was attempting to answer the question. I ask that honourable members be directed to listen to the Minister in silence.

The PRESIDENT: The fairest way of reflecting what just happened is to say that interjections were flying both ways. Members will show restraint. Perhaps I have enlivened them, now that they realise that the Secretary General may be expecting a few comments as something to report when he returns to the United Kingdom. The Minister has the call.

The Hon. John Graham: Your badge is upside down. You just need to turn your badge around.

The Hon. SAM FARRAWAY: Firstly, as we have already covered off in previous answers to questions, the infringements that were issued to that individual in the Lismore local government have been reviewed and waived. Secondly, I am not the Minister responsible for Revenue NSW. Thirdly, I can report that on 17 May Revenue NSW initiated a review of all fines issued during the floods, including fines incurred while responding to evacuation orders and directions. In response to the second supplementary question asked by the Hon. Robert Borsak about how many mobile speed camera vehicles operated during that period, from the moment we put in the proactive step of removing those enforcement hours in those affected LGAs there would be essentially zero. The Liberal-Nationals Government took that proactive step to ensure that the residents of the Northern Rivers and the North Coast communities, who were worried about where they were going to live, their houses and their businesses—

The Hon. Robert Borsak: Point of order: My question was not aimed solely at the number of vehicles. My question referred to all cameras and all fines. I ask that the member is directly relevant. If he cannot answer the question—

The Hon. SAM FARRAWAY: I was answering. You just don't like the answer.

The Hon. Robert Borsak: —he should stop obfuscating, take it on notice and be done with it. You don't like being called out on stuff you don't know.

The PRESIDENT: Order! The Hon. Robert Borsak will resume his seat. The Minister was being directly relevant. The Minister has the call.

The Hon. John Graham: It is good you've fixed your badge. You've got it the right way up now.

The Hon. SAM FARRAWAY: It is good to see you wearing yours today. As I said, Revenue NSW initiated a review of all speed camera vehicles and all fines during the floods, including those issued when people

were responding to evacuation directions. The Government has taken the proactive step of ensuring that the North Coast and Northern Rivers communities can focus on rebuilding rather than mobile speed camera vehicle enforcement hours, which was the original question. This Government has delivered on that front. [*Time expired.*]

GREYHOUND WELFARE AND INTEGRITY COMMISSION

The Hon. ROBERT BORSAK (12:22): My question without notice is directed to the Hon. Sarah Mitchell, in the absence of the Hon. Ben Franklin, in his capacity representing the Minister for Hospitality and Racing. As the Minister is aware, the integrity hearings panel is responsible for determining disciplinary decisions made by the Greyhound Welfare and Integrity Commission. It should comprise three members of the commission staff from different teams: the commission's legal services team, the inspectors and stewards. The Shooters, Fishers and Farmers Party has been alerted to a case where only two members of the integrity panel were present during the sentencing hearing. Will the Minister update the House on how many other disciplinary hearings have been conducted by the integrity hearings panel with only two members present?

The Hon. Daniel Mookhey: Take a stab.

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:23): We all have our limits and I certainly know mine. I thank the Hon. Robert Borsak for his question, which is directed to the Minister for Hospitality and Racing in the other place, represented by the Hon. Ben Franklin in this place, whom I am representing today in his absence. It was a long night and I am surprised I got that sentence out. The issue of process in the hearing raised by the Hon. Robert Borsak is very serious. I am happy to take the question on notice and refer it to the appropriate Minister for an answer in due course.

SYDNEY TECH CENTRAL PRECINCT

The Hon. SCOTT FARLOW (12:24): My question is addressed to the Minister for Finance, and Minister for Employee Relations. How is the New South Wales Government helping to revitalise the Sydney CBD through new developments in the Tech Central precinct?

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (12:24): I thank the Hon. Scott Farlow for his question. The New South Wales Government is committed to the revitalisation of the Sydney CBD. Developments in the Tech Central precinct, which includes Central station, form an important component of this revitalisation. Eddy Avenue and Eddy Avenue Plaza will be transformed into a dining and entertainment precinct to be known simply as Eddy.

The Hon. Daniel Mookhey: Eddie Vedder?

The Hon. DAMIEN TUDEHOPE: Not yet. Eddy Avenue was named after Edward Eddy, who was the first chief commissioner of the New South Wales Railways from 1888 to 1897. He had a robust relationship with the Amalgamated Railway and Tramway Service Association—and some people could probably learn from him. Eddy introduced more powerful locomotives with wheels on fire, better rolling stock rolling down the road and improved facilities at stations. It is fitting that his name will live on in this new exciting development. Let's celebrate Eddy.

Guess what? This is for the Hon. Daniel Mookhey. TAHE, the State-owned corporation which owns and manages New South Wales property assets for the people of New South Wales, is now seeking tenants to take up high-quality and carefully curated retail, commercial and community opportunities. Central station will no longer be just a thoroughfare. It will instead become its own destination, attracting locals and tourists to this vibrant new precinct with art installations, shops, restaurants and bars. Just imagine Jennifer Saunders and Joanna Lumley in one of the new bars in Eddy. With apologies to the Pet Shop Boys, I can hear the conversation going something like this:

Champers all right for you, Pats?
Lovely, Sweetie.
Shall we finish off the beluga or shall we have some smoked salmon and nibbly things?
Oh, whatever, Sweetie.
All right, we'll finish off the beluga.

In admiration of the work of the New South Wales Government on this great precinct, this new development is going to be absolutely fabulous. We're absolutely fabulous!

The PRESIDENT: I apologise to the Secretary General for that theatrical moment, but no doubt it takes him back to the old country.

SEXUAL ASSAULT SERVICES

Ms ABIGAIL BOYD (12:28): I direct my question to the Minister for Women's Safety and the Prevention of Domestic and Sexual Violence. I refer to yesterday's *ABC News* and 7.30 reports that amid record numbers of sexual assault reports, one in three calls to the Sexual Violence Helpline go unanswered and victim-survivors are waiting between six and 12 months to access support through the Sexual Assault Services run out of New South Wales hospitals because they are chronically underfunded. Will the Minister commit to funding the Sexual Violence Helpline and NSW Health Sexual Assault Services so that every victim-survivor who wants support can access it when they seek it?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:28): I thank Ms Abigail Boyd for her question and for her on going interest and advocacy in this important area. I reiterate that it is my great privilege to serve as the Minister for Women's Safety and the Prevention of Domestic and Sexual Violence. This Government is committed to preventing sexual violence, improving outcomes for victim-survivors and holding perpetrators accountable for their actions. The Perrottet Government is committed to addressing sexual violence specifically. That is why we have a specific Minister for Women's Safety and the Prevention of Domestic and Sexual Violence. What is clear, and I think we all agree, is that one sexual assault is too many. Behind every one of those statistics and incidents—those that are reported—is a person. NSW Health provides specialist sexual assault services in every local health district across New South Wales. The services operate 24 hours a day, seven days a week, and New South Wales police and NSW Health work closely together to provide a coordinated response to victim-survivors.

NSW Health provides funding to Full Stop Australia for the delivery of the NSW Sexual Violence Helpline. While Health is obviously not my portfolio, my interest lies in the provision of that helpline and supporting that helpline. It also provides funding for the online counselling service for anyone in New South Wales who has experienced sexual assault, along with their supporters. NSW Health also funds Full Stop Australia to deliver community-based counselling services at women's health centres across New South Wales for women who experienced sexual assault in childhood. The NSW Sexual Violence Helpline is part of a broader 24/7 telephone counselling service offered by Full Stop Australia to people who live in New South Wales and in other States. I commend Full Stop Australia for its work in that area.

In the 2020-21 budget Full Stop Australia received \$1,546,500 of funding for the NSW Sexual Violence Helpline from NSW Health, and that was administered through the Sydney Local Health District. The service cost of the helpline for 2020-21 is \$2,470,201. In addition, \$20 million of Commonwealth funding has been invested in domestic and family violence services in New South Wales under the first tranche of the Domestic and Family Violence National Partnership Agreement 2021-23. More than half of that first payment was used to bolster existing frontline domestic and sexual violence services, which experienced significantly increased demand during the COVID pandemic. The second round of those NPA recipients is expected to be announced shortly.

Ms ABIGAIL BOYD (12:31): I ask a supplementary question. I refrained from taking a point of order but I do not think it was necessarily directly relevant. In any event, in the Minister's response she mentioned that the Government is—I am not sure if she used the word "proud"—running a coordinated response to victim-survivors. Will the Minister elucidate on that answer as to how a coordinated response to victim-survivors could still leave one in three callers to sexual assault hotlines going unanswered? Will the Minister commit to funding those services so that every call is answered?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:32): This is a Government committed to providing funding to those services. That is exactly what we do. We have a Minister who has a dedicated portfolio, as I have the privilege of having that responsibility as the Minister for Women's Safety and the Prevention of Domestic and Sexual Violence. I am happy to inform the House of the funding that is in place. Certainly, under the national partnership agreement, we will be looking to extend that in the second round, which will be announced shortly. Under that second round, I am hopeful there will be additional services that can support those wraparound services and the coordination of police with Health and providing that support across the board to those victim-survivors who are brave enough to come forward and report—and we know so many of them do not. We want to encourage them to do so and to approach that through police and the range of services that are, as I said, available 24/7. In relation to the member's specific question about funding, we will have more to say about that shortly.

ARTHUR PHILLIP HIGH SCHOOL

The Hon. COURTNEY HOUSSOS (12:33): My question without notice is directed to the Minister for Education and Early Learning. When the New South Wales Government opened the high-rise Arthur Phillip High School, it called the school "state of the art". Given reports that the lifts at Arthur Phillip High School have broken

down on many occasions and when the lifts have been working children are cramming themselves unsafely into them, what is the Minister's response to parental concerns that the building design is not fit for purpose?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:33): I thank the honourable member for her question about the magnificent Arthur Phillip High School in Parramatta. I have had the opportunity to visit that school a number of times since I have been the education Minister. It really is a wonderful school community doing exceptional things, led by a fantastic principal and staff and, of course, our students at Arthur Phillip.

The member has been quite specific in her question about the lifts operating at that particular school. I do not believe I have recently received any correspondence relating to that issue, although I do recall some potential issues with the lifts in the past, and the school community and the principal managed the issues relating to the operation of the lifts and supported students during that process. The member has asked very clearly about parental concerns relating to the particular issue of the operation of the lifts. I am happy to seek advice on whether any recent issues were brought to the attention of the principal, the director of education and leadership [DEL] or the department about that matter. I will come back to the member with any more information that I can provide.

The Hon. COURTNEY HOUSSOS (12:35): I ask a supplementary question. It relates to that part of the Minister's answer where she talked about the magnificent school that she has visited on several occasions and parental concerns raised with her. During any of the Minister's visits, did parents also raise concerns with her about the construction noise at the school because they cannot close the windows at the moment?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:35): Not that I can recall, but I am very happy to take the member's question on notice. Parents will often provide feedback directly through to the principal, to the director or to the department that does not always reach my office. It depends on the nature of the concerns of the parents; often they are issues that are managed at a local level. Like I said, I do not in any way doubt the genuine nature of the question that the member has asked. I am very happy to take on notice the specifics that she has raised and see what correspondence may have been received relating to these matters from any parents at the school. While I am on my feet, if any parents have concerns at any point in time about things that are happening in their school community, I absolutely encourage them to raise those issues with the principal and the department so that we can work collectively and collaboratively to address any issues that may arise in any of our school communities across New South Wales.

WOMEN IN AGRICULTURE

The Hon. SCOTT BARRETT (12:36): 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 how the New South Wales Government is recognising and celebrating women in agriculture?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:37): I thank the honourable member for his question. Last Thursday I had the great pleasure of joining Minister for Agriculture Dugald Saunders at the 2022 NSW/ACT AgriFutures Rural Women's Award. It is important that we invest in the development of our rural women and girls and give them every opportunity to become future leaders. A big congratulation goes to our winner, the fantastic Josie Clark of Bellimbopinni, who will now represent New South Wales and the Australian Capital Territory at the national 2022 AgriFutures Rural Women's Award.

Josie is passionate about inclusivity in the agriculture industry, giving a voice to those with disability. Inspired by her dad, Josie developed Ability Agriculture to raise awareness and provide opportunities for those with disability through the provision of an online platform and community on Facebook and Instagram that shares the stories of those with disability in agriculture. It was such an honour to present the award to Josie's dad on her behalf while she completes her PhD in Mexico. It was a beautiful moment when her dad received the award on her behalf, and he had her on FaceTime from Mexico. It was one of those special moments between a parent and a child, between a father and a daughter.

I also recognise the amazing work of our three finalists, who are paving the way for future generations interested in joining the ag industry. NSW Premier's Woman of the Year and Regional Woman of the Year Anna Barwick from Walcha, who founded PharmOnline, is committed to improving the health of all Australians by launching the first pharmacist-led telehealth service. Anna is doing great work with women with gestational diabetes, which is something that we know can lead to lower birth weights. The sort of work that Anna is doing is really incredible.

Mia Campbell of Dubbo is committed to helping bridge the loneliness gap for those living in isolated communities through her platform, Connected AU. She is an incredible woman doing amazing work about connecting people. I encourage anyone to have a chat to her if they are ever around Dubbo. Erin Williams of

Aberdeen is passionate about educating livestock producers about the role that dogs can play in addressing livestock predation and training them to be more effective through Livestock Guardian Dogs Australia. She gave the most wonderful speech about how she has been so supported along the way. It was so heartwarming. She also gave a massive shout-out to her husband, which brought a tear to the eyes of most people.

It is often said that women are the heart of rural communities. The AgriFutures Rural Women's Award is an important platform that applauds the amazing work and contribution those passionate women make to our rural and regional communities. They join an esteemed State alumni of over 60 women from many agricultural sectors and rural communities, all driven by passion for what they do. The alumni continue to make tremendous contributions well beyond their award year. I give a special shout-out to Jo Palmer, a fantastic member of the Council for Women's Economic Opportunity and the 2019 National AgriFutures Rural Woman of the Year. Jo received a last-minute tap on the shoulder to be the emcee for the event, and she did a great job. It was a fantastic evening with terrific women.

GRIFFITH BASE HOSPITAL AND COVID

Ms CATE FAEHRMANN (12:40): My question is directed to the Minister for Women, Minister for Regional Health, and Minister for Mental Health. I have been informed that Griffith Base Hospital staff have reported that a nurse unit manager in the hospital maternity ward was forced to work despite having tested positive for COVID that day, and worked for three subsequent days. Will the Minister confirm that this occurred? And, if so, what action will she take?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:40): I thank the honourable member for her question regarding Griffith Base Hospital and a clinician being asked to work after they had tested positive for COVID. As the question contains a good amount of detail, I would like to be very specific and certain of my answer. This would have been an operational issue that was decided on the ground, so I will take the question on notice and get back to the member as soon as possible.

GILLIESTON PUBLIC SCHOOL

The Hon. SHAOQUETT MOSELMANE (12:41): My question without notice is directed to the Minister for Education and Early Learning. Given that last week distraught parents from Gillieston Public School travelled to Sydney to attend the inquiry into the planning and delivery of school infrastructure in New South Wales and to share the desperate situation at their school—where there are 10 demountable classrooms, demountable toilets, a demountable hall and canteen, and only two permanent classrooms—will the Minister commit to visiting the school with the local parents to see the substandard school infrastructure for herself?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:41): I thank the member for his question relating to Gillieston Public School. I am familiar with that school community, and I am aware that the parents have been involved in the process of the upper House committee looking into school infrastructure projects in New South Wales. Regarding some of the specifics in Gillieston and more broadly, obviously as a department, and as a government, we continue to monitor the facilities across all of our schools, including at Gillieston Public School. That includes a review of the Maitland school community group as a whole to determine the future needs of the area. Improvements to staff and student amenities are funded as part of this Government's investments into new and upgraded schools.

As members would be aware, this Government invests significantly in new and upgraded schools across New South Wales and manages issues as they arise. The member asked about demountables and demountable classrooms at Gillieston. All demountables at Gillieston Public School are in, or above, satisfactory condition. As such, as I said, the department continues to review the Maitland school community group as a whole. The department also recently completed upgrades to Rutherford Public School, Bolwarra Public School and Ashtonfield Public School to further support enrolment in the local area. New schools and upgrades are provided according to need in the context of growing and changing environments.

The Hon. Shaoquett Moselmane: Point of order: My question was specifically about whether the Minister will be visiting the school. That is the core of my question.

The PRESIDENT: The Minister was making specific comments in her lead-in, which was quite extensive, to answering the question. I note that the core of the question also related to visiting, so the Minister will direct any further comments to that as well.

The Hon. SARAH MITCHELL: I was providing context, but I am happy to get to the visiting part of the member's question. As education Minister, obviously I visit schools all the time. I am always happy to look at opportunities to visit school communities. Particularly in relation to Gillieston, it might be of benefit for the

honourable member to know that the head of School Infrastructure NSW, Anthony Manning, visited that school last week. Obviously Parliament is sitting at the moment, so it is a bit hard for members to get out to regional schools. He visited that school because School Infrastructure NSW wants to address the issues that were put forward by the school community at the hearing. I am advised that Mr Manning visited the school as recently as last week. The local member, Jenny Aitchison, has also raised the issues of the school community with me. Like I said, I am happy to look at opportunities to visit any school in regional New South Wales—or, indeed, anywhere in New South Wales—including Gillieston Public School.

SOUTH-WEST SYDNEY ROADS

The Hon. CHRIS RATH (12:45): My question is addressed to the Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence. How is the New South Wales Government delivering for motorists in south-west Sydney?

The Hon. NATALIE WARD (Minister for Metropolitan Roads, and Minister for Women's Safety and the Prevention of Domestic and Sexual Violence) (12:45): I thank the Hon. Chris Rath for his interest in south-west Sydney. This Government is interested in delivering for people in south-west Sydney and across New South Wales. This Government delivers outcomes for residents across Sydney. That is why earlier this month I was proud to join Lee Evans, the member for Heathcote; Melanie Gibbons, the member for Holsworthy; Paul Fletcher, the Federal infrastructure Minister; and Jenny Ware, the Federal Liberal candidate for Hughes; at the Heathcote Road upgrade.

Heathcote Road has often been the subject of concern for local residents and road users in the south and the south-west of Sydney. That is why the New South Wales Government has consistently committed to and delivered upgrades to that stretch of road to improve safety outcomes. Work has now commenced on a \$188 million upgrade to duplicate the stretch of Heathcote Road between Infantry Parade at Holsworthy and The Avenue at Voyager Point. Around 13.1 million vehicle trips are taken on Heathcote Road each year, and this project will create a safer and faster trip for all motorists who rely on this crucial link between Liverpool and Heathcote and the M5 and M7 motorways. The work includes widening the existing two-lane road to a four-lane divided road; upgrading the Macarthur Drive and The Avenue intersections; duplicating three road bridges across Harris Creek, Williams Creek and the T2 airport railway line; and replacing two bridges across Harris Creek and Williams Creek. The upgrade will also create almost 600 jobs, ensuring that the benefits of the project will continue to be felt in the local community long after the work is completed.

The project is in addition to the New South Wales Government's \$73 million upgrade to improve safety on the magnificent bridge across Woronora River on Heathcote Road, which I recently drove on. It will deliver a new independent bridge structure for westbound traffic, with the existing bridge being used for eastbound traffic, and will improve the lanes approaching the bridge. Early work commenced in February 2022, with major work expected to commence shortly. Local member Lee Evans has fought very hard for this bridge, and he has had conversations about it with many members in this place. I am pleased that the work will now be delivered. This Government delivers for the people of New South Wales in partnership with the Federal Coalition Morrison Government to deliver projects for communities that need them. Since 2011 we have consistently invested in improving the lives of all New South Wales citizens. The upgrades to Heathcote Road are another example of how the Liberal-Nationals Government is delivering for the people of New South Wales, and it will continue to do so.

MILTON HOSPITAL BIRTHING SERVICES

Mr JUSTIN FIELD (12:48): My question is directed to the Minister for Women, Minister for Regional Health, and Minister for Mental Health. Is the Minister aware of ongoing calls from women and families in the Milton Ulladulla and broader southern Shoalhaven region to return birthing services to Milton Ulladulla Hospital? Given the refusal of the Government to consider a more centrally located site for a greenfield Shoalhaven hospital, instead redeveloping the existing Nowra site so that women in the southern Shoalhaven will continue to face an hour-plus drive to either Nowra or Moruya hospitals to birth their babies, will the Government consider returning birthing services to Milton for the growing population in that region?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:48): I thank the honourable member for his question and acknowledge that this is his area—he lives down on the South Coast—so I am sure he feels very strongly and passionately about it. Obstetric and midwifery services are very important parts of any community, particularly rural and regional communities where people feel very connected to their local hospitals, and the ability to birth there, to be close to your family—to do all of those things—is really important not only to the woman and her family but to the fabric of those communities. We need to make sure, when we are running our services, that they are safe and that they can provide care that is absolute best practice. The great majority of the time, women will be able to birth very well. They are

very well pre-assessed; they go through a rigorous program with their community midwife, with regular checks with their GP obstetrician, or with a specialised obstetrician if they are so lucky to live in an area that has a specialist like an obstetrician—and I say "lucky" in the context that I am very open and transparent about the fact that we have some serious issues with our workforce in rural and regional New South Wales.

The honourable member's question was specific with regard to Milton and the South Coast; he talked about the distances to travel to Moruya or to Nowra. As the Chamber knows, I have been appointed as the first Minister for Regional Health in New South Wales. It is a role that I take very seriously and consider very carefully. What I say is that everything is on the table to look at how we can have the best services we can have in rural and regional New South Wales. In saying that, the absolute caveat will be that we can provide it safely and effectively, and in terms of obstetric services that goes for the mother and obviously her baby as well. Those are things that we have to look at. We have to have those conversations with our communities. From a personal perspective and from the New South Wales Government's perspective, I want to see every service able to be delivered safely and effectively for the consumer—in this case, mothers and babies—and delivered locally. I think it is really important. I had my eldest daughter in Sydney and I had my second baby with a GP obstetrician in Cooma, and it was a wonderful experience. It was a long time ago, obviously—I am old and my youngest daughter is almost 23—

The Hon. Sarah Mitchell: Don't be ageist.

The Hon. BRONNIE TAYLOR: I am very proudly ageist, but I think that it is really important and the member raises a very important point that obviously does mean a lot to him. All I can say, very genuinely, is that everything will be on the table in looking at all of these services, but the first port of call is that they must be safe and they must be protected.

Mr JUSTIN FIELD (12:51): I ask a supplementary question. Given the Minister's acknowledgement of the importance to local women and families of being able to birth within their local community, will she come and visit those women in the Milton-Ulladulla area and those who work in pre- and post-natal care and support and talk to them about the opportunity of returning those services to the Milton hospital?

The Hon. BRONNIE TAYLOR (Minister for Women, Minister for Regional Health, and Minister for Mental Health) (12:52): I thank the honourable member for his invitation to get down to his neck of the woods and meet with the women there. I would be absolutely delighted to do that. I actually would not mind seeing the brand new Country Universities Centre in Ulladulla as well, which I hear is absolutely fantastic, so maybe we can make it a double date.

FLEXIBLE SCHOOL HOURS TRIAL

The Hon. ANTHONY D'ADAM (12:52): My question is directed to the Minister for Education and Early Learning. Under the Minister's new flexible school hours trial, will the Minister allow children to enrol at another local public school if the new school hours do not fit with parents' work or existing commitments?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:53): I thank the honourable member for his question and for an opportunity to talk about our flexible school days trial, which I am really excited about. I know too that some members opposite are very excited about it—they know that it is a good idea—so it is pleasing that we have the opportunity to talk about it. As the very wording of the question suggested, this is a trial that will be conducted in eight schools later this year, in terms three and four, where we will explore opportunities to expand the school day.

We know that the traditional nine-to-three school day is quite antiquated for a lot of parents. That 3 o'clock or 3.15 pick-up comes around very quickly, and it is certainly something that I have experience with. The trial is about trying to provide parents and carers with more flexibility to balance family and work life, and seeing what else we can do to provide more structured activities before and after the school day. Part of what we want to do in this trial goes specifically to the question that the honourable member has raised, which is what is going to suit parents best in those communities. We have schools in Sydney taking part, we have schools in the regions taking part, we have primary schools and we have high schools, and the idea behind it is to really see what suits the local school context and what those parents need.

The teaching hours within those schools will still be contained within the hours of nine to three. This is voluntary; it is optional for parents and families to take part. Parents will not need to move to a different school if that does not suit them because their child will still be going for those core teaching hours in the eight schools, but we will be offering opportunities before and after school, which might be things like breakfast clubs, homework clubs or partnering with local sporting groups. There are some really good initiatives coming in around our high schools, looking at things like linking up with local chambers of commerce and giving students opportunities to practise their CVs or job interviews, financial literacy—things that students can do to get the maximum benefit out of their day and, in particular, the maximum benefit out of our school infrastructure. In a

lot of our communities, schools have the best internet, great libraries, and great computers and devices. We want to make sure that students and families are benefiting from the Government's record investment in infrastructure well beyond just the nine-to-three school day.

This is a trial. I am excited about it. I think there is great opportunity and potential for it to make a real difference for working families right across New South Wales. We will work closely with the eight individual school communities to make sure that the trial we set up suits the needs of parents and families in those areas. This is a good initiative, and I know that those opposite think it is a good initiative because they have told me outside of the Chamber, so let us support this and make it something quite innovative and quite exciting for public education in New South Wales.

The Hon. ANTHONY D'ADAM (12:56): I ask a supplementary question. I listened to the Minister's answer. She spoke about the activities that would occur outside of school hours. Will those activities be governed by the National Quality Framework and will they be eligible for the New South Wales Government's Before and After School Care vouchers?

The Hon. SARAH MITCHELL (Minister for Education and Early Learning) (12:56): I thank the member for his question. He has really asked how this program will complement or work alongside before- and after-school care services in New South Wales. It is an important question to ask because the trial is absolutely—absolutely—intended to complement before and after school care. As a government, we are investing heavily in before- and after-school care services. We literally have millions of dollars being put in to help them with infrastructure, with equipment, with viability, with rental subsidies. But this trial is about providing more. It is about saying: What else can we do to support school communities and families across New South Wales? As we design the pilot and the regulations with the eight schools that will take part in terms three and four, we will make sure that the right measures are put in place for student safety. But this is not before- and after-school care, so questions about whether it will be regulated under a similar framework, with respect to the member, do not actually pick up on what it is trying to do. It is separate and different from, although complementary to, before- and after-school care.

In terms of cost, for the eight schools that will take part in the pilot the Government will be covering the costs, so parents do not need to worry about getting a voucher to do it. It will be something that we will put in place. The other important distinction to make is that at any schools that have before- and after-school care [BASC] services—and I believe a couple of them do—we will work closely with the BASC providers as we implement the trial. It is designed to complement those services and to work collaboratively with the before- and after-school care sector. The trial also involves high schools. Before- and after-school care is not available in high schools; it is designed for primary school settings only. The trial will provide an opportunity for parents of high school-aged children to have something that is worthwhile and meaningful for their kids to do after school. It will be particularly relevant to a lot of parents who have children in year 7 or year 8; they are still in those early teen years and it gets a little tricky sometimes to juggle after-school responsibilities. As I said in my earlier answer, for senior students the trial will provide opportunities for additional learning, practising to get out into the workforce and using school facilities for extra study. There is a lot of good here and we are about it.

REGIONAL TRANSPORT SERVICES

The Hon. WES FANG (12:58): My question is addressed to the Minister for Regional Transport and Roads. Will the Minister update the House on the Government's plan to deliver better transport services for regional commuters?

The Hon. SAM FARRAWAY (Minister for Regional Transport and Roads) (12:59): I thank the member for his very good question. As Minister for Regional Transport and Roads, I am committed to making sure we have a superior transport network that services regional commuters. The Liberal-Nationals Government is committed to making the daily commute for people in the city, and in particular in the regions, more comfortable and more productive. How will we do that? We will use brand-new, safe and modern trains for a modern New South Wales. That is exactly what we are going to do. How will we do that? We will deliver the new intercity fleet. That is the job of the regional transport Minister: to get the fleet in service for commuters. I have spoken at length this week about the functions, the connectivity and the comfort of these trains. I have spoken about the power points, the USB connectivity, the luggage racks, the accessibility—

The PRESIDENT: Order! It was going so well for so long. Members who are incessantly interjecting will cease and desist. I will start to name them shortly. The Minister has the call.

The Hon. SAM FARRAWAY: It is important to note that the Government is implementing a new piece of infrastructure to the regional transport network that is needed. Constituents in Labor Party electorates write to me and what do they say? They say, "It was the most uncomfortable train trip I'd ever had." The best bit from

further correspondence says, "I imagine members of Parliament wouldn't travel on the Newcastle to Sydney train very often. If they did, and experienced the same level of discomfort as we did, they would take the necessary steps to ensure that passengers who have had to travel almost three hours to get to their destination have a safer, shorter and more comfortable trip."

The PRESIDENT: I call the Hon. Penny Sharpe to order for the first time.

The Hon. SAM FARRAWAY: I will tell that constituent from a Labor electorate what the New South Wales Government will do. We will deliver the Mariyung fleet. We will deliver the new intercity fleet, which has all that comfort and accessibility. It will give people more productivity in their daily lives. It will allow them to catch up on emails, watch a movie on their iPads or charge their iPhones. It will give people more family time at home. It will make their day more productive.

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

The Hon. SAM FARRAWAY: They do not like that this Government has a vision and a plan. We have the infrastructure—the trains are sitting in rail sheds. Members on this side of the House represent New South Wales commuters. Opposition members on that side of the House represent the unions and their preselection battles. That is how it works in this place. The Government is committed to delivering the new intercity fleet. With the new Mariyung fleet, we are committed to making the daily lives of those in the regions better and delivering a better outcome for everyone in regional New South Wales.

The Hon. DAMIEN TUDEHOPE: I am loath to bring the excitement to an end, but the time for questions has expired. Should members have any further questions, I suggest they place them on notice.

Supplementary Questions for Written Answers

ARTHUR PHILLIP HIGH SCHOOL

The Hon. COURTNEY HOUSSOS (13:03): My supplementary question for written answer is directed to the Minister for Education and Early Learning. Will the Minister provide a list of the times that the lifts were non-operational or required maintenance at Arthur Phillip High School, including the date and the duration that the lifts were non-operational or required maintenance?

Questions Without Notice: Take Note

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. COURTNEY HOUSSOS: I move:

That the House take note of answers to questions.

GILLIESTON PUBLIC SCHOOL

TEACHER PROFESSIONAL DEVELOPMENT

The Hon. COURTNEY HOUSSOS (13:03): It might be Thursday theatre, but I never thought I would hear the words of Eddy and Patsy come from the Leader of the Government. But full credit to him, absolutely fabulous it was! In question time we asked a series of questions about the Education portfolio and raised a number of serious issues. I speak specifically about the parents at Gillieston Heights, and I pay tribute to them for the incredibly moving testimony that they provided to the school infrastructure inquiry. They are fighting for fair facilities. The Minister says that school upgrades are on the basis of need. I invite her to visit the school and to say that to those parents. Those parents were genuinely in tears at the state of Gillieston Public School. That does not reflect on the teachers or the school community, but it does reflect on the school facilities that this Government is providing.

The Minister can talk about upgrades at Rutherford Public School, or other local schools, but that will not fix the problems at Gillieston Public School. We invite her to visit that school. It is true that after those issues were raised at the school infrastructure inquiry, the head of School Infrastructure was there within a week. That is great. But we need to see follow-through, and we need to see the Minister there delivering those changes. I pay tribute to Jenny Aitchison, the member for Maitland, for her longstanding advocacy and for working with the parents to raise these issues in Parliament many times.

I also take note of the answer from the Minister about her newfound enthusiasm for the Highly Accomplished and Lead Teachers [HALT] program. In 2018 just 10 teachers were accredited under the HALT program, and it was nice to see the Minister last weekend announce an initiative to streamline the process. But let us be clear, the Government has been dragged kicking and screaming to this announcement. Two years ago, the Minister announced the Best in Class initiative, which basically gave teachers a gold star for doing well but refused

to acknowledge the recommendation of the education committee that the way to truly recognise teachers is by paying them more. That is why the Government has been forced to implement the HALT program. The only way to recognise teachers' incredibly important work and to get them to stay in the classroom is to pay them more. We can start with Highly Accomplished and Lead Teachers, but that goes for all teachers. They need more than thanks.

REGIONAL TRANSPORT SERVICES

The Hon. MARK BUTTIGIEG (13:06): I take note of the answer by the Minister for Regional Transport and Roads, who, in response to a dixer, proceeded to boast about what a great thing the Government has delivered. The trains are not even on the tracks. Remember, the new intercity fleet was promised years ago. It is billions of dollars over budget and two years late because the Government refused to actually talk to the people who make the things and operate them on the ground. They would not talk to the union. There is a fellow called Elliott who has decided to do that now, but the other two roosters will not be part of it.

The DEPUTY PRESIDENT (The Hon. Wes Fang): Order!

The Hon. MARK BUTTIGIEG: I am sorry. The other two Ministers will not be part of it. Now the Minister boasts of buying trains in South Korea—exporting jobs and importing duds. Remember, these are the trains—

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

The Hon. MARK BUTTIGIEG: Let us remember that these are the trains that did not fit the tracks, they were too long for the platforms, they did not fit the tunnels and they had to be modified. On top of that, the Government did not listen to the unions that it so despises or the rail workers who know how these things work. The workers wanted guards to be able to look at the platforms to tell us whether there was a possibility of people falling into the gap, as happened in Victoria. They wanted a simple CCTV screen and they wanted the doors to open and close properly. The Government did not listen. Now the Leader of the Government is saying, "It's going to cost a billion dollars, so we're not going to do it." That price has been questioned by the Minister for Transport himself, who says that it will not cost a billion dollars. Government members want to quibble over remediating the trains for safety but then they boast that it is such a great project. Why? Because people will be able to charge their iPhones. People will be able to—

The DEPUTY PRESIDENT (The Hon. Wes Fang): Order! Hansard cannot record this rabble and I am not going to preside over it. Members will have an opportunity to contribute to debate, including Ministers. The Hon. Mark Buttigieg has the call.

The Hon. MARK BUTTIGIEG: I finish by saying that it shows the arrogance and detachment of this Government, which has squandered \$90 billion of privatisation sales on foreign-built trains that do not work and are unsafe, that it has the temerity to come into this House and boast about USB charging ports and luggage racks. What a great government!

SYDNEY TECH CENTRAL PRECINCT

REGIONAL TRANSPORT SERVICES

The Hon. TAYLOR MARTIN (13:09): I take note of the answer given by the Leader of the Government about the absolutely fabulous new developments at Central Station. In particular, I note the important role being played in that development by the Transport Asset Holding Entity—or TAHE, as it has become so famously known in the last year—which, as a State-owned corporation, is charged with managing the State's rail property assets for the benefit of the people of New South Wales. TAHE is well placed to seek tenants to take up the high-quality and carefully curated retail, commercial and community opportunities of this new Eddy development. The revitalisation of Sydney's CBD is a critical part of our economic recovery. The development of the Tech Central precinct is just one part of that revitalisation.

I note the Minister also referred in his answer to Edward Eddy. He mentioned that Eddy, as the first chief commissioner of New South Wales Railways between 1888 and 1897, improved the railways by introducing more powerful locomotives, better rolling stock and improved facilities across New South Wales rail stations. It reminds us that a great railway system needs to be regularly updated with new technology like the Mariyung fleet. The fleet is certified as safe and ready to go by the Office of the National Rail Safety Regulator, with state-of-the-art technology and improved comfort and convenience for customers, as outlined earlier by the Minister for Regional Transport and Roads. The new intercity fleet is ready to be put into action for the thousands of customers who travel between Newcastle, the Central Coast and Sydney, as well as the Blue Mountains and the South Coast—as soon as the RTBU stops playing politics.

SEXUAL ASSAULT SERVICES

Ms ABIGAIL BOYD (13:11): I take note of the Minister's answer to my question about funding for sexual violence services. From the #MeToo movement's take-off in 2017 to the reckoning that politics in this country faced last year with March4Justice, Grace Tame's appointment as Australian of the Year and the movement for consent education in schools, sexual violence in this country has been consistently in the spotlight for years now. While that is indisputably a good thing, it also means that it can be virtually impossible for victim-survivors to escape triggers. Reports to the police about sexually violent crimes are increasing by 21 per cent year on year and specialised counselling services are experiencing incredibly high demand, as victim-survivors seek support for both recent and historical sexual violence.

The Sexual Violence Helpline, previously known as the Rape Crisis Line, receives from the New South Wales Government less than half of the funding it needs to operate its 24/7 helpline and has to rely on charitable donations to make up what it can, with one in three calls still going unanswered. The 20 women's health centres across this State that operate physical and mental health services, as well as safety and trauma recovery services, have not received funding increases that have kept pace with CPI for the past 30 years. They are forced to cut costs year on year while demand increases. The sexual assault services run by NSW Health in every local health district have counselling wait times of between six and 12 months. Meanwhile, the New South Wales Government changed the eligibility criteria for Victims Services support a couple of years ago, making it harder to access ongoing counselling and financial support for violent crimes including sexual assault.

Coming forward to seek help about sexual assault is incredibly hard. As a society we still shame and victim-blame survivors who share their stories, and victim-survivors know that the police and judicial systems so often deliver unjust and re-traumatising outcomes. In the face of all of that, there is no alternative to ensuring every single person who seeks counselling and support for sexual violence can access it when they want it. But this Government, with its weasel words of how it cares about and is committed to women's safety while it chronically underfunds every sexual violence service in the State, is setting victim-survivors up with the unrealistic expectation that they will be able to get the support they deserve. The truth of the matter is that every call that is unanswered and every victim-survivor who is turned away or who goes onto a months-long waitlist is a failure that falls squarely on the shoulders of this New South Wales Government. We ask this Government to do better.

TEACHER PROFESSIONAL DEVELOPMENT

WOMEN IN AGRICULTURE

The Hon. SCOTT BARRETT (13:14): I take note of the answer given by the Minister for Education and Early Learning, Minister Mitchell, and her efforts to see more teachers in our schools and acknowledge those already there. My mother is a primary school teacher and my sister is a physical education teacher. My wife's mother and father are both teachers. It is an industry that I have some close connections to. All members recognise that we need more teachers, as we do most trades. There are not many trades that do not have a shortage, be it shearers, bar staff, tradies or vets. But the good news is that steps are being taken to make things better.

Minister Mitchell informed the House of steps to acknowledge our world-class teachers. I acknowledge teachers my young bloke Darcy has had in the past couple of years—Ms Spicer in kindergarten, Miss Jones last year and Mrs Emmi this year—who have done a fantastic job with him. I am sure all members have memories of great teachers who had a good influence on them, and those teachers deserve to be acknowledged. I thank anyone thinking of a career as a teacher for choosing this noble profession, and I urge them to look to the regions when thinking of where they might want to teach. Not only are great jobs available but they are great places to live. The regions offer fun, vibrant and enjoyable places to live, work and raise a family.

Some people make a habit of talking down regional New South Wales and what we have on offer, but I ask those considering a career in teaching not to believe those cries. It is a fantastic part of the world and a fantastic place to live. Of course things can be better, but here is an opportunity for those people to be a part of making those things better. I note that I do not refer to people moving to the "bush" to get a job. I think doing so undersells what we have. Kangaroos, rabbits and wombats live in the bush. The bush is where you go camping on the weekend and have a beer by the river. Calling it the bush undersells places like Dubbo, Orange, Forbes, Nyngan, Cobar and Broken Hill. They are not in the bush. They are great modern towns with social opportunities, activities, fantastic amenities and wonderful people.

I also refer to Minister Taylor's answer. It is always great to hear an answer from her. Even at the end of a long sitting week, she brings to the House the same enthusiasm and passion that she applies to her role. I congratulate Josie Clarke, the AgriFutures Rural Women's Award recipient. Josie went to school with my wife

so I make special mention of her and what she is doing, as well as all women in agriculture. Once upon a time it was a male-dominated industry but that is changing. Hats off to all the women involved in this industry.

TAKE NOTE OF ANSWERS TO QUESTIONS

The Hon. SHAYNE MALLARD (13:17): What an interesting but relatively subdued question time we had today. One thing members saw in today's question time was that this side of the Chamber, the New South Wales Government, represents all the people of New South Wales. We had questions regarding regional schools, the Sydney CBD revitalisation, women in agriculture, motorists and infrastructure being delivered to south-west Sydney. We had robust questions around regional commuters, which I will come back to in a moment, and the very important issue of domestic violence. What did we hear from members opposite today? We heard about their usual obsessions, such as speed cameras. Members will know that when the Government came to office in 2011 it did an audit of speed cameras and removed a lot of them—Duncan Gay was in charge of it—that were only in place for revenue raising. Our speed camera program is about safety and saving lives, but members opposite just want a scare campaign about cameras.

Undermining school infrastructure is a constant theme from those opposite—the same happened yet again today—as is the age-old theme of demountables. For those of us who are old enough, as I am, demountables were very much the way of our education and upbringing, having grown up under a Labor State Government. There was a great conversation about the Tech Central development—with Minister Tudehope giving a rendition of the Pet Shop Boys, as usual—and the Eddy Avenue precinct and nightlife location south of the city, which is reinforced by the light rail. It is a creative city that will become a mecca for investment in the region and South-East Asia. The notion of the Pet Shop Boys, as a gay man, always excites me. It could be a new location for an Oxford Street-type precinct.

I will conclude by correcting the record about intercity trains. Time and time again Government members hear from the union apologists opposite that the trains we have invested billions of dollars in are running late and are unsafe. That is nothing other than a union campaign. The people in the Blue Mountains are still commuting on 40-year-old V-set trains, which we have been told will go into the NSW Rail Museum the day they retire. That is how old they are. The new intercity trains have full accessibility. Those opposite are denying people access.

The Hon. Courtney Houssos: You are denying people's safety.

The Hon. SHAYNE MALLARD: They have comfort and safety. They are indeed safe. Members on this side of the House know that for those opposite it is all about guards and protecting union jobs for their mates. The upgrade of the train line—*[Time expired.]*

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

Motion agreed to.

Written Answers to Supplementary Questions

COOLER CLASSROOMS PROGRAM

In reply to **the Hon. COURTNEY HOUSSOS** (18 May 2022).

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

The list of the additional 39 schools approved for delivery through the New South Wales Government's \$500 million Cooler Classrooms Program can be found on the School Infrastructure NSW website at <https://www.schoolinfrastructure.nsw.gov.au/latest-news.html>.

Bills

STATE INSURANCE AND CARE LEGISLATION AMENDMENT BILL 2022

First Reading

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

The Hon. SAM FARRAWAY: I move:

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

Motion agreed to.

The Hon. SAM FARRAWAY: I move:

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

Motion agreed to.

VOLUNTARY ASSISTED DYING BILL 2021

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.

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

Standing Orders

STANDING ORDERS

In Committee

The Hon. DAMIEN TUDEHOPE: I move:

That the proposed new standing orders set out in appendix 2 of the report of the Procedure Committee entitled *Review of the Standing and Sessional Orders*, dated March 2022, be now considered in Committee of the Whole.

The CHAIR (The Hon. Wes Fang): There being no objection, the Committee will deal with appendix 2 of the report of the Procedure Committee entitled *Review of the Standing and Sessional Orders* as a whole. There are four sets of amendments, which will be dealt with in sequence. Ms Abigail Boyd has the call.

Ms ABIGAIL BOYD (15:05): I move:

That proposed Standing Order 44 regarding formal motions responses be amended by omitting "by 4.00 p.m. on the sitting day on" and inserting instead "by 4.00 p.m. or one hour after the conclusion of formalities, whichever is later, on the sitting day before".

I will quickly explain the amendment, which picks up two issues with the proposed standing order. First, the deadline was for the same day as the day on which formalities were to be held. Obviously the request to have formal business heard would occur after formal business for that particular day, which is not what was intended. Inserting into the standing order "on the sitting day before" makes clear that the request for formal business must be put in the day before the day on which the member wishes to have their formal business heard. Secondly, sometimes we have not yet finished reading out notices of motions by 4.00 p.m., especially on a Tuesday, so to have formal business motions due by 4.00 p.m. that day does not make sense. Instead The Greens have suggested that the standing order be amended by inserting "by 4.00 p.m. or one hour after the conclusion of formalities, whichever is later". I thank the Clerk for drafting the amendment.

The Hon. PENNY SHARPE (15:06): Labor does not oppose the amendment, which makes a sensible change to the way in which the Legislative Council deals with formal business.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (15:07): The Government supports the amendment. It is similar to the context in which one would address a judge about a particular matter and the judge would interrupt and say they do not need to hear any further because it is so obvious. It is a very good amendment.

The CHAIR (The Hon. Wes Fang): Ms Abigail Boyd has moved her amendment on sheet SO44. The question is that the amendment be agreed to.

Amendment agreed to.

The CHAIR (The Hon. Wes Fang): I now move to the proposed new standing order on sheet SO52C.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (15:08): I move:

That the following new proposed standing order be inserted after proposed Standing Order 52B:

"52C. Documents concerning Minister's offices

Where an order for papers under Standing Order 52 would require the production of documents concerning workplace complaints and investigations in a Minister's office subject to the NSW Ministerial Offices Respectful Workplace Policy, those documents are not required to be included in a return to order." The amendment will vary Standing Order 52 to exclude records that are created by the Executive in the course of investigating workplace complaints in ministerial offices from a Standing Order 52 return. This matter relates to recommendations from the Goward review that a best practice respectful workplace policy, including investigative and reporting procedures, should be developed to enhance the safety and security of staff in the workplace. The Goward review noted that a key aspect of effective workplace

complaint policies is confidentiality in the complaint and investigation process. Confidentiality ensures that staff feel safe about raising concerns and have strong reason to believe that action will be taken in response to those concerns. In 2021 the Government committed to implementing the recommendations of the Goward review. Earlier this year the Department of Premier and Cabinet completed, and has now published, the Respectful Workplace Policy for Ministerial Offices on its website. I am advised that the Department of Premier and Cabinet also consulted with Elizabeth Broderick, AO, on the development of the policy, and she supports it.

I do not need to remind members of the peculiar nature of ministerial staffing arrangements and the intersection of personal, professional and political loyalties. The use by the House of its extraordinary powers under Standing Order 52 to obtain and, in some cases, make public these complaint and investigation records, would no doubt discourage victims from coming forward about workplace issues. A situation of that nature and the chilling effect on complaints that it would inevitably produce would utterly undermine the intent of the policy. So as not to frustrate the intent of the policy, this amendment merely seeks to give confidence to staff that they can come forward with their complaints with their confidentiality assured and those complaints will be neither sought nor made public by this House. I commend this modest, but vitally important, amendment to the Committee.

The Hon. PENNY SHARPE (15:11): I thank the Government for consulting with the Opposition on this matter. It is a small and modest change but it is supposed to drive a very big change in the way that members employ and support staff. It is extremely important. There has been some pretty horrific reporting on some of the things that have happened to people in our workplace. Very good people have left their jobs and have been subject to pretty terrible things with very little recourse. The Goward review was very good and welcome. I know the Broderick review is underway for the Parliament as well. Labor supports the amendment to Standing Order 52 and we support a safe workplace for every single person, particularly the bright young things who work for us. We want them to have fantastic futures and learn the skills they need to help us make the changes we want to see in New South Wales.

This amendment is important because we know that staff who work in politics and work for politicians work in quite an unusual workplace environment. It is different to a lot of other workplaces; that does not mean staff should not be safe and should not be able to make complaints when things are not going the way they should. That is what the amendment is about. If young women and men have an issue, we want them to be able to make a complaint that is investigated and resolved without them being dragged through the media. We also want their complaints dealt with so that they hopefully keep their job, the things that are happening to them cease and those that are doing the wrong thing learn they are doing the wrong thing and that the issue is dealt with properly. I will not go too much into the other nature of that except to say that this is an important amendment that Labor supports.

There has been some confusion around the Broderick review. I know that staff have raised concerns about going through complaints processes and finding themselves exposed via an order for papers under Standing Order 52. Labor does not support that occurring. The point, though, is that we do not need to move a special sessional order or standing order because, for people who are not aware, the Parliament is not subject to the powers under Standing Order 52. What we do is not considered under State papers and therefore is not captured under Standing Order 52 requirements.

That is really important because Labor wants to send the message to all of its staff in this building, as we work through the issues that Elizabeth Broderick has been going through, that they have the right to be safe, to make a complaint, their complaint will be dealt with properly, they are not going to be exposed and we will treat their complaint properly. It is similar but people have asked me about it. To be clear, that is why Broderick is not coming up specifically within this. People are safe to make a complaint. If anyone wishes to make a complaint, I encourage them to do so. The only way we change the culture is by making bad behaviour unacceptable and for people who are brave enough to make those complaints feel safe enough to do so.

Ms ABIGAIL BOYD (15:15): The Greens wholeheartedly support the amendment. Working in a Minister's office, as opposed to any other part of the parliamentary precinct, should not mean that staff have any less confidentiality or should have any less confidence in the complaints process. To the extent that this ensures that an order for papers under Standing Order 52 would not pick up those sorts of complaints, I view it as necessary. I echo the Hon. Penny Sharpe's comments; we have a long way to go. The Parliament is an unusual place. Every parliament is a very different type of workplace to a lot of other places. As we navigate through that, it is important that people are encouraged to come forward and make complaints and for us all to do better when it comes to how we respond to those complaints. The Hon. Penny Sharpe has said it all very well so I will not repeat that. I affirm that The Greens support the change.

The Hon. MARK LATHAM (15:16): One Nation supports the amendment as a sensible privacy measure. Also arising out of the Goward review, we would very much like to see the footage of the workplace

seminars where Ministers were told they could not drink and say "mate", and that if they say someone is not doing a great job they are a fearsome bully. We would love to see the videos of grown adults supposedly running New South Wales being treated like a pack of babies.

The CHAIR (The Hon. Wes Fang): The Hon. Mark Latham will speak to the amendment. This is not a second reading debate. The Hon. Damien Tudehope has moved an amendment to Standing Order 52. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. PENNY SHARPE (15:18): By leave: I move Opposition amendment No. 1 to Standing Order 136A and amendment No. 2 to Standing Order 137 in globo:

(1) Selection of Bills Committee

That proposed Standing Order 136A regarding the Selection of Bills Committee be amended by inserting after paragraph (2):

"(3) The Selection of Bills Committee must include in its report to the House any Government bill, other than an appropriation bill for the ordinary annual services of the Government, that is not accompanied by a completed Statement of Public Interest that addresses each of the following questions:

- Need: Why is the policy needed based on factual evidence and stakeholder input?
- Objectives: What is the policy's objective couched in terms of the public interest?
- Options: What alternative policies and mechanisms were considered in advance of the bill?
- Analysis: What were the pros/cons and benefits/costs of each option considered?
- Pathway: What are the timetable and steps for the policy's rollout and who will administer it?
- Consultation: Were the views of affected stakeholders sought and considered in making the policy?"

(2) First Reading

That proposed Standing Order 137 be amended by inserting after paragraph (1):

- "(2) After the first reading of a government bill introduced in the Legislative Council or received from the Legislative Assembly, on the bill being read a first time and prior to proceeding to any subsequent procedural motions, the Minister must make a statement advising whether a Statement of Public Interest has been prepared.
- (3) If a Statement of Public Interest in relation to the bill has not been prepared, a motion may be moved without notice that the bill not proceed until a Statement of Public Interest is tabled, or that the bill be referred to a standing or select committee for inquiry and report.
- (4) The motions may be debated.
- (5) A member may not speak for not more than five minutes, and, if the motion is not sooner disposed of, after 30 minutes, the President is to interrupt proceedings to allow the mover of the motion to speak in reply for not more than five minutes.
- (6) If the question is agreed to, further consideration of the bill will be set down as an order of the day on the next sitting day after the Statement of Public Interest is tabled or after the report of the committee is tabled.
- (7) A motion "that the bill be considered an urgent bill" under Standing Order 138 may not be moved until the statement required under paragraph 2 has first been made."

Labor is seeking to enact something the House has been discussing for quite a long time, which is how members can improve the decision-making that goes into lawmaking. Some very good work has been done over many years with the newDemocracy Foundation through the Evidence Based Policy Research Project. There would be very few people in this Chamber who have not spoken to Percy Allan or Richard Whittington in relation to this matter. What they have been pursuing really comes out of the evidence-based policy research project. They have worked with two think tanks, Per Capita and the Institute of Public Affairs [IPA], to examine how we can improve decision-making. Basically they have worked on a project over a number of years whereby they have examined legislation that has passed through State and Federal parliaments using what is known as the Wiltshire tests, which are seven criteria that should be considered before a bill is introduced to Parliament. These are known as statements of public interest.

Today we are attempting to establish a practice in the Legislative Council whereby Government bills that come before the Legislative Council must be accompanied by a statement of public interest. To explain what a statement of public interest does, I will read from the amendment. We are seeking to have a statement of public interest with every Government bill that is introduced into the Legislative Council. What the Opposition is providing through this amendment is a requirement for the Selection of Bills Committee to report to the Legislative Council as to whether a statement of public interest has been provided with the Government bills. This motion

sets out what should be included in the statement of public interest, which is known as the Wiltshire tests, as follows:

The Selection of Bills Committee must include in its report to the House any Government bill, other than an appropriation bill, for the ordinary annual services of the Government, that is not accompanied by a completed Statement of Public Interest that addresses each of the following questions:

- Need: Why is the policy needed based on factual evidence and stakeholder input?
- Objectives: What is the policy's objective couched in terms of the public interest?
- Options: What alternative policies and mechanisms were considered in advance of the bill?
- Analysis: What were the pros/cons and benefits/costs of each option considered?
- Pathway: What are the timetable and steps for the policy's rollout and who will administer it?
- Consultation: Were the views of affected stakeholders sought and considered in making the policy?

The standing order then seeks to provide a trigger for the Legislative Council to decide whether to take action if a statement of public interest is not provided. After the first reading of a Government bill, the Minister will have to indicate whether the bill is accompanied by a statement of public interest. If a statement of public interest has not been prepared, a motion may be moved without notice that the bill not proceed until a statement of public interest is tabled or that the bill be referred to a standing or select committee for inquiry and report.

Essentially what we are doing is establishing a trigger for the Legislative Council so that if members believe that a statement of public interest or the information provided by the Government through that process is inadequate or not in place, we can look to further examine that or we can basically hold up the bill until a statement of public interest is provided. The way that will occur is through a motion. I will be very clear, it is not mandatory and it requires a majority of votes. We are trying to establish a new practice that we hope will make a big difference and an important change to the way in which bills are brought forward and debated and ensure the Government's accountability to explain what the bill is, the reason for bringing the bill and why the Government is wanting to change the law.

I thank members for their consideration. The Opposition does not believe this is onerous. We believe it gets the balance right in terms of providing a trigger without it being mandatory. Ultimately what is sought to be achieved is that early in the policy process the matters I have mentioned are considered and it is reported to the members of this Chamber whether that work has been done. I know the Government has had some issues with these amendments. I am hoping the Government will give this a go by way of the sessional orders. The Opposition believes it will make a difference. I thank those who have worked on this for a long time. As I said, the idea came out of a symposium in 2017 that was convened by newDemocracy. The project has been undertaken by what we would consider to be left-wing and right-wing think tanks that usually do not have a lot in common, but they have been able to come together to work through what they believe is a better consideration of laws, legislation and policy through the statement of public interest. I commend the amendments to the Committee.

Ms ABIGAIL BOYD (15:24): The Greens will support the amendments and we thank the Opposition for suggesting them. Given the speed at which legislation is now coming through the Legislative Council, the reduced number of sitting weeks and sitting days, as well as the introduction of a 10.00 p.m. cut-off—and the potential for everything to come through in a great hurry—it is incredibly important that the Government has done the work of setting out what has gone on behind the scenes in preparing the legislation and of ensuring that it has ticked the boxes it needs to tick. I note that a failure to provide a statement of public interest is not the death knell for a bill; it really depends on the legislation. We could imagine a series of miscellaneous amendments in a bill that were not of particular substance and did not really need a statement of public interest or even for a statement of public interest to be prepared. In those cases it is the option of the Legislative Council whether to take issue with that.

On the basis that it is not automatic, it does not seem to be overly rigid or problematic. I cannot help but look at these amendments and wonder what would have happened if we had such a provision when, for example, the latest anti-protest laws were brought forward. What probably would have happened is what happens with urgent bills, when we dispense with the five business days. We would simply have dispensed with this requirement or not have taken up the option. In those circumstances, the amendments set a standard by which we hope Government bills will be prepared, but we fully acknowledge that it may not actually make a substantial difference in cases in which the Government has the majority in the Legislative Council to ram legislation through.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (15:26): I would have thought that a second reading speech fulfilled the requirements of the public interest statement. Having said that, and realising that I have canvassed this on previous occasions, I indicate that the Government does not oppose the amendments.

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

The Hon. DAMIEN TUDEHOPE: I make this concession. This document should be a template for every Minister who brings a bill to Cabinet. The bill should not even get to Cabinet without this template being completed, so it should not be too tough for a bill to be brought to Parliament.

The Hon. Mick Veitch: It would make your job easier.

The Hon. DAMIEN TUDEHOPE: It would make all our jobs a bit easier if this was done, and potentially negotiations would be easier if everyone had a statement of public interest before them. The Hon. Sam Faraway is shaking his head: Negotiations will not be needed!

The Hon. Penny Sharpe: It has been a long week.

The Hon. DAMIEN TUDEHOPE: Yes, it has been a long week. But it is a serious proposal. From a personal perspective, I think it represents an opportunity for Ministers who bring bills to the Legislative Council—or even before that, to Cabinet for approval—to demonstrate that the proponents are able to tick off each criterion. Being the Leader of the Government in the Legislative Council in Cabinet, I am able to ask: Have you done this? A member of the Opposition might ask me whether I have done it. In those circumstances, it will make my life significantly easier to ensure that bills at least get a fair start in the Legislative Council and we do not spend our time forever arguing about potential matters that probably should never ever get here.

The Hon. MARK LATHAM (15:29): One Nation supports the amendments and thanks the Labor Opposition for bringing them forward. I also thank Percy Allan for his diligence and his dedication to progressing this idea. He even sent me a text message a few moments ago to say the debate was on. I welcome him as the new One Nation whip. I am not too sure Percy ever saw himself as a One Nation whip, but all help is welcome for our operation. Percy, I am here and debating it, and I am supporting it.

The reason One Nation supports the amendments is that they are part of the evolution of an idea we first advanced with the white and green papers process. It has evolved into a statement of public interest. The Hon. Don Harwin said he was a supporter of the white and green papers—apparently he was a supporter of it everywhere except the Cabinet table, where it floundered. We have something that is useful here, because it is certainly true that each of the major public policy failings of this Government—and there have been many—is a result of ignoring the evidence base and not going through a considered policymaking process based on the available evidence. I refer to the collapse in our school academic results; the closure of the greyhound industry; the disaster of Matt Kean's energy policy; biodiversity policy, which is a standing joke; water policy; council amalgamations; the Port of Newcastle; disgraceful anti-competitive restrictions; the collapse of regional health services; and the disaster known as the 2021 lockdowns.

In every case we could have looked at an evidence base at that time and said, "There is a contrary argument here in policymaking." For a range of weird, scattered policy considerations—be it the sort of kneejerk personal emotional consideration, like Mike Baird sitting on the couch with his daughters and promising to close down greyhound racing, or the strange pork-barrelling electoral considerations that the National Party gets up to—each of the areas of failure could have been predicted off the evidence base. When we look back on the failures, the evidence base stands out and it was ignored. In many respects, the statement of public interest is to save the Government from itself. I welcome the Leader of the Government's statement that this would be handy at the Cabinet to bring some rationality and evidence to the table. I spoke to a Minister—I will not say who it was—a little while ago about what those Cabinet discussions are like. They likened them to *One Flew Over the Cuckoo's Nest*, in effect.

The Hon. Damien Tudehope: I'm Jack Nicholson, mate.

The Hon. John Graham: As any finance Minister should be.

The Hon. MARK LATHAM: We love R. P. McMurphy, and there he sits, the only sane man in the asylum. Of course, we will not refer to Nurse Ratched, who is sometimes available. We will go through other characters—who is the big Indian, Chief? He got out of there, so he had some sanity as well. The serious point is that each of those policy failures could have been predicted if the Government had attended to the evidence base. Unfortunately, having had a couple of iterations of parliamentary life, I must say it is a feature now—probably a product of social media—that everyone is a generalist. We do not find the specialists in public policy areas that we might have had 20 or 30 years ago, which is a regrettable aspect of our faster moving, comment-on-everything state of affairs. I can do both, of course—research plus comment on everything. That is a skill that only a few master. I will pass that on to anyone who wants to come to my training seminars, which will be very different to those that Ministers are enduring.

The point is that this amendment is a very useful reform. The statement of public interest will require the Government to attend much more to the evidence base and a more considered process. For major contentious areas, I wish we would do white and green papers reform, which has fallen away. It used to be a defining feature of good public policymaking in State and Federal governments. It has all but disappeared—again, a product of faster pace and the constant cycle of polling, reaction, commentary and on we go. In many respects, our parliaments are not as strong as their predecessors. The Leader of the Opposition is right in moving this amendment to bring us back to some of the fundamentals of better policymaking. It is certainly an appropriate role for this Chamber. If we do not do it here, it will not be done in the other place. It is a proper role for an upper House in a more considered reviewing Chamber to look at the statement of public interest, insist on it and make better policy for the people of New South Wales accordingly.

The Hon. JOHN GRAHAM (15:33): I support the amendments and I thank their proponents, including Percy Allan. I am glad that the Leader of the Opposition is moving the amendments. The statement of public interest will be a real addition to the options that the Chamber has when it deals with these issues. I also welcome the comments of the Leader of the Government. The approach taken is very helpful, and I agree entirely with it. For good Ministers, the statement of public interest will be a help. Good proposals around the Cabinet table or in legislation will meet the test, and it should be done explicitly by the agencies. For good Ministers, this will be a useful help or lever.

For this Chamber, it should also be a red flag. If the statement is not there and these principles are not satisfied, if an agency cannot say that they meet the test, that should be a red flag and these amendments will give us the power to deal with that matter. It is a power the House can use when it chooses. There will be a point down the track where the House chooses to assert the principle that we are not happy with an agency's approach to an issue. We should choose to use that power wisely, but there will be a time when legislation is rushed through and we should be asserting the power to say, "This legislation is not ready. It should be dealt with with scepticism or referred to a committee," and this amendment will give us the power to do that. I am glad that we are moving the amendments, and I look forward to seeing how they evolve.

The Hon. PENNY SHARPE (15:35): In reply: I make one final comment to thank Government members for working through this matter and for their comments. The whole point is that we want to encourage public servants, Ministers and others who are seeking to drive change and campaigning for their proposed changes within the Parliament to become bills for consideration before the Parliament. If they know that this is the road map and these are the questions that they need to answer to get their issue on the table, I think that is a very good thing. This whole idea is really what the Leader of the Government said—and I welcome his comments—which is that Ministers should not be bringing submissions to Cabinet when they cannot answer these questions. The truth is we have had a lot of bills pass through this place that could not answer these questions. Hopefully that is not going to happen very often.

The CHAIR (The Hon. Wes Fang): The Hon. Penny Sharpe has moved amendments to proposed new Standing Order 136A and Standing Order 137. The question is that the amendments be agreed to.

Amendments agreed to.

The Hon. MARK BANASIAK (15:37): I move:

That proposed Standing Order 233 regarding government responses be amended by:

- (a) in paragraph (1), omitting "six months" and inserting instead "three months"; and
- (b) in paragraph (5), omitting "six month deadline" and inserting instead "three month deadline".

I will not talk too much on this point; it is self-explanatory. It is no State secret that we do a few inquiries through the upper House, and reporting back to the House and doing committee report debates on a Tuesday night has become problematic. It has been a problem since the reign of former President Ajaka, and it was never really resolved after he left this place. This amendment may go some way in alleviating that congestion on Tuesdays in terms of committee reports. I do not think it is too radical. We need to acknowledge that in every inquiry and on every committee, there are government members; in every inquiry, largely, a government makes a response or submission. There is already a government opinion being formed or that has been formed. There is ample time throughout an inquiry for the Government to be taking note of what is happening in the inquiry and whether it is changing its position or formulating how it may respond to what comes before the inquiry. I see this as a very sensible amendment to speed up the process, manage the congestion with committee reports and make the take-note debate of committee reports on a Tuesday a lot more relevant. This Tuesday I was debating a circus inquiry that happened in 2019. The relevance is just not there. I commend the amendment to the Committee.

The Hon. PENNY SHARPE (15:39): Labor supports the amendment. However, I flag two issues. First, the committee system that we have is very good. It provides a very good opportunity for the community, members

of Parliament and the Government to work through very difficult issues that we are tackling in this State. However, whether the Government has three months or six months to respond can be debated either way. The most important thing is that the government of the day takes seriously the work of this Chamber, addresses it properly, addresses the recommendations that committees make and makes clear what action it will take as a result of committees' findings. There have been too many bad responses from the Government, where everything is noted and put into support in principle, and it is lucky if there is any advance at all. Labor supports this amendment because it wants to try out the three-month deadline to see how it works.

Second, the other issue about the three-month deadline, which was seen with the kangaroo inquiry, is the Government signing off on Commonwealth and State agreements, for example, before it has responded to a committee report. The Opposition is very interested in making sure that the Government takes these reports seriously and does not just ignore them because it has another deadline for signing off on a Commonwealth-State agreement. The Opposition sees this amendment as an important trial, which members will get to revisit in six months. Labor members support the amendment, but for us it is just a trial. The real test will be whether the Government responds seriously to all the effort that the community puts into giving us their views and sharing the changes that they want. To implement often cross-party agreements on difficult issues is the real test, not a three- or six-month deadline for a Government response.

Ms ABIGAIL BOYD (15:41): I thank the Hon. Mark Banasiak for proposing the amendment, which The Greens support. I support the comments of the Hon. Penny Sharpe. Often these rules are looked at on face value without an understanding of how they work. All the work that committee members do—not just the time spent reading submissions, getting to grips with often quite complex issues, asking questions, attending hearings, going on site visits, considering draft reports and negotiating amendments—is replicated, I do not know by how much but a lot, by the people working alongside the committees. They bring their expertise and get to grips with the subject matter to condense everything that has been learnt into a report, in which they intelligently and diligently set out the arguments that have been made by the witnesses. Most witnesses, unless they are a government department official or part of a large organisation, tend to put their heart and soul into their submissions. When they appear before a committee, often they have taken time off work, are quite nervous and have done a lot of preparation.

In the time it takes for a committee inquiry to run its course—from the moment it is set up to the moment it is finalised and a report is published—a significant body of work has gone on. Coming back to where I started, if someone looked at this standing order and saw that the Government had six months to respond to a committee report, they might expect the Government to show a similarly stringent level of diligence in its response. If a committee recommends that the Government undertakes a particular action, it should expect that the Government would cost that action and diligently work out exactly what the recommendation would mean, if it were to implement it, before it responds.

However, that is not what happens. In many cases there is a level of disdain in Government responses, such as the responses to quite a few of the transport committee inquiry reports, and an assumption that everything that has been recommended is a political dig. I understand that at times the Government—particularly in situations where there is a dissenting statement from Government members—may think validly that committee recommendations are more political or ideological than constructive. But, in my experience, there is always at least one recommendation that is of a non-partisan, non-ideological nature that I would expect the Government to respond to diligently.

A number of inquiry reports from committees with Government members that this House has conducted over the past three years have been unanimous. I think of the coal ash inquiry, where members came together, spent time grappling with a complex set of information and went on a journey from having a certain view to changing to another view. For the Government not to respond with the same level of diligence is insulting. I agree with the Hon. Penny Sharpe as to whether it is three months or six months, what really matters is that the reporting process gets the respect that it deserves. The Greens support the amendment.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (15:46): The Government will not oppose the amendment.

The CHAIR (The Hon. Wes Fang): I apologise that I did not offer the Hon. Mark Banasiak a right of reply, but there were no further speakers. The Hon. Mark Banasiak has moved an amendment to proposed new Standing Order 233. The question is that the amendment be agreed to.

Amendment agreed to.

The Hon. DAMIEN TUDEHOPE (Minister for Finance, and Minister for Employee Relations) (15:48): I thank the members for participating in the debate today. I thank the Hon. Penny Sharpe, Ms Abigail

Boyd, the Hon. Mark Banasiak and the Hon. Mark Latham for their contributions to debate on the amendments to the proposed new standing orders. I also acknowledge the Government's contribution. The amendment of standing orders does not occur all that often. In fact, I think it has occurred four times since their introduction—it is a constitutional basis on which the standing orders are set up—and I think the last time was in 2003. The process for amending the standing orders, in many respects, is historic because the Procedure Committee has to sit down and spend many hours going through each of the standing orders for the purpose of identifying those that are dormant, those that need some refinement, those that are out of date and those that are controversial, and then identifying possibilities for their reform.

I use this opportunity to thank Susan Want, Director – Procedure, for the work that she has done in assisting the committee in making a proper agenda and providing options to members of this place for the purpose of considering the things that may require some amendment. Sometimes they might appear trivial, but in the body of a final document which we can all agree on, that process is enormously important. With the indulgence of the House, I will go through where we have got to and how we have got to the position we have with these standing orders, just to include it in *Hansard* so that when people come to read this in the future they acknowledge these standing orders were in one place and how they got to the position where they are today. The process of reform was initiated in 2021. There was a process of referral by the House and a subcommittee was formed, which met five times thereafter. The full Procedure Committee then met on 28 March for the purpose of assessing the draft and, as a result of that, the report was tabled, I think, nearly two weeks ago.

Appendix 2 to this great document, which comprises the new standing orders of this place when adopted by a vote of this House, contains the new sessional orders to be trialled and notice was given to the House to adopt the report. The goals of the review were to consolidate recent reforms, enhance the role of the Legislative Council as a house of review, and enhance the role of private members—of which there are probably too many—in making a contribution to this House. Often standing orders, when they were originally introduced, contemplated a government and an opposition, but as the House has developed, and the culture and character of the House has developed, proper consideration needs to be made with respect to the rights and entitlements of private members and crossbench members of this House. Each one of us is a private member in our own right and the rights of us as individuals and private members in respect of those things that we want to do in this place also have to be the subject of review and be given the opportunity of being modernised and made more efficient.

Where did the changes come from? As I indicated earlier, the last amendment to the standing orders was in 2003. There were some innovations in 2019, which generally I was not too fond of. Suggestions were made to the committee, and certainly those suggestions were guided by the director of procedure. Then, of course, there was debate within the committee. Turning to the substance of the new standing orders, I will start by dealing with private members' business. The whips' meeting now becomes the Business Committee, and what was colloquially known as the "chook raffle" is consigned to history. The Business Committee can schedule committee debates.

Short form format will now become the default and members will need to move to consider motions in a longer form rather than move to consider in a short form, which is a sensible amendment, as everyone in this place would agree. Also, a Parliamentary Secretary can now make members' statements, which is only right. In respect of legislation, the Selection of Bills Committee becomes a standing order. Bills referred become automatically restored to the *Notice Paper*. Isn't that a good idea, having bills automatically restored to the *Notice Paper*? Where is Daniel Mookhey when I need him?

The Hon. Penny Sharpe: In the library.

The Hon. DAMIEN TUDEHOPE: Yes, he would be. Redrafting of bills, standing orders to streamline—no impact on current practice; cut-off dates become a standing order; and formalising Committee of the Whole remains the current process.

The election of the President, as everyone would be aware, has constituted some concerns in this House. I note the President is here; he would have fond memories of those days when we had some discussion in relation to how a President is elected, but the clarification arising from those times needed amendment. The two important components of the election of a President will be that there must be a majority of members present, and there is a process when that does not produce a result. Minor drafting amendments were made in relation to the process of electing a Deputy President. Also, the position of Assistant President becomes a matter of standing order.

Questions are always a problem. I note the abuse of question time by those opposite in the manner in which they have persecuted Ministers in relation to questions. So that we have clarity about the extent to which that persecution can continue, direct relevance is retained, unfortunately, including for committees, which is an amendment. Parliamentary Secretaries can now ask questions and second supplementary questions must be—and I know that the crossbench will be particularly impressed by this—from a crossbench member. They cannot be from the same party that already asked—

The Hon. Mark Latham: Does that mean Walt is joining us?

The Hon. DAMIEN TUDEHOPE: It may well.

The Hon. Penny Sharpe: Never.

The Hon. DAMIEN TUDEHOPE: I have noticed some of his comments in relation to the policing portfolio. He may join you. In respect of supplementary questions, replies will be in 15 business days instead of 21 days, and there is no prohibition of questions about policy statements. I did not see that.

The Hon. Adam Searle: Got one past you.

The Hon. DAMIEN TUDEHOPE: You did. I am reading this now and thinking, "Who agreed to this?"

The Hon. Adam Searle: That is why you have to go to every subcommittee meeting.

The Hon. DAMIEN TUDEHOPE: That is why I send Sam. In respect of opening and protocol issues, the acknowledgement of country has now been put into the standing orders, and the process of the opening of Parliament in 2011, 2015 and 2019 was formalised into a standing order. References, interestingly enough, to "Her Majesty" are changed to "the Sovereign" and the standing order will probably not require amendment if there is a succession going forward.

The Hon. Penny Sharpe: Except when we become a republic.

The Hon. DAMIEN TUDEHOPE: Yes. Notices of motions must have certified translation if they are not in English. Turning to committees, Parliamentary Secretaries remain able to sit as a chair; committee debates are scheduled by the Business Committee; a change is made to participating members' right to committee documentation; there are minor amendments to clarify that select committees can make interim reports and committees can sit during a long bell; and there is an expansion of Procedure Committee membership. In terms of the general provisions that have been amended, postponements have been made easier. A member can advise of a postponement in writing before the sitting rather than during formal business. Co-sponsorship of motions and bills will be permitted. Simplified processes for extending debates have been adopted, and there is the option to consider messages from the Legislative Assembly immediately.

Earlier I identified that part of this process was to get rid of deadwood. One item of deadwood that was identified is Standing Order 93, which recently I relied upon because I needed time to invite the Clerk to read the question. Unfortunately, that will not be available to me in future. Other such items were Standing Order 59 in relation to the printing of documents; Standing Order 78 (2) and (3) governing when disallowances proceed; Standing Order 216 on reporting non-attendance in committees; and Standing Order 223 (3) regarding charging the public for copies of transcripts. I have a note before me that Standing Order 117 remains. It escapes me what that relates to.

There was no consensus in relation Standing Order 52. That has now been referred to a special committee, which will report back in October. Hopefully some further headway can be made with the various issues that relate to that standing order. Finally, the issue of the privilege attaching to personal information and the definition of privilege also remains in contention. The Government has a view and I know the Opposition has a view in relation to whether it should be widened, whether we should retain the existing tests, or whether we should perhaps strengthen the test. That is up for further consideration.

What are the next steps? Today we have considered the motion to adopt the new standing orders for a six-month trial. If passed, all standing orders will be suspended, except sessional orders in relation to COVID, e-petitions and committee orders for papers. In October the Procedure Committee will review the trial and recommend any modifications to be made, which will occur at the same time as the Standing Order 52 committee reports back. Hopefully, as a result of that process, the draft or temporary standing orders that have been trialled will be adopted by the House on 17 November. I have neglected to address the most important change to the standing orders to be adopted by the Committee, which is that the hard deadline for adjournment of the House will, from the time of the adoption of these standing orders, become 10.00 p.m. I recommend and commend the review of the standing and sessional orders to the Committee.

The Hon. PENNY SHARPE (16:03): I think that members thought this would be a shorter debate. Who knew that we are all standing order nerds? It is right that we are. I will make a couple of comments because the Hon. Adam Searle took this through the subcommittee process on behalf of the Opposition and will discuss it. I thank him for doing that work. It was a lot of work. The fact that we have so much consensus on the motion before the Chamber today is quite a testament to everyone who has done a lot of work.

I make two comments. The rules of this House, while arcane to most people outside this building, are essentially the formal rules we have set ourselves to manage conflict, reach consensus, deliver democracy and try

to fix the wicked problems of this State. Democracy is hard. It is time-consuming. We need rules to manage the conflict—and there is significant conflict, because we are very passionate about issues. These rules are important. I note that what we have arrived at today is a much more radical change than members perhaps realise. Legislative Councils are not known for their brisk pace of change. In fact, a glacial pace of change is probably better understood.

However, through consensus and the fact that the Executive Government does not have the numbers in this Chamber, there has been a radical change in policy and practice, and members on this side of the Chamber believe it has been for the better. We have a more transparent and open process. We have more clarity in relation to the accountability of the Executive. Every member of this place has used that process judiciously, carefully and with responsibility. It is a real credit to members who disagree on almost everything that they have come together to agree on a set of rules on how we manage that conflict.

I thank Susan Want, the Procedure team and the Clerks. They could be hosting the parliamentary study group on procedure for the next decade off the back of these reforms. Usually one change would be the subject of a whole session at their conferences. It has been a great pace of change in a very dynamic environment, which sometimes has not always been friendly. However, I pay tribute to their careful work, the way they have thought through unintended consequences and their passion. It has delivered a set of rules that make our democracy work. That is what they have done, and I thank them particularly for that. A huge amount of their work has gone into these changes.

I also thank the crossbench. Labor seeks to be in government next year, sitting on the benches on the other side of the Chamber, and we will be living through the rules that we have adopted today. But the reality is that the change has come about because the Government has not had the numbers and we have been able to work with a range of different parties to deliver this outcome. I thank them for that. Today my final whinge relates to Standing Order 117. Unfortunately, the retention of that standing order means that we still have to put a ridiculous piece of paper over our head in the middle of a division because some members are too nostalgic. I think it is a joke. I will not argue it on this occasion, but I note for the record that this private member thinks it is ridiculous. I commend the reforms to the Committee.

The Hon. ADAM SEARLE (16:06): I thank all honourable members who participated in this arcane but important process of overhauling the standing orders. As the Leader of the Government said, it has been done only four times, and not for two decades. Of course, the House's power does not come from this document but from the common law. However, the standing orders regulate the way in which we discharge those powers. They do not define the boundaries of our powers but they reflect where we see our powers as being.

It is important for any institution to periodically review its rules of engagement. The real impetus for this came post the 2019 election, with the changed constellation of numbers and balance of power in this Chamber. In the wake of the re-election of the Coalition Government, the non-Government parties that had not really been able to get a look in for some years, whether in this Chamber or the other place, tried to imagine ways in which the House could work better. I pay tribute to the Hon. Robert Borsak and the departed Mr David Shoebridge. One day they came into my office and we cast around as to how we could improve things. That was really the nucleus.

Obviously all the parties outside the Government had their own views and thoughts. The Labor caucus, which at that time I led, had views that it wanted to pursue, but all of the non-Government parties came together and put in place a series of sessional orders to change the way in which we work. We revamped question time, bringing in direct relevance, second supplementary questions and written supplementary questions for overnight answer. We brought in the rule that any member of this House not only had an unlimited number of questions they could put on notice but did not have to wait for a sitting day; they could do it on any business day.

There was the take-note debate and I know members have mixed views about that. Maybe it happens too often. As with any innovation, it will reach its own rhythm. It is an important matter which, together with private members' statements and a more systematic approach to private members' business, will really enhance the opportunities for members of this House to contribute to debate on public issues and have more speaking roles in the Chamber, ultimately to hold the Executive to account. That is the reason for the upper House. If it were just a rubber stamp for the government of the day, there would be no point having it. Those innovations were put in place and the government of the day was reluctant about that. It has no doubt caused the government of the day some grief, which is not its purpose. However, it might reflect that those rules are doing the job of holding the Government to account.

Other innovations have been mentioned and I will come to those in a moment. Sessional orders only last for the session. If the Parliament is prorogued or when the Parliament is dissolved, all of these arrangements will go unless they are embedded in the standing orders. That is the nucleus for the review. Obviously there was the subcommittee, which I was Labor's representative on, and it diligently went through and identified the rules that

were redundant and recommended getting rid of them. It reformed a whole bunch more—modernised and updated the language, and made them fit-for-purpose—and then embedded those innovations into the standing orders.

I will speak about a couple of those innovations. The Selection of Bills Committee has already been mentioned. When one considers the so-called Percy Allan reforms, which the Hon. Mark Latham brought to the attention of the House, one sees that a number of the objectives of Mr Allan and his co-workers in that space have been adopted and implemented by the Selection of Bills Committee. The idea of a committee that is reflective of the whole House systematically looking at the bills coming before the Chamber and having a view about whether they should be farmed out to a committee for inquiry and report or not—

The Hon. Mick Veitch: A recommendation of the committee on committees.

The Hon. ADAM SEARLE: I acknowledge that because there were inter-committees, which the Hon. Mick Veitch ably served on, and that was one of the recommendations. That is another example of the committee system of this House working. One of the innovations was to overhaul our committee system. We have a Public Accountability Committee and a Public Works Committee, as well as the Selection of Bills Committee. It is important that the Selection of Bills Committee is now embedded into the fabric of the operation of this Chamber as well as its counterpart, the private members' business committee. That is important because of what used to be known as the "chook raffle".

When I first came to the Chamber, private members' business on a Thursday went for two to two and a half hours. It was on the *Notice Paper* in the order in which notice had been given. There was a mad scramble every Thursday morning when the Opposition and various crossbench parties tried to prioritise issues, bills and motions that reflected their political agenda or public affairs. They tried to change the order on the *Notice Paper* to bring to the floor the matters that they wished to discuss. It was a hit-and-miss process and it was a messy process. Ultimately the Government won because no-one got much air play or opportunity to discuss in this place the matters that were important to them. It was still only 2½ hours. All of that energy and time went into this mad conflict for very little purpose. Now there is a systematic approach through the informal Whips committee, which meets on a Tuesday afternoon to determine the order of business for private members' day in a collegiate manner.

I now come to the length of private members' day. After such a long drought of the non-government parties being unable to get matters they wished to have discussed on the floor, members made up for lost time. The short form format—or the short format, as I prefer to call it—was another innovation designed to have greater throughput by members of those issues. The House sat until midnight and put in place the hard adjournment, which at the time was an innovation in terms of restraining the House because it could sit for much longer.

The Hon. Mick Veitch: Which it used to.

The Hon. ADAM SEARLE: Yes, which it used to. Members who have been here as long as I have or longer will remember sitting till 1.00 a.m., 2.00 a.m., 3.00 a.m. or even dawn on some matters, not only on the electricity road map legislation. That used to be more frequent. Members did not get a fair shake. Because that had been going on for so long, the non-government parties squeezed as hard as they could to get more calls for papers and committees established, move other motions and matters they wished to discuss, and the House sat till midnight every week. Of course, that wears people out, not just us but our staff and the staff of the Parliament.

We have now sensibly reached the conclusion that the hard adjournment should be 10.00 p.m. That may mean an adjustment by the non-government parties as to how recoup the lost two hours on a Wednesday. That is a matter for reflection. But the point is that that is good work health and safety practice. It is good to retain the Selection of Bills Committee and it is good that there is now a private members' business committee to look at private members' day, formalise the Whips meeting and take a systematic approach to committee reports, which is still reflective of the old way of doing things, although we have started prioritising matters of interest to members.

The Hon. Courtney Houssos will speak in the debate, but I reflect on her contribution. She has made a contribution to the new standing orders, which were originally sessional orders, involving parents with young children being able to attend the House while they have a young child in their care, including during divisions as well as when speaking. Parents with children were effectively excluded because the children were strangers in the House. At the time it was discussed it was a controversial matter, as the Hon. Courtney Houssos will no doubt outline. But it was a testament to her true grit, our resolution as a progressive party and the willingness of this place to embrace change and reform that it was put into the sessional orders. It will be put into the standing orders. All of those changes are good.

The Leader of the Government has reflected on the controversy over the election of the current President and the dispute in this House over the meaning of Standing Order 13. It is good that through this process we have made sure that the standing orders adhere to the House's expressed understanding of the will of the standing orders.

It also revealed something else. This House, for good historical reasons, never used to meet without the presence of a Minister. That has also been changed by sessional order and now by standing order because of the abuse of that provision by the Government on an occasion where the House recalled itself and the Government made sure the House could not meet during the controversy over the presidency by the absence of a Minister.

The House took the sensible approach of saying, "We can meet without a Minister, but we won't discuss government business so the Government won't be ambushed." There was a historical example when the House was recalled and the President departed the Chamber on a long bell because the non-government parties were about to ambush the Government on government business at a time that it did not wish to proceed. The Hon. Mick Veitch was here then. That historical compromise has been reflected in the new standing order. That is very important.

We have also modernised the mechanism for recalling the Parliament. We have enabled leaders or deputy leaders of parties to sign on behalf of their members and each party must have a designated person to do so. Instead of needing 21 signatures, a much smaller handful of signatures are needed. Why is that important? During the pandemic there were restrictions on movement and people's ability to meet. That modernised mechanism to recall the Parliament was put into place and has now been formalised. Those good changes have modernised and updated the procedures of the House. Working through the subcommittee process essentially sifted out those controversial matters. I reflect on the willingness of the Government to embrace these changes, although it resisted them initially.

I will conclude with one last matter, which is Standing Order 52. It is possible that I have moved more Standing Order 52 motions than any other member, until at least a year ago. The point is that that important power in this House was actually brought about by the Coalition to try to hold the former Labor Government to account. When documents were not produced, then Leader of the Government the Hon. Michael Egan was suspended from the service of the House. The matter went to the Court of Appeal in this State and then it went all the way to the High Court. The matter revealed that the common law power of the House to call for State papers existed and was a strong and powerful tool for holding the Executive to account. Of course, this House has pursued that with relish. In response, the Government has resisted those calls by claiming privilege, which is an alarming practice.

The boundaries of privilege that are claimable by the Government in this process are quite clear. *Egan v Chadwick* made it very clear that it does not involve the various forms of privilege that one finds in inter-parties litigation, it does not involve legal professional privilege and it certainly does not involve claims of privacy, which is not a claim of privilege known to law. Despite successive rulings by arbiters and successive decisions of this Chamber in upholding arbiters' evaluations, the Government has continued to make claims of privilege—probably as a delaying tactic because it cannot deny the House the papers, but it can slow down the process. Often there are very poorly articulated claims of privilege and, again, time after number claims of privilege are made that are not known to law and that simply do not exist. The arbitral process has been in danger of being overwhelmed.

In the *Review of the Standing and Sessional Orders* members will see that a couple of pages discuss two possible changes, and one deals with private information. Successive arbiters have ruled that there is no dispute that documents or parts of documents that reveal a person's telephone number, address or personal or private material do not need to be published and that government departments should provide redacted versions. The full version can go to members; the redacted version can be made public. Again, that delay tactic has been used by the Government. Various options for reform have been canvassed and put to the subcommittee, but there was no agreement by the Government, so the matter remains unresolved.

In this Committee process I am hopeful that there will be a landing about how to sensibly and automatically deal with private material in a way that does not hold up the material from being publicly used and so that members who call for those papers and other interested members can take those documents away from this place and talk to experts and stakeholders and ensure they can properly understand the information, and then use that information in the marketplace of public debate around current issues, around government policy, or as part and parcel of holding the Executive to account. It is not about a gotcha moment or a smoking gun; sometimes one needs unrestricted access to those documents to do the work of a member of Parliament.

The second issue is about claims of privilege. I proposed a clarification in the standing order about what claim of privilege is recognised by the House, which can be found on page 21 of the document. In my view it is quite clear from successive decisions of arbiters and of this House that there is only one claim of privilege that exists between the House and the Executive, and that is essentially a species of public interest immunity. It reads:

- (a) unrestricted access to the document or portions of the document so identified is likely to:
 - (a) injure the public interest in some specific and material way, or
 - (b) do overriding harm to the proper functioning of the executive government and the public service, or

- (b) it is otherwise necessary in the public interest for the document or portions of the document so identified to not be publicly disclosed.

Those are not my views, although they do conform with my views; they are the views of the arbiter in the WestConnex arbiter's report on pages 10 and 11 and, of course, they flow straight from *Egan v Chadwick*. It may be approaching the time when the House must tighten the wording of Standing Order 52—not to change its parameters, because that is not where its powers come from, but to make it clear to the Executive what it will and will not recognise in order to help the Executive be a better partner in those discussions. Again, there was no consensus on that in the subcommittee, and that matter will be discussed in the Committee process. I hope we can reach an uncontroversial landing on that in which all parties can be in agreement because that is an important part of the functioning of the House. It is inconvenient for the Government, but it should not continue to be a matter of controversy like this.

There are other matters that are not in the standing orders that members must still resolve, such as electronic returns, so that members who are looking at privileged materials can do so through a secure portal, whether they are in their office or at home. In the modern era, when we have had the pandemic and various lockdowns, we have learned that we need to work differently. If multinational corporations can conduct multibillion-dollar transactions via such secure portals, how can this House not conduct its privileged business using modern technological platforms? As quaint as it is, we are overburdening the Clerk's office with boxes and boxes of material, and members—some of whom, like me, do not live in Sydney—have to make special journeys in office hours to review that material, sometimes for hours on end. There must be a technological solution to assist members to work in a much better way. That is not in the standing orders—it is a little bit off topic—but it is another matter that we must work towards resolving. With that somewhat lengthier contribution than I intended on providing, I commend these enhanced standing orders to the Committee and I signal my continued interest in working towards making them even better.

[*Business interrupted.*]

Visitors

VISITORS

The DEPUTY PRESIDENT (The Hon. Wes Fang): I acknowledge in the President's gallery Vanessa Keenan, who is well known to Opposition members. Vanessa is a former councillor with Wagga Wagga City Council and a member of the Labor Party who is working with the Hon. Peter Primrose. I welcome her and acknowledge her presence in the gallery.

Standing Orders

STANDING ORDERS

In Committee

[*Business resumed.*]

The Hon. COURTNEY HOUSSOS (16:25): I make a brief contribution to debate on the new standing orders. I acknowledge that I have enthusiastically used many of the new changes. I believe they will increase the transparency that is required from the Executive Government, and that is a really important step forward for this place, which has made some dramatic changes in this term of Parliament. I am very excited to see that they will become part of the standing orders going forward. I will talk specifically about the changes to allow young children to come into the Chamber. I thank the Hon. Adam Searle for his acknowledgement of my role in that. I am sure I have bored members on the topic, but those changes are really important. In 2015, under the previous standing orders, young children were only allowed in the Chamber to be breastfed.

Members know, particularly as workplaces move forward, that caring responsibilities do not end for mothers when they stop breastfeeding their children; they continue for much longer. I thought it was much more reasonable for us to allow parents or carers to bring their children into the Chamber with them if they needed to until the age of four. I have used those provisions on a couple of occasions, and I acknowledge some of my colleagues have used them on a couple of occasions. It has not disrupted the running of this place, which was a concern that was raised. It took four years and a Procedure Committee inquiry to introduce, but it was only in those raft of changes in 2019 that members were able to bring their children into this place. I am delighted that it will be enshrined into our standing orders.

Recently, along with my colleagues the Hon. Peter Poulos and Ms Abigail Boyd, I released a report in partnership with the University of New South Wales Pathways to Politics Program for Women. The program is based on the Harvard program and is designed to give women practical skills and training in running for office. The report talked about how we can make our parliaments more family friendly and it cited these particular

changes, which allow young children to be brought into the Chamber, as a model for other parliaments to follow. We were lagging behind the field, especially compared with the rest of society and in New South Wales, but now that we have made those changes and we are enshrining them in the standing orders, we will be an example to other parliaments. As the country's oldest parliamentary Chamber, that is incredibly important because we know that those practical changes mean that parents, particularly women, will consider running for office when they know they can balance their caring and work responsibilities.

These changes are not utilised often, but if child care falls through or if a child is sick, you know that you can bring them to work and continue your job—even if it is only for a couple of hours or an evening. That flexibility sends an important message to the community. Campaigning for our workplace conditions can sometimes feel like a bit of an indulgence. At times, particularly during this campaign, I certainly felt like that. But we are custodians of this place and I firmly believe we have a responsibility to the members who come after us. Making these kinds of changes sends a message, and I say that under the gaze of the newly unveiled bust of the Hon. Virginia Chadwick. We make these kinds of changes standing on the shoulders of the members who came before us. They are deeply significant and we will look back on this process. I look forward to moving the dialogue a little bit further as well. I commend the changes to the Committee.

The Hon. MARK LATHAM (16:29): One Nation supports the changes. We appreciate the work of the wise elders and their good counsel while going through this process. Those who were not part of the committee were fortunate to be guided through these substantial improvements to standing orders. I find this to be a unique Chamber in many respects because while the trenches of party political conflict are not as clearly drawn as you might find in the lower House, where the focus is much more on winning government, this House has an abiding dedication to the best interests of the Chamber as an institution.

The passion and commitment that we heard from the Hon. Adam Searle earlier is evidence of that. I thank the Hon. Robert Borsak and my colleague the Hon. Rod Roberts for their contributions to the committee. There is a good feeling in this Chamber because of the commitment to the wellbeing of the institution as a house of review and its other functions. The ongoing process of improving the standing orders is a reflection of that. It is a good thing and hopefully it continues into the future as we live out these experiences, learn from them and look to establish the best functioning, transparent Chamber we can.

The Hon. MATTHEW MASON-COX (16:31): It is good to be back at the lectern; it has been a little while. I thought it incumbent upon me on this occasion to address the Chamber, particularly as the chair of the Procedure Committee, having overseen the process from those dizzy heights. I will thank a range of people who have been magnificent throughout the process and reflect upon a couple of the comments that have been made. I will not go into the detail of the draft standing orders that will soon be adopted; I leave them for other members and the practice of the House. As the President, I look forward to interpreting the new standing orders as I find them.

I particularly acknowledge the members of the subcommittee. Members would be aware that this process has been ongoing for over a year. It has been an exhaustive process supported by those members and some wonderful people who support the work of the committee. I will come to those people in a moment. I particularly acknowledge the Hon. Adam Searle, whose motion referred the review to the Procedure Committee. He gave a detailed contribution and, as the Hon. Mark Latham said, the passion was clear in his comments. His contribution to the development of the new standing orders has been over the course of a number of years, back to the 2019 post-election flurry of activity when a cross-parliamentary group of members looked at the Legislative Council's powers to ensure its ability to be as responsive as it can be to the people it represents and to make the Executive of the Parliament as accountable as possible. The Hon. Adam Searle was very keen, as was Mr David Shoebridge and the Hon. Robert Borsak.

From there, with the changes to the sessional orders and the testing of them in the House and after a few instances that others have mentioned but that I will not reflect on, like the previous election of the President, we came to a point where we needed to settle all of the different sessional orders and standing orders and reconcile the two for the future. To bring that all together in the form of these new standing orders is a great legacy. It is an historic moment. I cannot help but think that the Hon. Virginia Chadwick, whose bust is looking down on us, would be pleased to see the Legislative Council governed in the future by standing orders that strike at the heart of accountability and transparency and that set this place up to be the most powerful Commonwealth house of review. That is an amazing legacy that members should reflect on. It will echo through the ages and serve the people of New South Wales well in the future.

I acknowledge the members of the subcommittee, the Hon. Robert Borsak, the Hon. Scott Farlow, the Hon. Emma Hurst, the Hon. Trevor Khan, the Hon. Shayne Mallard, the Hon. Rod Roberts, the Hon. Adam Searle and the Hon. Damien Tudehope. I particularly focus on the Hon. Trevor Khan's contribution; he is not here to make a contribution, and I am sure he would. Between the Hon. Trevor Khan and the Hon. Adam Searle there

was quite an ebb and flow in the development of these standing orders, complemented by the other members of the committee and informed by the wonderful work of our procedure Clerks and procedure groups within Parliament House.

I now turn to those wonderful support people. The Clerk gave fantastic support throughout the process. I acknowledge the Deputy Clerk, Steven Reynolds; the Clerk assistants, Beverly Duffy and Stephen Frappell; and the director of the Procedure Office, Susan Want. Susan was probably the engine of the development of the standing orders. The amount of work that went into this process and the level of commitment over months and months, with everything else that goes on in this place, is quite extraordinary. I pay tribute to Susan and her diligence and commitment to the process. It is a wonderful legacy for her and her team. I also acknowledge Alex Steadman; Sharon Ohnesorge; the Usher of the Black Rod, Jenelle Moore; and a couple of members of the procedure team, Monica Loftus and Alison Stowe, who also made significant contributions. There are a few other people in the procedure team and I acknowledge all of them too. Together, as a really strong unit with the leadership of the Clerks, they were able to support the committee through a very exhaustive process.

The new standing orders set the House up for the next 100 years very well. Let us not forget that it was about 20 years ago that the standing orders were last reviewed and that the time before that was in 1896. It happens very rarely, and that is worth reflecting on as well as how important the standing orders are to the machinations of this place. In that context, it is worthwhile mentioning the referral of the Standing Order 52 inquiry. That will be important in order to try to clarify some of the ongoing issues that have come out of the roundtable process, which was overseen by former President Ajaka. I very much look forward to the Procedure Committee inquiry.

I note the opportunity for a practice note under Standing Order 3, which is something that, as President, I am considering in relation to Standing Order 52. That may inform the work of the Procedure Committee inquiry so we can, not only with the standing orders but with the practice of this place, ensure we have the most effective Standing Order 52 process to serve the people of New South Wales. That is what we are in Parliament for. As part of the accountability and transparency mechanisms of this place, Standing Order 52 is a wonderful keeper of the Executive and ensures that the rights and interests of the people of New South Wales are given the utmost protection.

I also mention to members that the next step, after a six-month trial or thereabouts, will be a further review of how these standing orders have worked. There may be a few changes at that time but I hope that we will be able to quickly review those standing orders, affirm them and then present them to the Governor for adoption. On that basis, they will be placed before the next Parliament, whatever persuasion that might be. A very healthy part of this process is that major parties of both persuasions have kept an eye on what this will mean in the future. The process has provided a balance and there has been an excellent working relationship right through the process. In conclusion, I reiterate my appreciation of all the members of the subcommittee, all the members of the Procedure Committee proper and indeed all the unheralded members who contributed to the development of these standing orders over the last number of years as well as the sessional orders that have come into play during that period and that now have finally been combined into a magnificent document that I think will be one of the great legacies of this place.

The CHAIR (The Hon. Wes Fang): The question is that the proposed new standing orders as amended be agreed to.

Proposed new standing orders as amended agreed to.

The Hon. TAYLOR MARTIN: I move:

That the Chair do now leave the chair and report to the House that the Committee has agreed to the proposed new Standing Orders in Appendix 2 of the report of the Procedure Committee entitled, *Review of the Standing and Sessional Orders*, dated March 2022, with amendments.

Motion agreed to.

Adoption of Report

The Hon. TAYLOR MARTIN: I move:

That the report be now adopted.

Motion agreed to.

Adoption of Standing Orders

The Hon. TAYLOR MARTIN: I move:

- (1) That this House adopts the proposed new Standing Orders contained in the report of the Procedure Committee tabled in this House on 31 March 2022, as amended in Committee of the Whole this day, to take effect as sessional orders from Tuesday 7 June 2022, for the remainder of the first session of the Fifty-Seventh Parliament or until otherwise rescinded.
- (2) That all existing standing and sessional orders be suspended from Tuesday 7 June 2022 for the remainder of the first session of the Fifty-Seventh Parliament, with the exception of the following sessional orders:
 - (a) sitting days;
 - (b) sitting calendar 2022;
 - (c) scheduling of Government and general business;
 - (d) time for questions without notice;
 - (e) scheduling and duration of debate on committee reports and Government responses;
 - (f) private members' statements;
 - (g) electronic petitions;
 - (h) conduct of divisions—COVID-19 Pandemic (stand up divisions);
 - (i) remote participation; and
 - (j) order for production of documents by committees.
- (3) That the Clerk be authorised to make:
 - (a) any consequential amendments to the *Notice Paper* for Tuesday 7 June 2022 to reflect the changes made to existing standing orders; and
 - (b) corrections of a clerical, typographical or other minor consequential manner before the newly adopted standing orders are published.

Motion agreed to.

The PRESIDENT: Members may note that copies of the proposed new standing orders will be delivered to each member's office and will be available in the Chamber in due course.

*Committees***JOINT STANDING COMMITTEE ON ROAD SAFETY****Reports**

The Hon. LOU AMATO: I table report No. 2/57 of the Joint Standing Committee on Road Safety entitled *Mobile speed camera enforcement programs in NSW*, dated May 2022. I move:

That the report be printed.

Motion agreed to.

The Hon. LOU AMATO (16:45): I move:

That the House take note of the report.

Debate adjourned.*Bills***ICAC AND OTHER INDEPENDENT COMMISSIONS LEGISLATION AMENDMENT
(INDEPENDENT FUNDING) BILL 2021****Messages**

The PRESIDENT: I report receipt of the following message from the Legislative Assembly:

MR PRESIDENT

The Legislative Assembly informs the Legislative Council that six months having elapsed since the introduction of a Bill with the long title "An Act to make amendments to various Acts to facilitate the administrative and financial independence of certain agencies; and for related purposes", in accordance with standing order 105(3) the order of the day for the bill has lapsed.

Legislative Assembly
19 May 2022

JONATHAN O'DEA
Speaker

*Bills***DISABILITY INCLUSION AMENDMENT BILL 2022****First Reading**

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Taylor Martin, on behalf of the Hon. Natasha Maclaren-Jones.

Second Reading Speech

The Hon. TAYLOR MARTIN (16:46): On behalf of the Hon. Natasha Maclaren-Jones: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Disability Inclusion Amendment Bill 2022, which implements the recommendations made in the report entitled *Statutory Review of the NSW Disability Inclusion Act 2014* and tabled in Parliament on 20 November 2020. The bill will amend the Disability Inclusion Act 2014 to make two key changes. It removes obsolete provisions, following full implementation in New South Wales of the National Disability Insurance Scheme, commonly known as the NDIS, and it ensures the disability inclusion plans of the State and of public authorities are regularly reviewed and remade and are made accessible to people with disability.

When the Disability Inclusion Act was first introduced in 2014, it created a new legislative framework centred on the individual and reflected contemporary thinking about the rights of people with disability. The Act is an important and powerful statement by the New South Wales Government. It affirms the Government's commitment to people with disability. The Act informs and influences all government activity. It covers policy development, program design and delivery, budgeting and performance measurement. Under the Act, the Minister is required to review the Act to determine whether its policy objectives remain valid and whether its terms remain appropriate for securing those objectives. The statutory review was conducted in 2020. It found that two main policy objectives of the Act remain unequivocally valid. Those objectives, as stated in the report on the review, are:

... to acknowledge that people with disability have the same human rights as other members of the community and that the State and the community have a responsibility to facilitate the exercise of those rights.

...

to promote the independence and social and economic inclusion of people with disability.

The statutory review found that the provisions of the Act that apply to these two policy objectives are appropriate and relevant and should remain. Some minor amendments, drawn from the experience of implementing the Act, are recommended in the report. I will address these changes later. The Act promotes the inclusion and participation of people with disability in the community in a number of ways. First, it requires the development of an overarching State disability inclusion plan for the whole of government. This plan is the New South Wales Government's commitment to identifying and breaking down the barriers which prevent those with disability from enjoying the same opportunities and choices as everyone else. The State plan covers four focus areas aimed at creating long-term change. These are as follows: developing positive community attitudes and behaviour; creating liveable communities; supporting access to meaningful employment; and improving access to mainstream services through better systems and processes. The State plans are reviewed every four years.

Secondly, the Act also requires government bodies and local councils, in particular, to prepare and implement their own disability inclusion action plans. These plans set out goals and measures to support and implement the full participation of people with disability in the community and to improve their access to mainstream supports and services. These plans are also reviewed every four years. Finally, the Act provides for the establishment of the Disability Council NSW to independently advise the Minister on matters affecting people with disability, their families and carers. The third policy objective commits the New South Wales Government to delivering and funding services and supports during the transition period to the National Disability Insurance Scheme, the NDIS, and beyond. In contrast to the first two policy objectives, the statutory review found that the third and final policy objective of the Act is largely, but not completely, redundant.

When the Act commenced in December 2014 the NDIS was being developed but had not yet been implemented. Transitional arrangements were therefore included in the Act to remain in place until full implementation of the NDIS across New South Wales. These transitional arrangements in the Act included New South Wales regulating specialist disability supports and services and funding to people with disability in the State. They also included introducing better quality standards and safeguards for the disability sector in the Act until the changeover to the NDIS. As a condition of State funding and delivery of disability services and supports, the Act therefore included requirements for agencies and organisations to comply with disability

standards and ensure probity checks to screen the suitability of New South Wales workers who provided supports and services directly to people with disability.

Since 2014 New South Wales' historical responsibility to deliver supports and services to people with disability has been gradually taken over by the Commonwealth through the implementation of the NDIS. On 1 July 2018 the NDIS was rolled out in full across New South Wales, providing individualised supports and services to people with disability. It is underpinned by a new system of quality and safeguards overseen by the NDIS Quality and Safeguards Commission. From 1 February 2021 the requirements for NDIS worker screening checks have been set by the NDIS Quality and Safeguards Commission rather than by New South Wales. In short, the provisions of the Act covering the transition period from New South Wales government control of disability supports and services provision to the NDIS control of disability supports and services provision are now largely inoperative and most should be removed.

Nevertheless, the New South Wales Government still has a role in this sector. Despite full transition to the NDIS, the New South Wales Government continues to have an important role in supporting disability service provision through the funding and governance of the NDIS, along with other States and Territories. It also continues to provide services to people with disability as users of mainstream services in the community, including education, transport and health services in New South Wales. On the basis of the statutory review findings, the report made six recommendations for changes to the Act, which are addressed in the bill.

I now turn to the details of the bill. The bill seeks to make two substantive changes to the Disability Inclusion Act. The first substantive change is that the bill requires the State Disability Inclusion Plan and disability inclusion action plans to be remade every four years. The Disability Inclusion Act currently requires these plans to be reviewed and reported on every four years, but there is no explicit requirement to renew the plans each period. During consultation, stakeholders expressed the view that renewal of the State Disability Inclusion Plan and disability inclusion action plans will enhance ongoing inclusion for people with disability.

Proposed amendments to section 11 of the Act will require the Department of Communities and Justice to take into account any recommendations in the report on the outcome of the four-yearly review of the State Disability Inclusion Plan, which is tabled in Parliament, and to remake the plan, with or without variations, within 12 months of the tabling. In a similar manner, proposed amendments to section 14 of the Act will require public authorities, including government departments and local councils, to take into account any recommendations made in the four-yearly review of their disability inclusion action plans, and to remake them, with or without variations, within 12 months of the review being completed.

The second substantive change to the Act is that the plans are not only publicly available, but all future remade plans must also be available in one or more formats accessible to people with disability. That requirement is substantially found in proposed amendments to sections 10 and 12. The bill also gives local councils another 17 months to review the disability inclusion action plans that they made in 2017. This 17-month extension is effected by a transitional provision that enables local councils to review any plans made in 2017 before the end of 30 November 2022. This extension is due to two unforeseen significant events. The first event is that local council elections were postponed by one year because of COVID-19 public health concerns. The second event, soon afterwards, is the recent serious flooding of many local council areas within New South Wales.

I now turn to the provisions in the bill which repeal parts of the Act that are no longer relevant or operational in New South Wales following the NDIS transition. Schedule 2.1 to the bill repeals the NSW Ombudsman's function to review the deaths of people with disability. Full implementation of the NDIS in New South Wales since mid-2018 has resulted in both disability funding and service delivery transitioning from the State to the Commonwealth. This function of the Ombudsman was largely terminated by the full implementation of the NDIS because New South Wales no longer directly funds or provides disability services and supports. The legislation needs to be updated to reflect these changed roles and responsibilities. The NDIS Quality and Safeguards Commission now oversees the deaths of people with disability in connection with the provision of NDIS supports or services. Under Schedule 2.3, the bill also confirms that the jurisdiction of the Coroners Court to hold inquests into the deaths of people with disability is retained after full implementation of the NDIS in New South Wales.

Schedule 2.7 to the bill repeals the Ombudsman's oversight of reportable incidents in supported group accommodation as it is now obsolete. Providers of such accommodation are now funded by the NDIS, and the NDIS Quality and Safeguards Commission oversees reportable incidents involving NDIS supports and services. Schedule 2 to the bill also sets out other consequential amendments to other legislation. These include ensuring that any defined terms in the repealed parts of the Act which are also used in other legislation are relocated to that other legislation and updated as required, and that any cross-references are amended to refer to that other legislation. Parts 4 and 5 of the Act, relating to services standards and the powers around provisions of disability supports and services, were created as transitional provisions only. They were intended to be obsolete on full implementation of the NDIS in New South Wales, which has since occurred.

Schedule 1 [13] to the bill omits parts 4 and 5 from the Act. However, it retains section 20, which provides a regulation-making power with respect to disability service standards, and retains and renumbers three provisions in part 5 that are still required. Those provisions are currently sections 37, 38 and 39, to be renumbered sections 21, 22 and 23 by the bill. They enable the ongoing provision of financial assistance to government departments, local councils or other entities to promote the objects of the Act, with related information requirements and liability protections. Because the NDIS Quality and Safeguards Commission now administers NDIS worker screening checks in New South Wales, sections 32 and 36 of the Act are no longer required and are deleted by schedule 1, items [13] and [15] to the bill. Schedule 3 of the Act relates to residents' amenities accounts—the accounts and funds of residents with disability in New South Wales government residential centres. These are now obsolete and so deleted by schedule 1 [14] and [15] to the bill.

The Disability Inclusion Amendment Bill 2022 seeks to renew the Disability Inclusion Act 2014 to keep it up to date and relevant following the transformative changes in the disability sector with full implementation of the NDIS in New South Wales. The substantive changes to the Act contained in the bill will require the State Disability Inclusion Plan and disability inclusion action plans to be remade each four-year period and provided in one or more formats accessible to people with disability. These substantive changes, along with the Act's existing and remaining provisions, will ensure that the Disability Inclusion Act continues to promote the inclusion and participation of people with disability in the community. I commend the bill to the House.

Debate adjourned.

CHILDREN'S GUARDIAN AMENDMENT BILL 2022

CHILD PROTECTION (WORKING WITH CHILDREN) AMENDMENT BILL 2022

First Reading

Bills introduced, and read a first time and ordered to be printed on motion by the Hon. Taylor Martin, on behalf of the Hon. Natasha Maclaren-Jones.

Second Reading Speech

The Hon. TAYLOR MARTIN (17:02): On behalf of the Hon. Natasha Maclaren-Jones: I move:

That these bills be now read a second time.

I have the great privilege of introducing two bills that together will improve the safety, welfare and wellbeing of children in New South Wales. The Children's Guardian Amendment Bill 2022 enhances the Office of the Children's Guardian's role as a child safe authority regulating an integrated child protection framework, supported by contemporary systems. The Child Protection (Working with Children) Amendment Bill 2022 will implement key recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse and secures New South Wales' position as a leader in child safe legislative and operational best practice.

The Children's Guardian Amendment Bill addresses reform in four key areas. Firstly, designated agencies and adoption service providers will be brought within the scope of the Child Safe Scheme, and certain child safe organisations will be required to comply with codes of practice. Secondly, concepts of voluntary out-of-home care and registered agencies will be removed and replaced with specialised substitute residential care and related provisions. Thirdly, register provisions will be clarified and updated. Fourthly, the accreditation framework for designated agencies and adoption service providers will be consolidated in the Act.

I will now describe each of the key reform areas. The Child Safe Scheme commenced on 1 February 2022. The scheme requires organisations in scope to implement the Child Safe Standards, as recommended by the royal commission, through their systems, policies and processes. The objective of the scheme is to prevent child abuse from occurring in organisations and improve responses when it does occur. Under the scheme, the Office of the Children's Guardian has powers to monitor, investigate and enforce Child Safe Standards, informed by the risk profile and willingness of organisations to be child safe. Designated agencies and adoption service providers were not included in the original scope of the Child Safe Scheme. This was to allow for targeted consultation related to expanding the scope of the scheme to these sectors while they continued to be regulated under the NSW Child Safe Standards for Permanent Care, which are broadly consistent with the Child Safe Standards.

In November 2021 the Office of the Children's Guardian embarked on this further consultation by releasing a consultation paper on the accreditation and monitoring framework for designated agencies and adoption service providers. I am advised by the Children's Guardian that there was overwhelming agreement by stakeholders that statutory out-of-home care and the adoption sectors should come within the scope of the Child Safe Scheme. There was strong support for a single set of standards. Those views were consistent with the feedback previously received on the exposure draft of the Children's Guardian Amendment (Child Safe Scheme) Bill in December 2020. Accordingly, an amendment to the definition of "child safe organisation" will bring designated

agencies and adoption service providers within the Child Safe Scheme. Significantly, implementation of the Child Safe Standards will be mandatory for this sector, as it is for others within the Child Safe Scheme.

Underpinned by the consultation in 2020 and 2021, the amended definition of "child safe organisation" gives effect to the Government's acceptance in principle of the royal commission's recommendation regarding the scope of the Child Safe Scheme, which covered child protection services, including out-of-home care. The 10 Child Safe Standards in section 8C of the Children's Guardian Act are principle based and organisations have the flexibility to apply them to their specific context. The imperative of the standards is on changing institutional culture as opposed to setting prescriptive rules that must be followed. Organisations have the scope to implement the standards in ways that are meaningful and achievable for their context.

In situations of increased risk to children, a more prescriptive approach is required. It is critical that our child safe arrangements respond to the vulnerability of children who are living outside the family home in settings provided by designated agencies, adoption service providers and entities providing specialised substitute residential care—the newly framed form of voluntary out-of-home care. Children in those arrangements may have experienced trauma or be living with disability. They are particularly vulnerable, and the need for prescriptive requirements for those organisational settings is compelling.

This approach will be achieved through new section 8DA, which allows codes of practice to be prescribed by regulation. Codes of practice will detail the mandatory prescriptive requirements for implementation of the Child Safe Standards. The Office of the Children's Guardian will continue consultation with the out-of-home care and adoption service sectors over the next 12 months to develop the content for the code of practice. Review of the NSW Child Safe Standards for Permanent Care will form a significant part of the code's development. Until then, the out-of-home care and adoption sectors will continue to be regulated under the criteria set out in the permanent care standards.

I turn to the second key reform area: voluntary out-of-home care. The Government remains strongly committed to the arrangements that support children with disability who require accommodation outside the family home or respite care with the consent of the parent or guardian. In 2020-21, 830 children and young people accessed voluntary out-of-home care services and 5,758 placements were recorded. Of the 830 children and young people, 741, or 89 per cent, had a disability. Voluntary out-of-home care agencies range from national organisations to small family businesses operating out of the owner's home. The current voluntary out-of-home care framework was developed in 2011 and is outdated and not fit for purpose. The framework is about the policies and procedures needed for registration. The current framework provides no assurance that the policies and procedures are being implemented and that child safety is being upheld.

Currently, agencies providing voluntary out-of-home care operate under multiple regulatory frameworks, including two different regulatory frameworks administered by the Office of the Children's Guardian, being the voluntary out-of-home care registration scheme and the Child Safe Scheme. I am advised that consultation in December 2021 has indicated strong support in the voluntary out-of-home care sector to streamline the current system. Providers considered that streamlining the approach under Child Safe could strengthen the focus of regulation on children's safety and placement needs. There was support for the continuation of mandatory prescriptive requirements and agreement that parents and carers should have a role in keeping organisations accountable to implement the Child Safe standards.

The revised regulatory approach set out in this bill addresses the current deficiencies in the voluntary out-of-home care registration and monitoring scheme and proposes a fresh, streamlined and strengthened model. This approach is in line with years of research and recommendations of the royal commission on best practice regulation. The changes to the voluntary out-of-home care sector will lead to better regulatory outcomes in protecting our most vulnerable children and enable parents and carers to continue to make choices about care for their children and young people.

I will now outline the essential areas of our voluntary out-of-home care reform. Provisions in the Act relating to voluntary out-of-home care and registered agencies will be removed and, within the existing umbrella of substitute residential care, reframed. It will be classified as specialised substitute residential care, or SSRC for short. Substitute residential care is broadly defined in the Children's Guardian Act. It is care involving the provision of accommodation together with food, care and other support, within New South Wales and for more than two nights. It is of a type ordinarily provided to children in a home environment by persons other than the child's parents or relatives. Examples of substitute residential care providers include organisations that provide supervised camps for two or more days and voluntary out-of-home care providers.

The bill contains a proposed amendment to the definition of "substitute residential care" to clarify that the care is provided in New South Wales for more than two nights in any period of seven days. This covers both consecutive and non-consecutive nights in a seven-day period. Specialised substitute residential care will be newly

defined in the dictionary as substitute residential care for a child that is funded by the National Disability Insurance Scheme or provided for the purposes of respite services or behaviour support. Only providers of specialised substitute residential care will be subject to the mandatory prescriptive requirements in a code of practice.

I must emphasise that there will be no diminution of safeguards or protections for these children. On the contrary, with strengthened monitoring, investigation and enforcement functions through the Child Safe Scheme, oversight of the sector will be enhanced. Significantly, the Child Safe Scheme's focus on capability building and support will be a key feature underpinning the revised regulatory model. We know that education is critical in changing attitudes and cultures that may make children vulnerable to all forms of abuse, including sexual, physical and emotional, and ill-treatment and neglect.

The current voluntary out-of-home care registration process will be replaced. The twin pillars of the new regulatory model will be the code of practice, new section 8DA (2) (c), and self-assessment tool, new sections 8DA (4) and 8DA (5). The content of the code of practice for entities providing SSRC, intended to be prescribed in the Children's Guardian Regulation by 1 September 2022, will be similar to the statutory procedures for voluntary out-of-home care. However, the code will be streamlined to focus on matters relating to child safety, particular needs such as behaviour management or physical restraint, and the Office of the Children's Guardian's regulatory role. Providers must comply with these detailed requirements to be considered as meeting the 10 Child Safe standards. As with designated agencies and adoption service providers, failure to comply with a code of practice could invoke investigation and enforcement action.

Certain requirements that applied to voluntary out-of-home care and registered agencies will be recast in new section 8ZA to apply to children in SSRC. Specifically, the 90-day supervision and 180-day case planning requirements will remain. New section 8ZC will provide for the nomination of a principal officer of an entity providing SSRC. The meaning of a "principal officer" will be consistently applied across designated agencies, adoption service providers and SSRC providers. As an additional oversight mechanism, new section 8ZB will place a requirement on the principal officer to notify the parents, Children's Guardian and Coroner if a child dies while in SSRC. This is consistent with what currently happens in statutory out-of-home care or supported out-of-home care.

A consequential amendment will be made to the Coroner's Act to ensure the Coroner has jurisdiction to investigate deaths of children in SSRC. The Coroner currently has jurisdiction over children in voluntary out-of-home care. A child who is the subject of an arrangement for SSRC will be a child in care for the purposes of the Official Community Visitor scheme. Section 151 will be extended to allow official community visitors to share information relating to SSRC with the Children's Guardian. The register for children in voluntary out-of-home care will continue and be renamed the Specialised Substitute Residential Care Register.

I now briefly turn to the third key area of reform, the register provisions in the Children's Guardian Act. The amendments to sections 85 to 87 clarify and update existing requirements relating to registers. The clarified regulation-making powers for the carers register and specialised substitute residential care register will secure a seamless transition to the consolidated Children's Guardian Regulation by ensuring that information currently recorded on registers kept by the Children's Guardian can continue to be recorded. The regulation-making power at new section 85 (1C), combined with the addition of definitions of "residential care", "residential care provider" and "residential care worker" to the dictionary, will secure the necessary legislative transparency to support the new residential care workers register. Detailed provisions in relation to the residential care workers register are contained in the Children's Guardian Regulation 2022 which is due to commence on 18 July 2022.

I now turn to the consolidation of the accreditation framework for designated agencies and adoption service providers in the Children's Guardian Act. Since 2003 the regulatory landscape has become more complex with significant reforms and reviews undertaken. Legislative drafting practices have also evolved. The majority of the proposed amendments in the new schedules 3A and 3B reposition existing and long-established accreditation functions from the Children and Young Persons (Care and Protection) Regulation 2012 and the Adoption Regulation 2015 in a remodelled, or contemporary, way. The policy position underpinning the exercise of these functions remains largely unchanged. The amendments either consolidate functions, clarify functions, or introduce new provisions that were considered by the sector in the consultation process.

I will now briefly outline some of the key aspects of the accreditation scheme. Two anchor points for the accreditation framework are section 72 and new section 110A. Section 72 will be amended to provide that a designated agency means an agency accredited by the Children's Guardian under schedule 3A. New section 110A will be inserted to provide that an accredited adoption service provider means an organisation, or part of an organisation, accredited by the Children's Guardian under schedule 3B. An agency, for the purposes of schedule 3A, will mean a government agency or part of a government agency, or an organisation or part of an organisation. The organisation may be for-profit or not-for-profit. There is no policy change in relation to this provision as there was no definitive outcome indicating a need for change from consultations that were undertaken. An organisation

for the purposes of schedule 3B will mean a charitable organisation within the meaning of the Adoption Act 2000, or part of a charitable organisation. There is no policy change in relation to this provision, aside from aligning the language with designated agencies around "part of an organisation".

Clause 3 in schedules 3A and 3B introduces the idea of "suitable to be accredited". This key phrase will be used in relation to a grant or refusal of accreditation, and as a ground for cancelling or shortening the period of accreditation. An agency or organisation will not be suitable for accreditation if they are disqualified from being accredited, not wholly or substantially meeting the accreditation criteria, or if the Children's Guardian forms the opinion that the agency or organisation is not suitable to be a designated agency or accredited adoption service provider. The grounds for the Children's Guardian forming the opinion in clause 3 (2) are familiar, reflecting existing practice. They include failure to comply with relevant legislation—grouped as "children's care legislation"; failure to comply with a condition of accreditation; making a false or misleading statement; or another circumstance prescribed by the regulations.

The introduction of the concept of disqualification is new. If an accreditation is cancelled, the accreditation holder is disqualified from being accredited for two years after the cancellation takes effect. Cancellation of accreditation is rare. It is only considered where there have been critical failures within an organisation that compromise the safety of children and where less intrusive regulatory responses have been exhausted or are inadequate. Restricting an agency from applying for accreditation for a period of two years is an appropriate safeguard.

Clause 4 in schedules 3A and 3B streamlines the current requirements for an application for accreditation. Clauses 5 and 17 in schedule 3A replicate the existing provisions in section 72 (3) to (6) related to withdrawal of an application for accreditation and surrender of a designated agency's accreditation. These provisions have been mirrored for adoption service providers in schedule 3B. Clause 6 in schedules 3A and 3B gives the Children's Guardian power to grant or refuse accreditation to an applicant. The clause provides for the exercise of discretionary power, and the execution of mandatory power. The Children's Guardian may refuse to grant accreditation if the application for accreditation is noncompliant, or on a ground prescribed by the regulations. The Children's Guardian must refuse to grant accreditation if the applicant is not suitable to be accredited. The exception to this is if the Children's Guardian has deferred their decision under clause 7.

Clauses 7 and 8 of schedules 3A and 3B set out a new, more transparent pathway for the Children's Guardian's deferral of a decision to grant or refuse accreditation to an applicant. The Children's Guardian will defer a determination, rather than refuse an application for accreditation, where an agency recognises that it is noncompliant with the accreditation criteria and has provided evidence in the form of an action plan that it is taking steps to correct the noncompliance and manage risk to children and young people. The Children's Guardian must be satisfied that the applicant will meet the accreditation criteria if the applicant implements the action plan—in other words, the steps the agency is taking to correct the noncompliance could reasonably be expected to result in the agency being substantially or wholly compliant with the accreditation criteria within the deferral period.

In the Children's Guardian's experience, most deferred decisions are resolved—meaning the accreditation is renewed or cancelled—within two years of deferral. Clause 7 introduces a new time limit on the deferral period. The Children's Guardian may only defer a determination for 12 months, with the possibility of an extension for a further 12 months. If a decision to grant or refuse accreditation is not made at the end of 24 months, the application is taken to have been refused. Including time limits for deferrals will ensure that agencies subject to a deferral have a clear understanding of the Children's Guardian's expectations and will ensure that agencies implement their action plans in a timely manner.

Existing regulatory provisions around full and provisional accreditation have been retained. The accreditation periods, including the maximum period of accreditation, have been consolidated in clause 11. Clause 12 in schedules 3A and 3B reaffirms that an accreditation is subject to conditions prescribed by the Act or regulations, or conditions imposed by the Children's Guardian. There is no change in policy in relation to conditions of accreditation or their variation.

Clause 14 of schedule 3A and clause 15 of schedule 3B consolidate the current arrangements in relation to an agency being wholly or substantially compliant with the accreditation criteria. An agency that is accredited on the basis it is wholly compliant with the accreditation criteria has demonstrated all of the practice requirements and activities under each of the 23 Child Safe Standards for Permanent Care. An agency that is accredited on the basis that it is substantially compliant with the accreditation criteria has demonstrated all of the practice requirements and activities under most of the 23 permanent care standards. A substantially compliant agency has partially demonstrated practice and activities under the remaining permanent care standards and demonstrates that it is taking reasonable steps to be wholly compliant with each of the permanent care standards within 12 months.

In determining to accredit an agency on the basis of substantial compliance, the Children's Guardian will consider whether the agency could reasonably be expected to be wholly compliant within 12 months. Accrediting an agency based on substantial compliance provides for a more flexible and nuanced approach to regulating the out-of-home care sector. It ensures children are not moved and displaced unnecessarily, causing instability in their placements, when the Children's Guardian is reasonably confident that the agency will be wholly compliant with close monitoring. An agency may have made recent changes to a practice area, and the Office of the Children's Guardian needs to be confident that the changes are sustainable before wholly accrediting them.

Clause 16 of schedule 3A and clause 17 of schedule 3B provide for the limited circumstances in which the Children's Guardian may transfer an agency's accreditation. This is different from the existing parameters for transfer, which do not limit the circumstances for transfer. An accredited agency might undergo a restructure and establish the statutory out-of-home care program as a separate entity. The agency staff, policies, procedures and practices remain unchanged and there is little to no impact on the day-to-day services provided to children and young people. Transfer of an accreditation may also be appropriate in circumstances where two accredited organisations merge to create a third agency.

Clause 18 in schedule 3A and clause 19 in schedule 3B set out the grounds for cancelling or shortening the period of accreditation. The power to suspend an agency's accreditation has been removed because it is not an effective response to noncompliance with the permanent care standards, or where an agency has failed in its duties to children and young people. The purpose of suspension is to ensure that an agency does not deliver services to children and young people while it corrects noncompliance or addresses failures to comply with conditions or other obligations.

However, at the conclusion of the suspension period, as the agency has not been delivering services to children and young people, the Children's Guardian will have little evidence to assess whether the agency can safely resume delivering services. On that basis, the most effective responses are to either shorten the agency's accreditation or cancel the agency's accreditation. Non-suitability to be accredited and an accreditation being granted in error are the grounds for cancelling or shortening the period of accreditation. A regulation-making provision has been included. This streamlines the current list of circumstances set out in the regulations. Aside from these key reform areas, the Children's Guardian Amendment Bill makes some miscellaneous amendments to the Children's Guardian Act 2019 primarily to clarify or consolidate existing provisions.

I will turn now to the amendments in the Child Protection (Working with Children) Amendment Bill 2022. This bill makes key amendments to the Child Protection (Working with Children) Act 2012 to implement royal commission recommendations. The bill also makes a number of miscellaneous amendments to enhance operational efficiency and secure swift, effective decisions to promote the safety of children. In Australia, each State and Territory has its own scheme for conducting background checks for people seeking to engage in child-related work. The royal commission identified, amongst other things, that disparate legislative and administrative worker-checking schemes across Australian jurisdictions facilitated "forum shopping" by perpetrators. To address this, the royal commission recommended nationally consistent worker-checking schemes and robust, child-focused information sharing.

In particular, the royal commission recommended a national model for the Working with Children Check [WWCC] through consistent standards and a centralised database to facilitate cross-border information sharing. New South Wales has worked with the Commonwealth and other States and Territories to settle the National Standards for Working with Children Checks and agree on an approach to the Working with Children Check National Reference System, known as the NRS or the national database. The Council of Attorneys-General has endorsed the national standards. The NRS is a centralised system established by the Commonwealth and operated by the Australian Criminal Intelligence Commission [ACIC]. It is accessible to jurisdictions to record Working with Children Check decisions. New South Wales' participation in the NRS will ensure that New South Wales has access to up-to-date information about certain Working with Children Check clearance decisions made about an applicant or clearance holder by agencies undertaking working with children checking functions in other Australian jurisdictions.

The bill makes amendments to facilitate and implement this important information sharing reform via the NRS. The bill takes a step further by also implementing National Standard 11 of the National Standards for Working with Children Checks endorsed by the Council of Australian Governments. The implementation of that standard ensures that the Office of the Children's Guardian is apprised of all relevant risk information, not only within but also outside of Australia. As the leader in Working with Children Check schemes, New South Wales has always taken the initiative to secure best practice. While the New South Wales scheme is largely consistent with the standards agreed by all Australian jurisdictions, the Government remains committed to child-focused best practice and continuous improvement. The provisions of the bill reflect that commitment.

I turn now to the provisions of the bill. New section 36D secures New South Wales' participation in the NRS by requiring the Children's Guardian to record adverse Working with Children Check decisions, known as negative notices on the NRS. Once a negative notice is recorded on the NRS, it can be accessed and used by screening agencies in participating Australian jurisdictions to inform Working with Children Check decisions. In New South Wales, clause 2B of schedule 1 will ensure that a negative notice recorded against an applicant by a participating interstate agency will trigger a risk assessment of an applicant or clearance holder. The bill safeguards against misuse of the NRS by requiring the Children's Guardian to record any change in status of a negative notice and notify participating WWCC jurisdictions.

To facilitate information exchange triggered by negative notices recorded on the NRS, new section 36A of the bill sets clear and robust authority to share information. New section 36A achieves that by permitting the Children's Guardian to exchange a broad range of Working with Children Check information with interstate screening agencies. The amendment addresses existing legislative barriers inhibiting information exchange by broadening the scope of information that can be shared with other Australian States and Territories and eliminating procedural complexity.

Under new section 36A, the Office of the Children's Guardian can exchange information within and outside of information recorded on the NRS to support timely and appropriate assessments of applicants and clearance holders. Timely and appropriate identification of information relating to an applicant or clearance holder's risk to the safety of children relies upon access to and assessment of all relevant criminal history information. Currently, the Office of the Children's Guardian's access to criminal history information is limited to offending that has occurred or is alleged to have occurred within Australia. The bill addresses that gap by ensuring that the Office of the Children's Guardian can identify safety risks arising from relevant international criminal offending.

New section 36C imposes a duty on applicants to notify the Children's Guardian of any proceedings commenced, findings made or convictions recorded in relation to a prescribed criminal offence outside of Australia. The amendment prescribes criminal offences equivalent to offences listed in schedules 1 or 2 to the Act or any other equivalent offences prescribed by the regulations. To secure compliance with this duty, new section 36C provides that failure to notify the Children's Guardian, without reasonable excuse, attracts a maximum penalty of five penalty units.

The bill also makes several miscellaneous amendments to support the NRS, clarify existing provisions and secure the efficient and effective administration of the Working with Children Check scheme. This Government continues to be a national pacesetter in ensuring and promoting the quality of child safe practices. The regulation of those organisations in whose care children are placed—for whatever reasons—is a critical element in a total child protection framework. Equally significant is the priority to educate organisations about their responsibilities and monitor organisations to achieve ongoing child-centred culture. Our vision is to move towards sector-wide cultural change to ensure safe places for children. These two bills together continue to ensure that the New South Wales child safe framework is robust, fit for purpose, integrated and consistent with recommendations from the royal commission. I commend the bills to the House.

Debate adjourned.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. SHAYNE MALLARD: I move:

That Government business order of the day No. 1 be postponed until a later hour.

Motion agreed to.

Bills

GOVERNMENT TELECOMMUNICATIONS AMENDMENT BILL 2022

Second Reading Speech

The Hon. SHAYNE MALLARD (17:35): On behalf of the Hon. Damien Tudehope: I move:

That this bill be now read a second time.

The Government Telecommunications Amendment Bill 2022 amends the Government Telecommunications Act 2018. The key driver for the amendment is to support the rollout of the Critical Communications Enhancement Program [CCEP] by overcoming delays to site access. The Public Safety Network provides vital communications infrastructure that ensures the ongoing safety of people and places across the State. Expansion of the network through the CCEP is crucial to ensuring that New South Wales emergency service organisations have the critical

infrastructure required to protect communities. Public Safety Network sites are essential for protecting communities during emergencies and natural disasters, such as bushfires and floods, as we are all too aware. An additional \$660 million in capital funding was announced as part of the 2021-22 New South Wales budget to complete the statewide rollout of the CCEP, which will deliver the final Public Safety Network land coverage of 85 per cent, reaching 99.7 per cent of the population. I seek leave to incorporate the remainder of my speech in *Hansard*.

Leave granted.

In rolling out the CCEP, there have been a number of instances where the NSW Telco Authority has encountered significant delays to accessing land to assess for suitability of potential sites, to access other government infrastructure for collocation or integration to the Public Safety Network and in accessing land where there is infrastructure owned by the NSW Telco Authority.

Delays at impacted sites present risks to lives and property as Emergency Services Organisations have reduced capacity to respond effectively in areas where the network is not fully operational. For example, in some areas this could mean a reduced capacity to coordinate responses to bushfires, floods and other emergency or public safety events.

Some examples of delay include:

Process delays due to councils or departments requiring ministerial consent to lease or licence land,

Regulatory delays when a council or department is required to publicly advertise for stipulated timeframes before leasing land,

An initial lease (for unrelated tenure) including a concurrence clause restricting additional tenure (co-location) on the same land or structure until completion of the initial lease, and

Landowners seeking unreasonable commercial outcomes.

The New South Wales Government is proud of the CCEP and the extensive work to date, providing New South Wales with one of the largest and most reliable public safety networks in the world.

However, to continue to expand the network in a reasonable timeframe, the amendments proposed in this bill are necessary to overcome current site access issues and to support the timely delivery of the CCEP.

Specifically, the bill introduces a number of new and important provisions:

Additional prescribed roles under the Act

The bill before us today establishes a definition of *emergency telecommunications network operator* to extend relevant powers to Emergency Services Organisations.

This amendment is needed as barriers to access also apply to Emergency Services Organisations that operate alternative telecommunications networks for operational communications authorised under sections 17 or 42 of the Government Telecommunications Act 2018.

The bill also establishes, under a new section 43A, a definition of *authorised officer*, which is to include those persons authorised by the NSW Telco Authority as well as *emergency telecommunications network operators* appointed by Emergency Services Organisations.

These authorised officers will be permitted to exercise a range of specific powers prescribed in this Act, including new powers to respond to interference issues and new powers of entry, both of which I will now discuss.

New powers to manage interference issues

Sections 340 to 34G of the bill include provisions to manage interference by trees and vegetation, structures, and excavation work to Public Safety Network infrastructure or transmissions.

These powers are derivative of similar provisions in the Electricity Supply Act 1995 and are necessary to apply to the infrastructure of the Public Safety Network to ensure that it continues to function at optimal capacity without interference.

Interference to site infrastructure could cause loss of signal in areas where the network is needed to manage emergency situations.

The provisions of 340, regarding interference by trees, do not apply to protected areas under the Heritage Act 1977, the National Parks and Wildlife Act 1974, and the Environmental Planning and Assessment Act 1979, or to public reserves under the Local Government Act 1993.

New powers of entry

Sections 34H-34Q of the bill establish "*powers of entry*" to permit authorised officers to access public and private land and property for operational purposes including inspection and installation, maintenance, repair and decommissioning of communications infrastructure.

The "*powers of entry*" closely mirror equivalent provisions established in the Electricity Supply Act 1995 and will be selectively applied by authorised officers to overcome a range of barriers that currently inhibit progress accessing some potential sites to determine suitability for delivery of the CCEP and to access existing sites via private land.

Importantly, the new provisions include a number of safeguards and obligations to support the responsible use of these powers. These include the need to provide notice to the owner or occupier of the land, except in cases of emergency, and an obligation to take care with entry and limit any damage;

The powers are an alternative to the use of compulsory acquisition processes (under the Land Acquisition (Just Terms Compensation) Act 1991 and s 27(1) of the Government Telecommunications Act 2018) which cannot commence until after six months of failed negotiations or ministerial approval has been given.

Deemed access to government-owned infrastructure

Alongside the amendments above, the proposed section 34A provides *authorised officers* with "deemed access approval" to install communications equipment on any government agency or government-owned infrastructure, in compliance with site assessment processes.

This new power is designed to increase the efficiency of the CCEP roll-out by overcoming administrative delays with other agencies and to encourage prioritising CCEP equipment on infrastructure which is technically capable of supporting its presence.

"Deemed access approval" supports infrastructure rationalization, a core objective of the CCEP program.

These new powers are expected to contribute to delivering improved economic efficiencies by reducing the need to duplicate government infrastructure, which can occur if alternative locations must be sought.

The "powers of entry" are also likely to be used in conjunction with "deemed access approval" in cases where government infrastructure is located on or accessed via private land.

New penalty provisions

Finally, the bill also puts in place penalties for hindering or obstructing *authorised officers* from exercising any function conferred or imposed by the Act;

The Government Telecommunications Act 2018 currently empowers the NSW Telco Authority to access infrastructure that it owns but for which there is no access agreement (section 34), however there are no provisions for enforcement or related offences.

The introduction of penalties for obstructing an *authorised officer* in carrying out their functions will ensure that the access powers established with this bill are effective in overcoming barriers to the roll-out of our critical public safety communications network.

Overall, the new powers contained in today's bill have been developed to overcome existing and future delays in accessing potential CCEP sites (and other future networks) as the Public Safety Network expands to cover more of New South Wales and its population.

Time saved in delivering the CCEP becomes time during which the Public Safety Network may be operating for Emergency Services Organisations to provide critical operations in areas without current coverage.

A typical time reduction could be two-to-six months per CCEP site where the use of the powers is appropriate. However, one-to-two years could be saved for sites where access negotiations have hit an impasse.

The powers established in this bill will be used as needed only for sites where there are significant delays. The powers will not be used to by-pass existing site access protocols but will be used in conjunction with standard consultation and site assessment processes.

This bill will achieve improved efficiency in government expenditure, whilst delivering greater public safety outcomes in a timely manner.

I commend this bill to the House.

Second Reading Debate

The Hon. MICK VEITCH (17:37): I lead for the Opposition on the Government Telecommunications Amendment Bill 2022. At the outset I say that biosecurity is a critical issue for a range of government agencies. The shadow Minister and member for Swansea, Yasmin Catley, raised a question about biosecurity in the other place. I commend the Minister for providing a detailed response to her question about biosecurity. I urge honourable members to read the Minister's contribution in reply. This agency will be accessing farmland. Biosecurity is for everyone. I will be watching this space to ensure that the agency adheres to the Biosecurity Act in New South Wales. Members know that I am big on biosecurity. I have also read the shadow Minister's second reading speech in the other place and it is an outstanding contribution. I cannot improve it at all. I seek leave to incorporate the remainder of my speech in *Hansard*.

Leave granted.

I lead for the Opposition on the Government Telecommunications Amendment Bill 2022 that will implement a number of reforms to remove red tape and expedite the rollout of the Critical Communications Enhancement Program [CCEP]. Firstly, I take this opportunity to thank the Minister and his staff for engaging with my office on this bill and for the work they have done to bring it to this House. The Critical Communications Enhancement Program is an important investment in the Public Safety Network, which supports emergency services to respond in emergencies and natural disasters like the recent floods that have devastated communities across our State. I ask the Minister to detail for the House the telecommunications infrastructure that the Critical Communications Enhancement Program will be upgrading. Will those upgrades include the fibre network? I would like the Minister to make that clear in his response.

As the Minister noted in his second reading speech, the NSW Telco Authority has run into several barriers in rolling out the CCEP, in particular in accessing land to assess its suitability as a potential site to install communications infrastructure. The NSW Telco Authority also requires access to sites to maintain infrastructure to ensure the Public Safety Network is fully operational. I note that the Minister outlined several examples of delays, including process delays due to councils or departments requiring ministerial consent to lease or license land, regulatory delays when a council or department is required to publicly advertise for stipulated time frames before leasing land, along with negotiations with landowners over commercial arrangements. The bill will empower the NSW Telco Authority to roll out the Critical Communications Enhancement Program with powers and provisions that mirror those of the Electricity Supply Act 1995.

I now turn to the contents of the bill. Schedule 1 will amend the Government Telecommunications Act 2018, inserting definitions for an authorised officer into section 3. An authorised officer may carry out inspections in connection with the proposed installation or extension of telecommunications equipment and infrastructure. An authorised officer may also maintain or disconnect

telecommunications equipment and infrastructure. The bill also establishes in section 3 the definition of an Emergency Telecommunications Network Operator—referred to throughout the bill as an ETNO—as an emergency services organisation within the meaning of the State Emergency and Rescue Management Act 1989 that establishes or uses an alternative telecommunications network for operational communications. The bill also establishes a definition for a premises in this section.

New section 34A covers deemed access to government-owned infrastructure, enabling an authorised officer to enter land owned either by a government sector agency or State-owned corporation. That power can only be used to install telecommunications equipment on infrastructure owned by either a government sector agency or State-owned corporation. Before entering the property, an authorised officer must provide written notice of their intention to enter the property. New part 5A division 3 covers powers of entry relating to a private property. New section 34H outlines the circumstances in which either the ETNO or authorised officer may invoke their power of entry. That includes carrying out preliminary investigations about the installation or extension of telecommunications infrastructure, along with installing, maintaining or disconnecting telecommunications infrastructure.

The bill also enables an authorised officer to bring any necessary vehicles or equipment onto both private or government land if it is required to inspect, install, maintain, or decommission telecommunications infrastructure. New section 34I is an important aspect of the bill. I understand that the Government has negotiated with stakeholders to include this section to address concerns around accessing private property. Under new section 34I an authorised officer or ETNO must provide the owner of any premises with written notice of their intention to enter the premises. That written notice must state the purpose for which entry is required and the date of entry. The only exceptions to a written notice being issued is if either the landowners consent to the authorised officer or ETNO entering the property or in emergency situations. New section 34O outlines grounds for compensation to be paid to premises owners for any loss or damage arising from the powers of entry provisions. I request that the Minister provide the House with clarity over new section 34K relating to the use of force. The bill states:

An authorised officer may use reasonable force for the purpose of gaining entry to premises, other than part of a building being used for residential purposes, under a power conferred by this Division.

Will the Minister confirm that this section only refers to a situation such as cutting a padlock or accessing a gate and not to intersections between the authorised officer and other individuals? I have engaged with stakeholders, who have been supportive of the bill on the whole, but several minor issues have been raised that I ask the Minister to address. Firstly, will the Minister clarify what penalty will apply for impersonating or obstructing an authorised officer or ETNO? Will it simply be 50 penalty units or will a criminal penalty provision apply? Secondly, what dispute resolution process does the Government intend to put in place to ensure that a matter does not end up in our courts or that authorised officers are not put in combative situations unnecessarily?

Lastly, will the Minister advise if authorised officers and ETNOs will have to comply with existing biosecurity legislation and, if not, why that decision was made? The completion of the Critical Communications Enhancement Program is incredibly important to ensure the safety of our communities during natural disasters. We are six years down the road since the program was announced and our State has seen too many tragic bushfires and floods in that time. Labor supports the bill, and I look forward to the completion of this important program. Again, I thank the Minister and his staff. I commend the bill to the House

Ms SUE HIGGINSON (17:38): The Greens support the Government Telecommunications Amendment Bill 2022 because it will facilitate the auditing and planning of vital telecommunications infrastructure. While it will impact on the rights of private landowners, it appears to be reasonable and necessary. It allows the Government to properly assess existing infrastructure as well as assess new sites that could be appropriate for the installation of important telecommunications equipment. It does not allow works or agreements to be forced on landholders, fortunately and thankfully, but rather provides a pathway for the Government to properly maintain equipment and plans for new sites that could prove vital for supporting communities during emergencies. We understand the urgent need to improve our government telecommunications network to deliver a better Public Safety Network. I know the need for that, having firsthand experience of the recent catastrophic climate-induced weather events in the Northern Rivers. It was shocking and harrowing to learn that our life-saving telecommunications systems were not fit for purpose.

In providing access to communications facilities for the NSW Telco Authority and other specified emergency services organisations, The Greens appreciate that this will assist the rollout of the \$1.4 billion Critical Communications Enhancement Program. It is essential that those who need access to communications facilities actually have that access in order to make our services fit for purpose. I note that the current Public Safety Network, which the bill seeks to enhance, is for emergency services organisations, essential services, government agencies and local councils. The recent climate-induced flood event in the Northern Rivers and the previous climate change-induced fire events in 2019-20 showed us how important community is in the Public Safety Network. Community really needs to be included in the Public Safety Network. The reality in Lismore was that many lives were saved by community members who communicated with each other via very tenuous communications methods and networks.

Our communities are facing catastrophic, life-threatening disasters and crises. They deserve to know that during those events they will be able to contact emergency services and each other. Although The Greens believe the bill is not the best way to address that, we should not delay it by amendment in any way because getting our communications infrastructure up to date in the first instance is fundamental. At the end of the day, the Government's bill goes some way to supporting that objective. However, we know that in supporting communities through disaster—which is when the Public Safety Network is most essential—that must be prioritised through community-led, comprehensive adaptation plans and strategies as part of a broader set of reforms that The Greens will be pressing for each day.

The Hon. SHAYNE MALLARD (17:41): On behalf of the Hon. Damien Tudehope: In reply: I thank honourable members for their contributions to debate on the Government Telecommunications Amendment Bill 2022, particularly the Hon. Mick Veitch. I note his comments around biosecurity, which will be uppermost in consideration of those issues. I note the contribution from our new member Ms Sue Higginson from The Greens. I am from the Blue Mountains and Ms Sue Higginson is from the Northern Rivers. There have been fires and floods in those regions, and communications systems for the emergency services are critical—I understand that in regard to fires—along with rail and all of those other services. I also know the limitations of civilian communications via mobile networks, which is a Federal matter, though I have been involved in that as well. There is more work to be done in that space during emergencies.

It is very important that we have a state-of-the-art, fit-for-purpose communications system for our emergency services, particularly in times of crisis, and that has been brought home recently. The expansion of the network through the Critical Communications Enhancement Program is critical to ensuring our emergency services organisations have the infrastructure required to protect our communities. The changes in the bill will help to ensure that there are no more delays to that essential program. I commend the bill to the House.

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

Motion agreed to.

Third Reading

The Hon. SHAYNE MALLARD: On behalf of the Hon. Damien Tudehope: I move:

That this bill be now read a third time.

Motion agreed to.

Business of the House

POSTPONEMENT OF BUSINESS

The Hon. SHAYNE MALLARD: I move:

That Government business orders of the day Nos 3 to 10 be postponed until a later hour.

Motion agreed to.

Bills

MOTOR ACCIDENTS AND WORKERS COMPENSATION LEGISLATION AMENDMENT BILL 2021

Second Reading Speech

The Hon. SHAYNE MALLARD (17:45): On behalf of the Hon. Damien Tudehope: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Motor Accidents and Workers Compensation Legislation Amendment Bill 2021. The bill introduces amendments to motor accidents and workers compensation legislation as well as to the State Insurance and Care Governance Act 2015 and the Personal Injury Commission Act 2020. These amendments seek to clarify rights and entitlements, and improve the regulation, administration and efficiency of the compulsory third party [CTP] insurance and workers compensation schemes.

The amendments proposed by the bill cover five broad themes: firstly, improving customer experience, scheme efficiency, fairness and equity; secondly, improving access to compensation entitlements for injured workers, certain volunteers and people injured in motor vehicle accidents and their dependents; thirdly, expanding and clarifying existing regulation-making powers including provisions related to point to point vehicles; fourthly, establishing new powers for the State Insurance Regulatory Authority to enable better regulation of providers of treatment and other services in the workers compensation and CTP insurance schemes; and fifthly, supporting the establishment of the Personal Injury Commission.

While the proposed amendments cover a diverse range of areas, they all work towards ensuring a more consistent customer experience for policyholders, injured people and other stakeholders in the workers compensation and CTP insurance schemes. As a comprehensive second reading speech was delivered during the introduction of the bill to the lower House, I seek leave to have the remainder of Minister Dominello's second reading speech incorporated in *Hansard*.

Leave granted.

Targeted efforts to improve the clarity, efficiency and affordability of these schemes add up to make a difference to the lives of the millions of people who interact with these schemes either as policyholders or injured people. Last year these schemes collected a combined \$6.6 billion in premiums and had 9.8 million policyholders with 105,715 newly reported claims. In developing the bill, my department and SIRA consulted with key stakeholders across both schemes, including insurers, peak legal and medical professional bodies, dispute resolution decision-makers, industry and key government agencies. I wish to acknowledge the assistance of these stakeholders, who have provided valuable input. Members may be assured that their comments have been carefully considered in finalising the bill.

I now turn to the details of the bill. This Government is committed to maintaining affordable green slip insurance premiums. Members would be aware that a major reform has been the introduction of the Motor Accident Injuries Act 2017, which established a new CTP scheme on 1 December 2017. Since then, I am pleased to report, motorists have seen a significant reduction in green slip premiums of more than \$145 on average. However, this is not a "set and forget" government. We are a government steadfastly committed to responding to customer needs and making improvements where we can. Over the past 3½ years since the CTP scheme's commencement, feedback from customers and other stakeholders of the scheme has been integral in identifying areas of the legislation where further improvement can be achieved. I can assure the House that the amendments made by the bill directly address this feedback.

The bill also seeks to better align workers compensation entitlements for both paid and volunteer workers in New South Wales. The unprecedented 2019 bushfire season highlighted discrepancies in certain workers compensation entitlements that are available to paid Rural Fire Service workers but not to volunteer Rural Fire Service workers. I take this opportunity to thank the former RFS commissioner, Shane Fitzsimmons, and the current commissioner, Rob Rogers, for their advocacy in bringing these discrepancies to the Government's attention. It is important that the New South Wales Government addresses these historical anomalies to ensure that those who donate their time and expertise to protect New South Wales communities receive the same entitlement to compensation as those who are employed.

There are approximately 76,319 firefighter volunteers in New South Wales, and the NSW Rural Fire Service typically receives an average of around 4,500 to 5,000 membership applications in a calendar year. In 2020 that number was almost double, with 8,494 new member applications received. The bill will provide these volunteers throughout New South Wales with the same entitlements as employed firefighters, reassuring them that their families will be protected in the event of an injury, just as they are there to protect our communities when we need them. The bill also responds to the needs of customers and stakeholders of workers compensation schemes more generally, by improving clarity and fairness in workers' access to compensation entitlements.

Protecting those injured on New South Wales roads, in our workplaces or while performing volunteering activities is this Government's utmost responsibility. This means ensuring quality care and support during the injured person's treatment and recovery. To that end, the bill also provides additional powers for SIRA to provide directions to prescribed service providers in relation to claims under the workers compensation and CTP schemes. This includes requiring a service provider to provide services in a specific way to ensure the best contribution to improved outcomes for injured road users and workers. Last year the Government introduced the Personal Injury Commission Act 2020. The PIC Act was a monumental reform, delivering a modern, independent, consolidated Personal Injury Commission with separate workers compensation and CTP insurance divisions. The commission enables injured people to benefit from a simpler, more streamlined and harmonised process. The commission commenced operation on 1 March 2021 and to support its operation this bill includes minor consequential amendments to ensure that the PIC reforms operate as intended.

I now turn to the provisions of the bill. The bill comprises four schedules. Schedule 1 provides for amendments concerning motor accidents legislation. Schedule 2 provides for amendments concerning workers compensation legislation. Schedule 3 contains amendments to the State Insurance and Care Governance Act 2015, relating to service providers. Schedule 4 provides for amendments that support the establishment of the Personal Injury Commission. I will now highlight some of the principal amendments in each schedule. A key feature of schedule 1, which sets out amendments to the CTP scheme, is ensuring that for people injured in motor vehicle accidents, their statutory benefit payments continue to be fairly assessed and calculated. Schedule 1 to the bill amends the definition of "pre-accident weekly earnings" in clause 4 (2) (b) of schedule 1 the Motor Accidents Injuries Act 2017 to include a consideration of any increased earnings that the injured person would have been entitled to earn had the injury not happened. This will allow CTP insurers to take into consideration any positive changes in a person's circumstances up to 12 months prior to the accident.

Secondly, schedule 1 to the bill amends the calculation of weekly statutory benefits in sections 3.6 (2) and (3), 3.7 (2) and (3), and 3.8 (2) and (3) of the Motor Accidents Injuries Act 2017 to include a consideration of a person's actual post-accident earnings. Where a person returns to work after their injury and their actual earnings are greater than their earning capacity, then their actual earnings will be taken into account when determining their entitlements. This amendment is important to promote a fair and equitable assessment of a person's weekly entitlements. Thirdly, the bill clarifies entitlements for people residing outside Australia. Currently, to access benefits, an injured person living overseas must lodge an application with the Personal Injury Commission to get an earning capacity determination, even if the relevant impact on the person's earning capacity is beyond doubt. Schedule 1 to the bill amends section 3.21 (2) (a) of the Motor Accident Injuries Act 2017 to permit an insurer to start paying benefits immediately in these clear-cut cases and to agree with the injured person to make payments more frequently than on a quarterly basis as is currently prescribed.

Fourthly, schedule 1 amends provisions in part 5 of the Motor Accident Injuries Act 2017 to clarify that all individuals injured in a motor vehicle accident who are not wholly or mostly at fault and who have more than one minor injury are entitled to receive statutory benefits past 26 weeks. This includes drivers injured in no-fault accidents. Members may know that some ambiguities of the no-fault accident provisions were highlighted in a Supreme Court decision in *AAI Limited v Singh*. The Motor Accident Injuries Act 2017 currently contains several deeming provisions in part 5 that appear to deem fault on a person in circumstances where no driver is actually at fault for the motor accident. The proposed amendment addresses this potential injustice and ensures that a driver who, for example, swerved to avoid a kangaroo that suddenly jumped on the road and caused an accident is entitled to statutory benefits for loss of income up to two years, and treatment and care benefits for life if needed. This amendment will ensure the best outcome for injured people by improving clarity and fairness of access to compensation entitlements. It is both prudent and necessary to ensure that no driver is disadvantaged where they are not at fault for the accident.

A further key objective of the bill is to provide flexibility and certainty in the management of statutory benefits claims in the CTP scheme, where the at-fault vehicle is insured interstate. Schedule 1 to the bill amends sections 3.2 (6) and (7) of the Motor Accident Injuries Act 2017. The amendments give interstate insurers an option to seek SIRA's written approval to manage statutory benefit claims by entering into an arrangement with a New South Wales licensed insurer or to opt for the Nominal Defendant to manage the

claim on their behalf. Where the Nominal Defendant manages the claim, the bill allows New South Wales CTP insurers to recover all reasonable costs from interstate insurers relating to its handling, unless the interstate insurer does not provide insurance cover for the at-fault driver.

Members would be aware that compensation for people injured in motor accidents differs from State to State. Compared to States that have a purely fault-based scheme such as Queensland, the New South Wales CTP scheme provides more generous support to at-fault drivers in the form of statutory benefits for up to 26 weeks. To ensure that support is not eroded, schedule 1 makes a further amendment to section 3.2 in the form of a new subsection to make clear that where the interstate insurer's policy does not cover the at-fault driver, the Nominal Defendant will bear the cost of paying the statutory benefits to that at-fault driver. While that will have a small estimated premium impact of under \$1 per policy, it will ensure that all drivers injured in New South Wales receive a minimum level of support, even when their injuries are not covered by their interstate insurance.

Importantly, the bill also protects the integrity of the New South Wales Government's intellectual property. Schedule 1 to the bill proposes amendments to both section 11.11 of the Motor Accidents Injuries Act 2017 and section 121 of the Motor Accidents Compensation Act 1999 to give SIRA stronger powers to regulate the use of the term "green slip". Those amendments are necessary to prevent non-government entities from misusing mandatory personal injury insurance terminology to promote specific services or products. This can potentially confuse and mislead the New South Wales public in relation to the official government green slip check website.

The final key area of the amendments to the CTP scheme proposed by the bill concerns the point to point transport industry. Schedule 1 to the bill amends section 1.4 and section 2.26 of the Motor Accident Injuries Act 2017 to improve the operation of the CTP scheme in relation to point to point vehicles for addressing the current legislative gaps. Those amendments will provide certainty and clarity for insurers and industry in terms of premium determination, collection and payment. The amendments to section 2.26 allow SIRA to require taxi service providers and booking service providers to provide information that is reasonably required to determine premiums to SIRA or a CTP insurer. Because that is not currently a requirement under the Motor Accident Injuries Act 2017, in many cases insurers are unable to accurately calculate premiums for point to point vehicles due to the absence of data. The amendments will ensure that insurers have access to the information necessary to access the risk and accurately calculate premiums for taxis and hire vehicles.

The amendments also require taxi service providers and booking service providers to pay premiums to insurers. SIRA will issue guidelines on the circumstances for paying premiums and may issue a written notice to service providers who fail to comply. This is necessary because although the 2017 Act allows part of the premium to be collected by taxi service providers and booking service providers on behalf of drivers, it does not expressly require service providers to pass those premiums on to insurers. That means that the only option for insurers seeking to recover unpaid premiums by service providers is to take recourse against the individual taxi or hire vehicle drivers by suspending or cancelling their registration.

This gives rise to a potential injustice as the driver may have done nothing wrong—they have paid the correct premiums to the service providers, who are withholding the payments. The bill seeks to avoid potential unfairness and ensure that individual drivers cannot be held responsible for the non-payment of premiums by service providers. With more than 15,000 authorised taxi drivers and 250 taxi service providers in New South Wales, alongside an estimated 20,000 to 30,000 rideshare drivers across 27 platforms, point to point represents a meaningful part of the CTP market, underlining the need for their treatment in the scheme to be robust and equitable.

I now turn to schedule 2 amendments concerning the workers compensation scheme. These amendments improve clarity and fairness in workers compensation entitlements and enhance the flexibility of the workers compensation scheme to adapt to change. The first amendment relates to deemed diseases. In workers compensation, a worker who suffers a disease injury must prove the disease was contracted during employment. Members will appreciate that compared to other work injuries this is not always easy to prove. That is why the workers compensation legislation currently deems certain diseases to be work related, without the worker having to prove that the disease was actually contracted during that employment. These are known as "deemed diseases".

Schedule 2 to the bill amends section 19 of the Workers Compensation Act 1987 to create a legislative structure that will allow the deemed diseases list to specify minimum periods of service in specified employment and minimum exposure requirements, if applicable, before a disease is deemed to be work related. This amendment will allow SIRA to take a more flexible approach to the deemed diseases list. It will also allow SIRA to incorporate scientific evidence about the causal relationship between certain diseases and occupational exposure to inform future changes to the deemed diseases list.

The next amendment introduces an important additional compensation entitlement for the benefit of the dependent children of deceased workers. Schedule 2 amends section 25 of the Workers Compensation Act 1987 to create an additional compensation entitlement to cover the fees charged by the NSW Trustee & Guardian to manage a dependent child's lump sum death benefit. As many members would be aware, the existing workers compensation legislation provides that the family or estate of a worker who dies as a result of a workplace injury is entitled to a lump sum death benefit. That benefit is over \$830,000 and is generally apportioned between the deceased worker's spouse and dependants, including dependent children, if any. Where the dependent children are under 18 years of age, their share of the lump sum is generally ordered to be paid to the NSW Trustee & Guardian. The trustee manages the lump sum on behalf of the child.

The trustee performs this very important role to protect the interests of the child and to guarantee the lump sum is there for them when they reach 18. As at 30 June 2020 the trustee was managing 417 workers compensation trusts on behalf of the children of deceased workers. I emphasise here that the protection of the child's interests is paramount—the lump sum is intended solely for the benefit of the child. This additional compensation entitlement to cover the cost of investing and managing a child's lump sum ensures that the child's lump sum is not at risk of being eroded by fees over time. We estimate that between 60 to 70 children and young people will benefit from this improvement each year. I acknowledge that in the context of the overall workers compensation system that represents a small number of beneficiaries, but it represents an important enhancement for children and young people tragically impacted by the death of a parent or other family member. The amendment also allows for regulations to provide for how this additional compensation entitlement is to be calculated.

Another improvement proposed by the bill relates to injured workers who cease to live in Australia. The bill makes it easier for those workers to establish their ongoing eligibility for weekly payments and to be paid their weekly entitlements. Workers from all over the world bring their skills and expertise to work in New South Wales and contribute to the New South Wales economy. Understandably, a small number of injured workers cease to live in Australia after an injury. Under the existing workers compensation

provisions, a worker who ceases to live in Australia continues to be entitled to receive their weekly payments of compensation if his or her incapacity for work as a result of the injury is likely to be of a permanent nature.

Schedule 2 to the bill amends section 53 of the Workers Compensation Act 1987 to provide that those workers and their insurers may reach agreement on the likely permanent nature of the worker's incapacity without having to bring a dispute in the Personal Injury Commission. If the worker and insurer cannot reach agreement, then the commission can determine the matter in the usual way. In addition, these workers will now be able to receive their weekly payments at the employer's usual time of payment of wages, like all other workers, rather than being paid quarterly in arrears. Finally, schedule 2 to the bill also simplifies and modernises the definition of "medical or related treatment" by amending section 59 of the Workers Compensation Act 1987, ensuring greater flexibility for the regulations to provide for what constitutes such treatment. This will facilitate a more adaptable definition that can keep pace with advances in treatment and injury management.

I will now address the volunteer amendments in the workers compensation scheme. This group of amendments relates to new entitlements for volunteer firefighters and emergency and rescue workers who are injured while performing their volunteering activities. The bill makes amendments to the Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987 to better align entitlements to those provided for paid workers under the general workers compensation scheme. Schedule 2 to the bill amends sections 10 and 26 of the Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987 to provide access to reasonable funeral expenses up to a maximum of \$15,000, in line with the amount paid for workers in the general workers compensation scheme. It also includes the additional compensation entitlement, which I mentioned earlier, to cover the cost of investing and managing a child's lump sum where that lump sum is paid to the NSW Trustee & Guardian to manage in the event of the death of a volunteer as a result of their volunteering activities.

Again, consistent with the general workers compensation scheme, the bill provides for the reasonable cost of transportation of the body to the place of burial or usual residence—whichever is the lesser—where a volunteer dies as a result of their volunteering activities. This applies where Australia was the usual place of residence of the volunteer at the time of their death. Where a volunteer is injured in the course of their volunteering activities and is unable to return to their paid work, they will now have access to return-to-work assistance, vocational re-education and training and workplace aids and modifications to facilitate return to work with a new employer. Providing access to these resources aims to support a volunteer in securing employment, consistent with the return-to-work incentives already available to injured workers in New South Wales.

Where a volunteer is unable to return to their current paid employment, schedule 2 to the bill introduces sections 14A, 14B, 28C and 28D to the Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987 to provide access to compensation for the cost of return-to-work assistance to help those volunteers with paid work at the time of their volunteer-related injury to return to work with a new employer. The cumulative value of this compensation is \$1,000, and it may cover expenses such as clothing, workplace equipment, child care and industry licences or certificates. Volunteers will also have access to up to \$8,000 for the cost of education and training.

Lastly, the bill introduces amendments concerning provisional acceptance of liability. Acceptance of liability on a provisional basis has been available to New South Wales workers in the general scheme since 2002. Schedule 2 to the bill introduces a new part 3A to the Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987, which extends this entitlement to eligible volunteers, providing prompt access to medical and related treatment and weekly payments, if applicable, so that optimal health and social outcomes can be achieved. These changes will allow for the payment to eligible volunteers of up to 12 weeks of weekly payments and up to \$10,000 of medical expenses while waiting for their claim to be determined.

I now turn to schedule 3, which concerns amendments to the State Insurance and Care Governance Act 2015 relating to service providers. One of the cornerstones of the State Insurance Regulatory Authority as the regulator is to promote the safety, transparency, affordability and sustainability of the workers compensation and CTP schemes. Currently, SIRA can refer concerns about providers' professional practice to their professional bodies or the Health Care Complaints Commission but it is unable to prevent service providers from delivering treatment and other services in a manner inconsistent with the workers compensation or CTP legislation and its objectives.

The findings of SIRA's healthcare review found that between 2016 and 2019 healthcare expenditure in the workers compensation scheme rose by 47 per cent, up to its current level of over \$1 billion a year. There was evidence of overservicing and overcharging by some providers. The review also found that limited availability of healthcare data is impacting SIRA's ability to monitor the scheme and health provider behaviours. It is clear that legislative amendments are required to provide appropriate regulatory tools for SIRA to ensure that treatments and other services provided to injured workers and road users are appropriate, timely and cost effective, and contribute directly to improving outcomes.

To this end, schedule 3 introduces new provisions to division 3 of the State Insurance Care and Governance Act 2015 to provide SIRA the power to issue directions to service providers who are not providing services in accordance with the regulations. The direction powers will include requiring a "relevant provider" to take a specified action or to deliver "relevant services" in a particular way to comply with the scheme's specific requirements. The bill allows the regulations to specify the "relevant services" and the "relevant service providers" against which directions may be issued, as well as the manner and form of those directions. It is important to mention that following the passage of the bill, extensive consultation will be undertaken on the development of these supporting regulations.

The bill also makes it an offence for a provider to not comply with a direction and introduces new sections into the Motor Accident Injuries Act 2017 and the Workers Compensation Act 1987 to make it a condition of an insurer's licence that the insurer must not engage, approve or pay a service provider for an excluded service. Members may be assured that the bill upholds procedural fairness by providing a right for service providers to apply to the NSW Civil and Administrative Tribunal for a review where a direction from SIRA restricts the provider from delivering services in the schemes. Finally, the bill will allow SIRA to direct providers to provide claims-related data and information. The CTP and workers compensation legislation already allows SIRA to compel the provision of data from insurers. Extending it to service providers in both schemes will enhance SIRA's ability to monitor claims experience and, importantly, the quality and value of those services to enable SIRA to better regulate the schemes.

I now turn to schedule 4 and the amendments concerning the establishment of the Personal Injury Commission. In March 2021 the Government launched the new one-stop shop Personal Injury Commission to simplify the dispute resolution system for injured road users and workers. I am particularly proud of this achievement, as the commission will assist thousands of customers. It puts the claimant at the centre of the dispute resolution process and simplifies the process justly and quickly and as cost efficiently as possible.

The commission ensures a new way of dealing with the approximately 17,000 applications each year. To ensure the ongoing efficient operation of the commission, schedule 4 to the bill introduces new section 64A to the Personal Injury Commission Act 2020 to clarify the application of the Judges' Pensions Act 1953 and amends section 26D of the Civil Liability Act 2002 and section 6 of the Sporting Injuries Insurance Act 1978 to clarify terminology relating to medical assessors. These amendments will ensure that the powers and scope of the commission are clear and unambiguous so that the Personal Injury Commission Act operates as intended.

This bill is the result of an extensive review. These reforms will contribute to improving and strengthening the workers compensation and CTP legislation. They reflect the Government's commitment to securing personal injury compensation schemes that promote the welfare and wellbeing of injured road users and workers of New South Wales, as well as of the broader community, and deliver the best possible claimant experience. I commend the bill to the House.

Second Reading Debate

The Hon. DANIEL MOOKHEY (17:47): I have the honour of leading for the Opposition in debate on the Motor Accidents and Workers Compensation Legislation Amendment Bill 2021. I note we are nearing the one-year anniversary of the passage of the bill through the lower House. I cannot accuse the Government of being timely when it brings bills from the lower House to the upper House, though this would rank as a record given its one-year interim period. That is disappointing because, given the content of the bill, I do not understand why it has taken the Government as long as it has to bring it before the upper House for debate. The Opposition and all other members support the bill, as I understand it. Had we debated it more promptly, it could have passed last year. Nevertheless, here we are.

I find myself in a position where I have marvelled at the eloquence of the two shadow Ministers in the other place who contributed to debate on the bill on 9 June 2021. The shadow Minister for Work Health and Safety in the other place set out the Opposition's position as it applies to the workers compensation components of the bill, and the shadow Minister for Customer Service set out the Opposition's position as it applies to the motor accidents scheme components of the bill. I cannot do better than what they said, though I am not going to be incorporating their speeches into *Hansard*. I refer the House to their remarks, specifically the remarks given by the member for Canterbury on 9 June 2021 at 9.49 a.m. and the member for Swansea at 10.31 a.m. I refer people, and all connoisseurs of *Hansard* who are reading my remarks, to the remarks of those members to understand the Opposition's position on the bill.

One matter was not covered during the bill's second reading debate in the Legislative Assembly. In the year since the second reading debate took place in the lower House, Labor succeeded in getting the bill amended in a few respects. The amendments covered allowing the State Insurance Regulatory Authority [SIRA] to incorporate up-to-date evidence linking the cause of a disease to an employment, which is important. That is dear to the hearts of many who participated in the 2019 review of the Workers' Compensation (Dust Diseases) Act 1942, as I did. The report from that review highlighted the fact that we still rely on the definition of roughly 16 dust diseases by this Parliament in 1942 to determine what a dust disease is. The evidence adduced in that particular inquiry made clear that, while those 16 or 17 diseases remain and should remain defined in our law, we need to provide the power and additional means to prescribe further dust diseases that have since developed so they get equal treatment.

I recall listening to experts and others and meeting with victims of dust diseases who made the point that if they do not have one of the 16 prescribed diseases, they find themselves in a position where they have to prove that they acquired the dust disease at work. That is an additional hurdle they should not have to go through. As we know, a person diagnosed with a dust disease often finds themselves with a tough prognosis. Personally, I have had family members in my broader family diagnosed with dust diseases who find themselves with really serious health issues within a matter of months. Having to go through that level of litigation is unnecessary and ought to be avoided, which is part of the reason why the Opposition is disappointed that the Parliament is still yet to have a comprehensive response to the important recommendation of the 2019 dust diseases review. I note that the shadow Minister for Work Health and Safety has written to the Minister responsible for dust diseases seeking to include pneumoconiosis, among others.

We are currently experiencing the revival of many diseases we thought we had extinguished, including black lung, farmer's lung and, most commonly, silicosis. The Opposition remains indebted to so many experts in the field who spoke to us about the issue. Professor Deborah Yates is regarded by all as one of Australia's leading authorities on all matters dust diseases. Her explanation of how it is common that a person with one dust disease often develops another was illustrative of that 2019 review. It is hard to distinguish between two dust diseases, which is part of the reason why our law needs to be a bit more flexible; it was proclaimed in 1942. It is a good thing we will pass this law. It would be better if we fixed that particular problem as well. If we cannot do that, I sincerely hope the Government responds to the 2019 recommendation around the prescribed diseases. Any prospect of getting it fixed in this term of Parliament will be welcome news to many dust disease victims and their families. Again, I refer the House to remarks given by the two shadow Ministers in Legislative Assembly last year.

Ms SUE HIGGINSON (17:53): I contribute to debate on the Motor Accidents and Workers Compensation Legislation Amendment Bill 2021 and indicate that The Greens support the bill. I acknowledge the work of the Hon. Sophie Cotsis, who has clearly worked hard to improve the bill on behalf of workers across New South Wales. She has also assisted me in getting across the bill in the short period I have been a member of this place. I thank her for that.

The Greens are pleased to see the limitation periods clarified for an action on a claim under the Motor Accident Injuries Act so that those who need to access schemes for personal injury will now be able to and will not be statute barred. However, The Greens are concerned about relegating the power to determine what constitutes a medical or related treatment to the regulation, and thereby the State Insurance Regulatory Authority, for the purposes of expenses and compensation for treatments. We understand that this poses real concerns that certain treatments may be delayed or, worse, denied. We believe that newer medically approved but less conventional treatments, such as medical cannabis, would be particularly susceptible or vulnerable to possible delays or denial. However, we understand that those concerns will be dealt with by a One Nation amendment, which The Greens will support.

The bill amends the Workers Compensation (Bushfire, Emergency and Rescue Services) Act 1987. The Greens support that part of the bill because it will deliver better outcomes for firefighters and emergency service workers who are injured as a result of their dedicated, dangerous and often heroic frontline public service. We know the workload of those frontline workers is only increasing and getting more dangerous as the impacts of climate inaction continue to manifest across the landscape in many ways. The provisions will also deliver some outcomes to assist the families of frontline workers who lose their lives in service, like those we lost during the horrendous fires in 2019 and 2020.

The Greens support the bill because, on balance, it will make aspects of the current workers compensation and motor accidents schemes better. However, it is The Greens' position that when it comes to workers compensation much more should be done at the front end of SafeWork to identify and manage risk to prevent harms workers face at work. In that regard, I particularly note that the Government must develop and introduce comprehensive adaptation plans across all communities and all types of work to identify and address the dangerous and harmful impacts of climate change that are set to increase for workers everywhere, particularly frontline and emergency service workers.

The Hon. CHRIS RATH (17:56): I speak in support of the Motor Accidents and Workers Compensation Legislation Amendment Bill 2021. I acknowledge some of the points made by the Hon. Daniel Mookhey. I was recently appointed the chair of the Law and Justice Committee. As honourable members know, one of the great tasks the committee has is to review dust diseases twice per Parliament. We are currently at the conclusion of yet another review of dust diseases and a report will be released very soon. The committee also reviews the compulsory third party [CTP] scheme and the workers compensation scheme. Those reviews are still to come during this term of Parliament.

I will speak to the reforms that will provide additional powers for the State Insurance Regulatory Authority [SIRA] to regulate service providers to ensure only those services that contribute to improved outcomes for injured road users and workers are funded by the workers compensation and CTP schemes. Why does SIRA need the additional powers? Under the current workers compensation and CTP legislation, SIRA has limited powers to prevent health providers from delivering treatment and other services in a manner inconsistent with the objectives of the legislation and regulations in both schemes.

Health practitioner registration matters, investigations and disciplinary actions in response to public and patient safety concerns are undertaken by regulatory agencies such as the Australian Health Practitioner Regulation Agency, the Health Professional Councils Authority and the NSW Health Care Complaints Commission. However, those agencies do not deal with behaviours and practices that are inconsistent with requirements specific to the workers compensation and CTP schemes, such as noncompliance with fees orders, overservicing and overcharging. This is why the bill amends the State Insurance Care and Governance Act 2015 to provide SIRA with the power to issue directions to service providers who are not providing services consistent with scheme and legislative objectives.

The Hon. Daniel Mookhey: Incorporate.

The Hon. CHRIS RATH: I will not be long. SIRA, in accordance with the regulations, will be able to limit or prevent these service providers from providing services under the schemes. The direction powers will include requiring a relevant provider to take a specified action or to deliver relevant services in a particular way to comply with the scheme-specific requirements. The bill allows the regulations to specify the relevant services and the relevant service providers against which directions may be issued, as well as the manner and form of those

directions. The bill makes it an offence for a provider to not comply with a direction and makes it a condition of an insurer's licence that the insurer must not engage, approve or pay a service provider for an excluded service.

I can assure honourable members that the bill creates a right of review, in accordance with the regulations, for service providers directed to take specified action or provide relevant specified services. The bill also provides a right of review through the NSW Civil and Administrative Tribunal for service providers that are directed to not provide a specific service. Following the passage of the bill, extensive consultation with health providers and other relevant stakeholders will be undertaken on the development of supporting regulations and guidance. These reforms will provide a powerful deterrent to those few service providers who engage in ongoing noncompliance and repeated behaviours that result in poor outcomes for injured people and are inconsistent with the objectives of both schemes.

It is important that SIRA has appropriate regulatory tools to ensure that treatments and other services provided to injured road users and workers are appropriate, timely, cost effective and contribute directly to improving health and return-to-work outcomes. As the Hon. Daniel Mookhey noted, I previously worked for Insurance Australia Group [IAG] for about 6½ years. IAG is the parent company of NRMA Insurance, the largest insurer of motor vehicles in New South Wales. I was working at IAG when the excellent Minister Victor Dominello reformed the CTP scheme. These schemes, whether for CTP or workers compensation, need constant review and constant tweaks to ensure that there are no cost blowouts, that premiums do not go sky-high and that the schemes are efficient and well run.

That is why this is an important piece of legislation to ensure that there are no frauds or exaggerated claims in the system, the costs are under control and the scheme is run as efficiently as possible. We can see that in New South Wales already, where the benefits of the CTP scheme are paying off because premiums are the lowest in a decade. Premiums are now around \$470, as opposed to 2016, before those reforms came in, when they were over \$600. That is because of the constant reforms, dating back to the big reform in 2016. I thank Minister Victor Dominello and SIRA for these important reforms, and I think they will make the scheme even stronger.

The Hon. ROD ROBERTS (18:03): One Nation supports the Motor Accidents and Workers Compensation Legislation Amendment Bill 2021 in principle. I will not go over the entire bill, which has already been adequately ventilated this evening, except to say that we have an amendment that we will move in the Committee stage that relates to the definition of medical and related treatments. I will have something to say on that, in quite some depth, at the appropriate time.

The Hon. SHAYNE MALLARD (18:03): On behalf of the Hon. Damien Tudehope: In reply: I thank those who contributed to the second reading debate. I thank the Hon. Daniel Mookhey, who has had a longstanding commitment and interest in workers compensation over the course of his career, and I particularly acknowledge his industrial diseases concerns. As a former chair of the—

The Hon. Daniel Mookhey: It was your report.

The Hon. SHAYNE MALLARD: Yes, it was my report. It was our report. As a former chair of the Committee on Law and Justice, which performs those regulatory reviews, I encourage Ms Sue Higginson to join that Committee due to her interest in such matters. There is an important reform in the bill regarding bushfire volunteers that members may not know about because the speech was incorporated. Emergency workers and volunteer firefighters will receive extra support and assistance, along with their families and children. I thank the Hon. Chris Rath for his contribution in his new role as chair of the Committee on Law and Justice. I think his background in the insurance sector will be helpful to this House.

I also thank the Hon. Rod Roberts from One Nation, who referred to his amendment. I alert the House that the Government will support the amendment when it comes to the Committee of the Whole. The New South Wales Government is committed to ongoing reform of the CTP and workers compensation schemes so that they continually improve and evolve outcomes for people who are injured on roads and in workplaces. As our workplaces and our road systems change, we must try to evolve our personal injury insurance schemes so that they remain relevant and fit for purpose. That is what this piece of legislation reform addresses. I thank honourable members for their support of the bill. I commend the bill to the House.

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

Motion agreed to.

In Committee

The CHAIR (The Hon. Wes Fang): There being no objection, the Committee will deal with the bill as a whole.

The Hon. ROD ROBERTS (18:07): By leave: I move One Nation amendments Nos 1 and 2 on sheet c2021-090A in globo:

No. 1 Commencement

Page 2, clause 2(2), line 8. Omit "and [3] commence on a day or days". Insert instead "commences on a day".

No. 2 Medical or related treatment

Page 10, Schedule 2.1[3], lines 26-34. Omit all words on those lines.

Amendment No. 1 is simply a consequential amendment as a result of amendment No. 2 and does not need to be addressed. As I said in the second reading debate, we support the concept of the bill, but parts of it cause me, and others in this Chamber, extreme concern. That leads us to amendment No. 2, which is a simple amendment to omit the part of the bill that seeks to delete the definition of medical or related treatment in the Act. Through this bill the Government proposes to remove the legislative definition of medical or related treatment that is firmly and, I submit, rightfully enshrined in the Act. Once removed, the proposition is to replace it with a new definition. Let us look at the definition of medical or related treatments in section 59 as it currently exists in the Act. I will go through the definitions. I seek the patience of the Committee, but I think it is important. Section 59 defines medical or related treatments as:

medical or related treatment includes—

- (a) treatment by a medical practitioner, a registered dentist, a dental prosthetist, a registered physiotherapist, a chiropractor, an osteopath, a masseur, a remedial medical gymnast or a speech therapist,
- (b) therapeutic treatment given by direction of a medical practitioner,
- (d) the provision of crutches, artificial members, eyes or teeth and other artificial aids or spectacles,
- (e) any nursing, medicines, medical or surgical supplies or curative apparatus, supplied or provided for the worker otherwise than as hospital treatment,
- (f) care (other than nursing care) of a worker in the worker's home directed by a medical practitioner having regard to the nature of the worker's incapacity,
- (f1) domestic assistance services,
- (g) the modification of a worker's home or vehicle directed by a medical practitioner having regard to the nature of the worker's incapacity, and
- (h) treatment or other thing prescribed by the regulations as medical or related treatment,

I emphasise paragraph (h) and I will come back to it. There "medical treatment" is defined and clearly described. The current bill, though, proposes to remove that definition and replace it with new section 59:

Omit the definition of *medical or related treatment*. Insert instead—

medical or related treatment means a treatment, care, assistance, service or other thing of a kind prescribed by the regulations, but does not include—

- (a) an ambulance service, or
- (b) a hospital treatment, or
- (c) a workplace rehabilitation service, or
- (d) a treatment, care, assistance, service or other thing of a kind prescribed by the regulations not to be medical or related treatment.

If the Government's amending bill is passed, that would mean the definition of "medical or related treatment" would be defined only by regulation. Naturally the question to be asked is: Why? For the Government's explanation, I will read part of Minister Dominello's second reading speech in the other place:

Finally, schedule 2 to the bill also simplifies and modernises the definition of "medical or related treatment" by amending section 59 of the Workers Compensation Act 1987, ensuring greater flexibility for the regulations to provide for what constitutes such treatment. This will facilitate a more adaptable definition that can keep pace with advances in treatment and injury management.

That in itself is probably not a bad idea. However, the Minister's reasoning is that this definition will be more adaptable and keep pace with advances in treatment and injury management. But this is disingenuous. I draw to the attention of members the current definition that I highlighted previously. The definition already contains a regulation-making power while maintaining the core definition in the Act. That is appropriate because it provides for and gives the flexibility of additional prescription by regulation, but importantly it keeps the core definition to be defined by Parliament.

Members of this House will be more than aware of the criticism of delegated legislation. By giving the Executive Government carte blanche power and authority to formulate policy, that puts at risk fundamental democratic values and the legitimacy of law. Furthermore, we know that delegated legislation lacks the

transparency and public accountability of the parliamentary process. Leaving this unfettered power in the hands of the Government would make it possible to severely restrict the definition and thereby deny injured workers access to treatment that is currently provided for under the scheme. This would be done in an attempt to keep scheme costs down. We know from recent reviews that reducing the cost of medical treatment is on the wish list of the Government and icare.

Along with other members, I am a member of the Standing Committee on Law and Justice, as was the Chair. One of the remits of the committee is reviewing the Workers Compensation Scheme and the operation of icare. If cost saving measures are to be made, icare and its operations is where we should be looking. Imaginariums costing millions of dollars and the largess of executive salaries are a good place to start. I suggest that paying executives and hundreds of staff bonuses for managing a scheme that is going backwards and bleeding money is just plain wrong and a waste of money that is paid for in premiums. That money would be better spent on rehabilitating injured workers.

My colleague the Hon. Mark Latham and I accept that current costs and outcomes of medical treatment need to be improved, but the way to do that is to ensure that the treatment provided is best practice and firstly gets injured workers healthy and then back to work. A prompt return to work obviously will save the scheme money. However, this should not be achieved by cutting the treatment available by legislation to injured workers. I make one last point. The Government amendment, if passed, would mean that the Legislative Council loses any practical influence from a disallowance motion, if that were ever to be moved. By that I mean that in the event that a severely restrictive regulation was made by the Government, this Chamber, the Legislative Council, would not be in a position to disallow such a regulation because to do so would mean that there would be no regulation and therefore no definition at all of "medical or related treatment". That would be an undesirable and dangerous position. I commend the amendments to the Committee.

The Hon. SHAYNE MALLARD (18:15): I thank the Hon. Rod Roberts for outlining his issue with the bill and for his amendments. The Government does not oppose the amendments. We have consulted and we agree to retain the definition of "medical or related treatment" in the Act.

The Hon. ROBERT BORSAK (18:15): On behalf of the Shooters, Fishers and Farmers Party, I associate myself with the comments of the Hon. Rod Roberts and support his amendments.

The Hon. DANIEL MOOKHEY (18:17): I commend the Hon. Rod Roberts for his forensic attention to detail and his pick-up of this important change. It is fair to say that throughout the course of this particular Parliament, members of the Legislative Council have acquired deep expertise in the workers compensation system. Lots of members of the Legislative Council have developed quite a lot of subject matter expertise, which means that when we spot proposed amendments in Government bills, we are in a position to contextualise them. The only criticism I make of the Hon. Rod Roberts is that he was a bit too diplomatic in describing what he assumes is the Government's motive in this respect.

I cannot but help read the bill's definition and recall propositions that we had floated by various actors in the workers compensation system just two years ago. I recall vividly the chief medical officer of a major insurer, which happens to be the Nominal Insurer, floating the idea in the *Sunday Telegraph* of how liberating it would be for an injured worker to have to pay a gap fee to a doctor. I am sure members remember that one. Equally I recall the Legislative Council exposing a lot of really interesting and arguably superfluous medical treatments that were being paid for by a certain organisation in the workers compensation system, which was not picked up by the regulator. In fact, one of the criticisms when it comes to the payment of medical treatments is that there has been a system failure by both the State Insurance Regulatory Authority [SIRA] and icare. We had icare charging the fund for medical treatment that was utterly superfluous and SIRA was not—

The Hon. Shayne Mallard: Point of order: I did not take a point of order on the Hon. Rod Roberts because he had done the research on his amendments. My point of order is that the Hon. Daniel Mookhey should be directing his comments to the specific amendments, which is the definition in the Act or in the regulation. The Government has agreed to support the amendments so that the definition remains in the Act.

The Hon. DANIEL MOOKHEY: To the point of order: I will absolutely speak to the point of order.

The CHAIR (The Hon. Wes Fang): I have been strict in relation to members speaking to the amendments. Noting the comments of the Hon. Rod Roberts and that the Hon. Daniel Mookhey is speaking to aspects of inquiries that have occurred and the definitions in the bill, I rule that his comments are in order. I understand the point of order taken by the Parliamentary Secretary. It is about as wide a latitude as I would give in a contribution to debate, but I suggest that the comments are in order.

The Hon. DANIEL MOOKHEY: Chair, to be given such wide latitude by you is appreciated. Can I just say that the reason I narrate these particular stories of history is because they are what I would describe as tendency

evidence about how the Government is seeking to ration care. The whole point of the bill is that it seems like it is a backdoor mechanism to ration care by altering the power balance as it applies between this Parliament, the regulator and the major insurer who would have the opportunity to use it. The Hon. Rod Roberts is quite right when he says that were we to delegate the definition of "medical treatment" to whoever it is who makes the regulation, we in effect would be surrendering our right at any point in the future to disallow it because to do so would deny people any form of medical treatment. There is a reason this has to be in the Act. There is a reason the shrinkage that was proposed by the Government was a bad idea. There has been a tendency throughout this term of the Parliament to delegate everything to regulation at the expense of our function as the house of review.

The CHAIR (The Hon. Wes Fang): I suggest that the member has started to stray.

The Hon. DANIEL MOOKHEY: It is good that the Hon. Rod Roberts has picked that up and moved the amendments. I again commend him for his forensic attention to detail when it comes to this particular matter.

The Hon. ROD ROBERTS (18:19): I note the hour, so I will not drag it out too much. The Hon. Daniel Mookhey was right—I was very diplomatic. Last week I put on record my thoughts about Minister Dominello and the quality of work that comes out of his office. I will not say any more about that tonight, but thank goodness we are here to pick all that up. Once again, I commend the amendments to the Committee.

The CHAIR (The Hon. Wes Fang): The Hon. Rod Roberts has moved One Nation amendments Nos 1 and 2 on sheet c2021-090A in globo. The question is that the amendments be agreed to.

Amendments agreed to.

The CHAIR (The Hon. Wes Fang): The question is that the bill as amended be agreed to.

Motion agreed to.

The Hon. SHAYNE MALLARD: I move:

That the Chair do now leave the chair and report the bill to the House with amendments.

Motion agreed to.

Adoption of Report

The Hon. SHAYNE MALLARD: On behalf of the Hon. Damien Tudehope: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. SHAYNE MALLARD: On behalf of the Hon. Damien Tudehope: I move:

That this bill be now read a third time.

Motion agreed to.

FIREARMS LEGISLATION AMENDMENT BILL 2022

Second Reading Debate

Debate resumed from 17 May 2022.

The Hon. PETER POULOS (18:23): On behalf of the Hon. Sarah Mitchell: In reply: Further to my previous opening remarks, I note that certain matters were raised during the second reading debate to which I make the following comments. The intent of the legislative changes was always about restoring the ability of existing category D licence holders, including some primary producers and pest animal controllers, to access and retain the fit-for-purpose category D firearms they need. From the outset, we have been resolute that those amendments are not about broadening the group of people who can hold a category D licence. They are sensible changes to preserve the intent of the legislation prior to a 2020 NSW Civil and Administrative Tribunal decision and remove the need to rely on a regulation.

The linkage between primary producers and a Local Land Services-style government sanction program is historically significant and ensures appropriate checks and balances are in place for the most powerful firearms that can be legally used in New South Wales. The Firearms Act already provides the ability for primary producers participating in authorised pest eradication campaigns to obtain a category D licence. That remains the case. The changes are about ensuring category D licence holders have fit-for-purpose firearms, not expanding the reach of some firearms beyond category D licence holders. New South Wales will continue to have appearance-based regulation of firearms, in line with most other jurisdictions around the country. The appearance of a firearm has

significant implications on public safety and they have the potential to cause alarm for not only the public but also police. That is what makes it so important to retain these appearance laws.

The bill makes appropriate amendments to ensure that pest controllers and farmers with category D licences have and retain access to fit-for-purpose firearms and gives more flexibility in licensing periods to support pest eradication campaigns. This is a sensible bill that will deliver a permanent solution to an issue affecting category D licence holders to ensure that they can access the firearms they need for their important jobs. I commend the bill to the House.

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

Motion agreed to.

In Committee

The CHAIR (The Hon. Wes Fang): There being no objection, the Committee will deal with the bill as a whole. The Committee has two sets of amendments before it for consideration: the Shooters, Fishers and Farmers amendments on sheet c2022-081E, and The Greens amendments on sheet c2022-102A.

The Hon. ROBERT BORSAK (18:27): I move Shooters, Fishers and Farmers amendment No. 1 on sheet c2022-081E:

No. 1 **Genuine reasons for having a firearms licence**

Page 3, Schedule 1. Insert after line 4—

[1A] Section 15 Category D licences—restrictions on issue

Omit section 15(a). Insert instead—

- (a) the genuine reason established by the person for being issued with the licence is that of—
 - (i) primary production and the person states that the person intends to use the firearm solely in connection with the suppression of vertebrate pest animals on land used for primary production, or
 - (ii) vertebrate pest animal control, and

Section 15 of the Firearms Act restricts the issue of category D firearms licences for genuine reason of primary production to a person who intends to use the firearm in connection with the suppression of vertebrate pest animals on land used for primary production and for the purpose of vertebrate pest animal control only. Unless primary production is explicitly included as a genuine reason to be issued a category D firearms licence, primary producers will be precluded from using and accessing category D firearms, despite what the Government is trying to tell us. To rectify that problem, the amendment adds primary production as a genuine reason in section 15 of the Act. This change is entirely consistent with the Government's intentions spelled out in the second reading speech and with provisions of paragraph 16 of the National Firearms Agreement, which clearly enables category D firearms to be issued to primary producers.

The CHAIR (The Hon. Wes Fang): Does the Hon. Robert Borsak wish to move all the Shooters, Fishers and Farmers amendments now in globo and vote on them separately?

The Hon. Robert Borsak: I am going to divide on them all, so the answer is no.

The Hon. PETER POULOS (18:29): The Government respectfully opposes Shooters, Fishers and Farmers Party amendment No.1 on sheet c2022-081E. The amendment is open ended and the Firearms Act 1996 already provides for primary producers participating in authorised eradication campaigns to obtain category D licences. It is an important check and balance that is not obsolete, and it ensures the required scrutiny around the most tightly held firearms licence available in New South Wales. To accept the amendment would be against the principles and objects of the Act. Clause 16 (b) of the National Firearms Agreement provides that a genuine reason for a category D licence is "for the purposes of controlling vertebrate pest animals in the course of primary production activities." That is already covered by the current licensing system, which allows licences for contract shooters, members of government agencies and primary producers participating in a State-sanctioned vertebrate pest control eradication program. For those reasons, the Government will oppose the amendment.

The Hon. MICK VEITCH (18:30): The Opposition will not support the amendment proposed by the Shooters, Fishers and Farmers Party based on the information from the Government that primary producers will be able to access category D firearms as a result of the Local Land Services pest management schemes and programs and the National Firearm Agreement arrangements.

Ms SUE HIGGINSON (18:30): An amendment to give all primary producers access to category D licence firearms rather than the qualification of being engaged in a vertebrate pest control program is quite

outrageous and far too broad. There are perhaps 20,000 registered primary producers in the State, which is a conservative figure. "Primary producers" is a very broad category of people and not an appropriate categorisation to base qualification for the purpose of a licence for the most serious firearms.

The Hon. MARK BANASIAK (18:31): I will not speak on every amendment but I will speak on this one. The Deputy Premier has gone to great lengths to say in his second reading speech and on social media that the Firearms Legislation Amendment Bill 2022 will help primary producers. But let us put some facts on the table. Without this amendment, the Firearms Registry will continue to play the same games it has played with primary producers for years. The Hon. Peter Poulos spoke about programs controlled by Local Land Services [LLS], but they do not exist for primary producers. The LLS has refused to support primary producers in their applications and in their engagement with those programs.

At budget estimates this year I presented evidence of collusion by the Firearms Registry with Local Land Services and the National Parks and Wildlife Service, where a staff member from the Firearms Registry sent out a pro forma letter to senior staff at both those agencies and encouraged them to sign it to obstruct primary producers from getting access to the tools they need to do their job. With all due respect, for the Government to say primary producers will still be able to get category D licences because LLS will have these State-sanctioned programs that they will be able to engage in is an absolute furphy. That is not what is happening on the ground. Without this amendment, those sorts of underhand practices by the Firearms Registry and Local Land Services will continue to happen. I do not care what the legislation says; that is what will continue to happen unless this amendment is passed.

I am a little bit disappointed the sole country Labor member could not convince his party to get on board with supporting this amendment. I know he has dreams of getting the Country Labor band back together. Passing this amendment would have been a small step in the right direction. I note the Hon. Peter Poulos mentioned the National Firearms Agreement, which is clear on this issue and allows for this amendment. If members vote against this amendment, they are proving to firearm owners in this State what they already know, and that is that the National Firearms Agreement is not legally binding. It is just a document that the Government and the Firearms Registry wave around selectively.

The CHAIR (The Hon. Wes Fang): The Hon. Mark Banasiak will return to the leave of the amendment.

The Hon. MARK BANASIAK: I am speaking to the amendment because the comments around it are about the National Firearms Agreement. This confirms to the people in this State who legally own firearms that the National Firearms Agreement is something that the Government picks and chooses from when it waves it around. It is not legally binding. The Government uses it to pick and choose when it wants to oppress law-abiding firearm owners.

Mr JUSTIN FIELD (18:34): It is obvious that there is a middle ground on this issue. As Ms Sue Higginson rightfully pointed out, these sorts of weapons do not need to be made available for the 20,000-odd primary producers in New South Wales as a matter of course. However, the honourable member from the Shooters, Fishers and Farmers Party has a point that there is not an adequate degree of effort going into feral animal management in New South Wales. There is more work that needs to be done to engage primary producers and contract shooters. I asked for information from the Government about the nature of category D licences and their holders because it is important to understand who holds the licences and how they are used. I was told that 373 of the category D licences are held by contract shooters—the overwhelming majority of them are individuals and some are businesses owners—110 are held by government agencies, and 39 are held by primary producers involved in eradication campaigns. Clearly some primary producers are involved in those campaigns, or maybe there are some legacy licences.

The Hon. Robert Borsak: Thirty-nine makes exactly my point.

Mr JUSTIN FIELD: I am not quibbling with the point that the Hon. Robert Borsak made, but I do not think the lack of resourcing of pest and feral animal management in New South Wales is addressed by allowing 20,000 primary producers to get access to these types of weapons.

The Hon. Robert Borsak: Come up with a solution then.

Mr JUSTIN FIELD: I just offered a solution, in actual fact.

The CHAIR (The Hon. Wes Fang): Order! Members have been very good so far. It has been three long days. Members will confine themselves to the leave of the amendment, address their comments through the Chair and not interject.

Mr JUSTIN FIELD: That is my point, the solution is not to deal with this issue through the Firearms Act but through the Local Land Services Act and the resourcing of LLS. The majority of pest and feral animal

management is being done by contract shooters. We also need to recognise that there is only so much that can be done by an individual primary producer. I am not taking away from their marksmanship skills, but eradicating vertebrate pest species with these sorts of weapons is something that can only be done at a local regional scale with a dedicated program. There is a reason why category D licences are held by contractors and government agencies. It is because only through those programs is it likely that there will be a meaningful impact on feral animals. I will not support the amendment for those reasons, although I think the Government and all members of this place should do more to encourage programs that will deal with the very serious risks to biodiversity in this State as a result of feral animals.

The CHAIR (The Hon. Wes Fang): The Hon. Robert Borsak has moved amendment No. 1 on sheet c2022-081E. The question is that the amendment be agreed to.

The Committee divided.

Ayes4
Noes31
Majority.....27

AYES

Banasiak (teller)
Borsak (teller)

Latham

Roberts

NOES

Amato
Barrett (teller)
Boyd
Buttigieg
Cusack
D'Adam
Donnelly
Faehrmann
Farlow (teller)
Farraway
Field

Graham
Higginson
Hurst
Jackson
Mallard
Martin
Mason-Cox
Mitchell
Mookhey
Moriarty

Moselmane
Pearson
Poulos
Primrose
Rath
Searle
Sharpe
Taylor
Veitch
Ward

Amendment negatived.

The Hon. ROBERT BORSAK (18:47): I move Shooters, Fishers and Farmers amendment No. 2 on sheet c2022-081E:

No. 2 Prohibited firearms

Page 3, Schedule 1. Insert after line 11—

[2A] Schedule 1 Prohibited firearms

Omit item 3.

This amendment deals with the removal of item [3] of schedule 1 to the Act, which is a broad catch-all provision dating back to 1996 when the Firearms Act was first introduced 26 years ago. It conflicts with items [5] and [6]. It is nonsensical and, in the interests of avoiding confusion and delivering on the permanent and practical solution as promised by the Deputy Premier, it should be removed.

The Hon. PETER POULOS (18:48): In response to the observations by the Hon. Robert Borsak, the Government opposes the amendment on the following basis: Schedule 1 [3] to the Act prohibits any self-loading centre-fire rifles, including any such firearm described elsewhere in the schedule. Although those firearms are prohibited, category D licences can be issued for them. It is therefore unnecessary to remove schedule 1 [3] in order to ensure that category D licence holders have access to fit-for-purpose firearms.

The Hon. MICK VEITCH (18:48): The Opposition does not support the amendment moved by the Shooters, Fishers and Farmers Party.

The CHAIR (The Hon. Wes Fang): The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendment No. 2 on sheet c2022-081E. The question is that the amendment be agreed to.

The Committee divided.

Ayes4
 Noes29
 Majority.....25

AYES

Banasiak (teller)
 Borsak (teller)

Latham

Roberts

NOES

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

Field
 Graham
 Higginson
 Hurst
 Mallard
 Martin
 Mason-Cox
 Mitchell
 Moriarty
 Moselmane

Pearson
 Poulos
 Primrose
 Rath
 Searle
 Sharpe
 Taylor
 Tudehope
 Veitch

Amendment negated.

The Hon. ROBERT BORSAK (18:58): I move Shooters, Fishers and Farmers Party amendment No. 3 on sheet c2022-081E:

No. 3 **Prohibited firearms**

Page 3, Schedule 1. Insert after line 19—

[3A] Schedule 1, item 7

Omit the item. Item 7 is the infamous appearance clause, which the Firearms Registry and the NSW Police Force use and abuse to prohibit certain firearms simply because of how they look. It refers to the way a firearm looks. Contrary to the nonsense the Government put earlier, appearance is not dangerous. That is a fact—not a post-fact, which the Government dwells on. This provision is grounded in the irrational belief that appearance is related to lethality, in much the same way that red cars, according to urban myth, go faster than other cars. I will let the Government and the NSW Police Force in on a little secret: Black firearms are no more lethal than pink firearms, just as red cars do not go faster than white cars. That is a fact; it is not a post-fact. The appearance of a firearm has nothing whatsoever to do with its lethality. Item 7 in schedule 1 to the Act is nonsense and only serves to perpetuate the false belief of the NSW Police Force that prohibiting certain firearms simply because of the way they look will somehow improve public safety. For that reason item 7 in schedule 1 to the Act must be deleted once and for all.

The Hon. PETER POULOS (19:00): Once again I acknowledge the contribution of the Hon. Robert Borsak. The Government will be opposing the amendment from the Shooters, Fishers and Farmers Party. Like almost all Australian jurisdictions, New South Wales has appearance-based regulation of firearms. Item 7 of schedule 1 to the Firearms Act 1996 prohibits any firearm that substantially duplicates in appearance, regardless of calibre or manner of operation, a machine gun, submachine gun or self-loading centre-fire rifle or self-loading shotgun of a kind adapted for military purposes. The appearance of a firearm has significant implications on public safety. They have the potential to cause alarm not only for the public but also for police. Appearance-based regulation of firearms remains a critical aspect of public safety in New South Wales and is aligned with the underlying principles of the Firearms Act 1996.

The Hon. MICK VEITCH (19:01): The Opposition will not be supporting the amendment.

The CHAIR (The Hon. Wes Fang): The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendment No. 3 on sheet c2022-081E. The question is that the amendment be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.

The Committee divided.

Ayes4
 Noes30
 Majority.....26

AYES

Banasiak (teller)
 Borsak (teller)

Latham

Roberts

NOES

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

Field
 Graham
 Higginson
 Hurst
 Mallard
 Martin
 Mason-Cox
 Mitchell
 Mookhey
 Moriarty

Moselmane
 Pearson
 Poulos
 Primrose
 Rath
 Searle
 Sharpe
 Taylor
 Tudehope
 Veitch

Amendment negatived.

The Hon. ROBERT BORSAK (19:06): I move Shooters, Fishers and Farmers Party amendment No. 4 on sheet c2022-081E.

No. 4 Prohibited firearms

Page 3, schedule 1 [4], proposed clause 35 (1) (b), line 29. Omit "subsequently adapted". Insert instead "manufactured".

The amendment to proposed section 35 (1) (b) provides that only firearms that are specifically manufactured for military purposes are prohibited and not those that are designed or adapted from military designs. The distinction between firearms that are designed or adapted from, rather than manufactured for, military purposes is discussed at length in the 2020 Bankowski decision of the NSW Civil and Administrative Tribunal. I direct members who are interested in the topic—and who like to watch paint dry—to read that rather bad decision.

The Hon. PETER POULOS (19:07): I note the observations made by the Hon. Robert Borsak. However, the Government will be opposing the amendment. The intent of clause 35 in schedule 3 is to ensure that when the NSW Police Force approves a self-loading centre-fire rifle or self-loading shotgun for a category D licence holder to acquire, that licence holder will be able to retain possession of the firearm even if it subsequently becomes prohibited by being subsequently adapted for military purposes. The proposed amendment to replace "subsequently adapted" with "manufactured" would be in conflict with the licensing framework, as self-loading centre-fire rifles and self-loading shotguns that are manufactured for military purposes could not legally be possessed in the first place.

The Hon. MICK VEITCH (19:08): The Opposition will not be supporting this amendment.

The CHAIR (The Hon. Wes Fang): The Hon. Robert Borsak has moved Shooters, Fishers and Farmers Party amendment No. 4 on sheet c2022-081E. The question is that the amendment be agreed to. Is leave granted to ring the bells for one minute?

Leave granted.

The Committee divided.

Ayes4
 Noes30
 Majority.....26

AYES

Banasiak (teller)
 Borsak (teller)

Latham

Roberts

NOES

Amato	Field	Moselmane
Barrett (teller)	Graham	Pearson
Boyd	Higginson	Poulos
Buttigieg	Hurst	Primrose
Cusack	Mallard	Rath
D'Adam	Martin	Searle
Donnelly	Mason-Cox	Sharpe
Faehrmann	Mitchell	Taylor
Farlow (teller)	Mookhey	Tudehope
Farraway	Moriarty	Veitch

Amendment negatived.

Ms SUE HIGGINSON (19:13): By leave: I move The Greens amendments Nos 1 and 2 on sheet c2022-102A in globo:

No. 1 Term of licence

Page 3, Schedule 1[2], lines 5–11. Omit all words on those lines.

No. 2 Term of licence

Page 4, Schedule 2[1]–[3], lines 2–11. Omit all words on those lines.

These amendments seek to maintain the current situation, which is that the licence limits the term to 12 months. The current amendment bill seeks to extend the term of the category D licence to two or five years so there can be a 12-month, a two-year or a five-year term. The entire amendment bill is seeking to make allowable weapons that were prohibited. I urge everyone to remember that that is what we are doing in considering this bill. These seriously dangerous weapons were prohibited. In accordance with the finding of Bankowski, a tribunal of competent jurisdiction in New South Wales found that the proper interpretation under law is that they are prohibited weapons. They were prohibited weapons because they are SKSs designed specifically for use by the Soviet Red Army and they remained the Red Army's frontline weapon until they were replaced with AK47s.

If it is not bad enough that we are seeking to circumvent the law as it was found in a competent tribunal and authorise weapons that were otherwise prohibited, the Government now seeks to extend the term within which somebody can hold a licence to have one of these weapons. It is not reasonable. It is not sensible. It is a dangerous thing to do. Yearly reviews are clearly something sensible. They were in the legislation. We are talking about a category of licence holder for people who are engaged in a government-supported program of vertebrate pest control. An annual review is something that should be readily available, easily done and supportable through the program. If we are talking about a proper, controlled and sophisticated modern program, renewing your licence every 12 months is perfectly reasonable. They are the amendments I move.

The Hon. MARK BANASIAK (19:17): The Shooters, Fishers and Farmers Party does not support the amendments. The fact of the matter is that all firearms owners in this State, whether they are category A, B, C, D or H, are constantly being reviewed by the NSW Police Force. We do anything more than fart in the wrong direction and we are threatened with losing our licence. We are constantly being reviewed. The other fact of the matter is the Firearms Registry, since time immemorial, has taken over eight months to approve these licences and continues to do so, which is not practical for a pest control business or a primary producer. It does not look like it will improve at any time. A 12-month, two-year and five-year licence is consistent with other licensing schemes in this State.

The CHAIR (The Hon. Wes Fang): I remind members about the use of parliamentary language.

The Hon. EMMA HURST (19:18): On behalf of the Animal Justice Party I indicate that we will be supporting The Greens amendments. I thank the member for bringing them forward. Prior to the bill, a category D licence issued for these reasons was only in place for a maximum of 12 months. This bill would increase that by up to five years. The Government has not provided any sensible justification for this increase. Clearly, when this provision was originally introduced, it was seen as an appropriate safeguard to allow licences only for a 12-month period to ensure some level of regulatory oversight. Five years will reduce that oversight of those very dangerous weapons. The Animal Justice Party is opposed to any weakening of gun laws in New South Wales and we do not support extending the time frame for the licences. We urge all members to support The Greens amendment.

The Hon. PETER POULOS (19:19): In response to the contribution made by Ms Sue Higginson, the Government will oppose The Greens amendments. This bill is about removing barriers and unnecessary regulatory

burdens for all category D licence holders. That includes primary producers participating in authorised eradication programs who face the additional regulatory burden of having to renew their licence every year. All other firearms licences, including the other category D licences, can be issued for periods of two or five years. It is an unnecessary regulatory burden on both the licence holder and the regulator and does not provide any public safety benefits. Options to issue category D licences to primary producers participating in eradication campaigns for periods of one, two or five years will provide more flexibility to support pest eradication campaigns. These options are consistent with the National Firearms Agreement, which stipulates that a firearms licence must be issued for a period of no more than five years.

The Hon. MICK VEITCH (19:20): The Opposition will not be supporting these amendments.

Mr JUSTIN FIELD (19:20): I support the amendments. We are clearly not here circumventing the law. We are here considering changing the law. The reason I supported the second reading of this bill is that overwhelmingly the holders of this category of licence are those involved in the important work of pest animal management. Largely the licences are held by contractors and government agencies that engage in this important work. In the second reading debate I raised that I was concerned about this extension in time and I asked questions of the Government. I thank the Government for providing me with the information that led me to the position of supporting these amendments. I know that since January 2019, which is some time ago—we are talking about a period of 3½ years—nearly 30 category D licence applications or renewals have lapsed or have been refused.

We know that people change jobs and they move. People in the public sector move as well. There is a reason that this category of licence is difficult to obtain: These are dangerous weapons. I think we can agree that it will become the default for people to just tick the box for the five-year option on the application. Taking the past two years as an example, we have a situation where as many as 30 people—or maybe 40 or 50 within five years—who would not otherwise be able to renew because of their circumstances, maybe because they have been engaged in something that would make a refusal likely, would be out there holding these licences who otherwise would not have held them if they were able to obtain the licence for one year and go through a renewal process. Given the Government has recognised the reasons for having very tight control around this category of licence, why would we want to create flexibility in the administration of the licensing scheme? For those reasons, I support The Greens amendments.

The CHAIR (The Hon. Wes Fang): Ms Sue Higginson has moved The Greens amendments Nos 1 and 2 on sheet c2022-102A. The question is that the amendments be agreed to.

Amendments negatived.

The CHAIR (The Hon. Wes Fang): The question is that the bill as read be agreed to.

Motion agreed to.

The Hon. PETER POULOS: I move:

That the Chair do now leave the chair and report the bill to the House without amendment.

Motion agreed to.

Adoption of Report

The Hon. PETER POULOS: On behalf of the Hon. Sarah Mitchell: I move:

That the report be adopted.

Motion agreed to.

Third Reading

The Hon. PETER POULOS: On behalf of the Hon. Sarah Mitchell: I move:

That this bill be now read a third time.

The House divided.

Ayes27

Noes4

Majority.....23

AYES

Amato
Barrett (teller)
Borsak

Farraway
Field
Graham

Moselmane
Poulos
Primrose

AYES

Buttigieg
Cusack
D'Adam
Donnelly
Fang
Farlow (teller)

Latham
Mallard
Martin
Mitchell
Mookhey
Moriarty

Rath
Roberts
Sharpe
Taylor
Tudehope
Veitch

NOES

Boyd
Faehrmann (teller)

Higginson (teller)

Hurst

Motion agreed to.

*Documents***CENTRAL BARANGAROO****TEACHER SHORTAGES****Variation of Order**

The PRESIDENT: According to sessional order, I inform the House that on 18 May 2022 the Clerk received correspondence from the Deputy Secretary, General Counsel of the Department of Premier and Cabinet containing two requests for variations to orders for papers. I further inform the House that the relevant members who moved the motions for the orders for papers had not agreed to the requests from the Department of Premier and Cabinet but had agreed to the following variations:

- (1) Central Barangaroo, instead of the requested due date of Wednesday 6 July 2022, that the due date be Wednesday 8 June 2022, and
- (2) Teacher shortages:
 - (a) that the due date be 15 June 2022, and
 - (b) that the resolution be as follows: "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 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 reports, briefings, memorandum specifically related to teacher vacancies and shortages in New South Wales public schools created since 1 February 2022;
 - (b) all documents, including briefings, memorandum, emails, email attachments and correspondence specifically related to the Recruitment Beyond NSW program created since 1 February 2022;
 - (c) all reports, presentations, communication strategies, briefings, memoranda, meeting minutes, and emails specifically from the Office of the Minister for Education and Early Learning and the Secretary of the Department of Education, regarding the COVID-19 Taskforce and the COVID-19 Executive Teams created since 1 May 2020;
 - (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 table the correspondence. The question is that the varied terms of the orders for papers be agreed to.

Motion agreed to.

*Adjournment Debate***ADJOURNMENT**

The Hon. DAMIEN TUDEHOPE: I move:

That this House do now adjourn.

NSW KOALA STRATEGY

The Hon. LOU AMATO (19:35): Presently our koala population is under extreme pressure. After the drought and horrendous bushfires, many koalas have been lost or face starvation due to complete foliage loss in bushfire-ravaged forests. The reduction in our koala population has made it a priority to act quickly and work together as a community to save the koalas. Like many, I had a rather pessimistic outlook for the survival of the world's most loved and unique marsupial. If koalas are to survive in the wild, only a full-blown intervention plan

has any hope of achieving a genetically diverse koala population that can be sustained indefinitely. Luckily for the koala, the Coalition Government has done just that. In response to the tragic loss in koala population numbers, the New South Wales Government has initiated the NSW Koala Strategy, which is being continually fine-tuned by the environment Minister, James Griffin.

Minister Griffin has just announced that the New South Wales Government has acquired 2,000 hectares of pristine koala habitat in three locations in Monaro, near Yamba and north of Taree. In addition to providing pristine koala habitat, the new land acquisitions will provide a safe haven for more than 20 threatened species. The new land acquisition is another step towards doubling New South Wales' koala population by 2050. The Government is determined to meet this target and has developed a three-pillar approach to making sure that our koalas not only survive but thrive.

Pillar one addresses koala habitat conservation, with an investment of \$107.1 million. Key targets were formulated to protect 22,000 hectares of koala habitat, initiate the rehabilitation and restoration of 25,000 hectares of degraded or damaged koala habitat, and identify areas of outstanding biodiversity value, which includes securing 20 Assets of Intergenerational Significance. Pillar two involves an investment of \$19.6 million to support local communities and councils with koala conservation. Key targets for pillar two include the following: up to eight regional partnerships with local councils and conservation groups, 10 koala stronghold areas better secured and at least 10 councils supported to develop koala habitat maps.

Pillar three, with an investment of \$23.2 million, addresses koala health and safety. Many koala populations are threatened by chlamydia and koala retrovirus, which is of particular concern because it causes koala immune deficiency syndrome, leaving infected koalas more susceptible to infectious disease. The virus, like other retroviruses such as HIV, inserts itself into the DNA of an infected cell. This situation is a difficult problem for scientists as both the male and female reproductive cells of infected koalas have altered DNA, which ensures all koala offspring from infected parents will have the retrovirus. No vaccine is likely to be effective in preventing the spread of koala retrovirus in the near future. Relocation of healthy, non-infected populations to isolated areas is the only current solution.

In treating koalas for chlamydia, only antibiotics such as doxycycline and azithromycin are effective. No immunisation against chlamydia is currently possible. Unfortunately, due to koalas' specific diet of eucalyptus leaves, they are reliant on specific bacterial gut flora to digest their food, which is totally eradicated when they are administered antibiotics to treat chlamydia. The eradication of specific good bacterial gut flora in koalas renders them unable to digest the leathery leaves from eucalypts. Our present dilemma is: If the disease goes untreated, it is fatal and will continue to spread to non-infected populations; if it is treated, a koala's digestive system will be rendered inoperable, causing the starvation of the animal.

I am optimistic that the dedication of scientists working on discovering an effective treatment for chlamydia will be successful in the near future. Due to the fragmentation of koala populations, genetic diversity is being closely monitored to ensure healthy, genetically diverse and sustainable populations. Of major concern are areas where vehicle impacts are likely in known koala crossings. The Government is working to provide koala relocations to areas of low risk. The key targets in pillar three of the koala strategy are to address at least 10 vehicle strike hotspots, implement up to eight translocation projects, and provide more than 500 vets and vet nurses with wildlife care training. We should be under no misconception that the survival of the koala in the wild will require an absolute commitment from all stakeholders. The New South Wales Government's koala recovery plan commits to achieving the goal of not only doubling the population by 2050 but also ensuring that our koalas remain healthy and genetically diverse for generations to come.

AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSION

The Hon. ANTHONY D'ADAM (19:40): On 29 April in a front-page article *The Australian* gave prominent coverage to a report by Ernst and Young, or EY, concerning the Australian Building and Construction Commission [ABCC]. It was a direct and calculated attack on Labor's policy to abolish the ABCC by the Master Builders Association [MBA], aided and abetted by the Murdoch press. The report made the dubious and unverifiable claim that Labor's plan to abolish the ABCC will cost \$50 billion to the economy. Its authors argue that the ABCC is necessary to suppress the collective action of building workers and their unions, particularly the CFMEU and the Communications, Electrical and Plumbing Union of Australia. In this way, the ABCC helps property developers contain the cost of wages and safety measures in the construction industry. From the perspective of employers, reasonable wages and conditions are a drain on profit. Workers who enforce WHS legislation may also slow the speed of development projects when employees refuse to work on unsafe sites. By employing undercover inspectors to criminalise union activity, the ABCC divides workers from one another so that they are more likely to accept the deterioration of industry standards.

Despite the assertions of *The Australian* that the report includes an independent and comprehensive analysis of the construction sector, its authors at Ernst and Young were careful to stress that their client, the MBA, limited the scope of their analysis to the extent that the report only considered the interests of property developers. EY also noted that the MBA curated the evidentiary ambit of the report. Ultimately, the figures and claims that the authors canvass are based on a survey of property developers' opinions on the ABCC. These are subjective statements, not matters of fact. *The Australian* did not mention the fact that EY prefaced the substantive arguments of the report with a 1½ page disclaimer that stressed that the findings of the report could only be relied upon by the MBA and not any other party, including the Australian Government.

In light of this dubious methodology, it was misleading of *The Australian* to present the report as an independent and objective document. The fact that the report does not properly consider the interests of construction workers or the broader community discredits its argument to retain the ABCC. That shortcoming is particularly jarring given that each year the construction sector consistently ranks as one of the most dangerous and life-threatening industries for workers. Between 2016 and 2020 SafeWork reported that 154 construction workers died on the job: 48 died falling from heights, 24 died after being hit by a falling object, 24 died from vehicle collisions and 16 died after being electrocuted. These are the real tragedies affecting the construction industry, and yet the report omits them from the analysis of the ABCC.

A legitimate investigation into the ABCC would take into account its highly political purpose. It would consider, for instance, how the ABCC targets union members who dedicate themselves to improving the wages and conditions of their colleagues. A truly independent report would acknowledge that the Coalition established the ABCC to suppress unionisation in the building industry. It would take into account the critical role played by unions in maintaining wage levels and safety standards. It was, after all, the forerunners to the CFMEU that won workers compensation in New South Wales during the margins strike, established heritage protections during the green bans and won the basic safety measures that have flowed into other industries. Unionised workers undertake these campaigns so that they can come home safely to their families each night.

The most recent annual report of the ABCC demonstrates that the agency is dedicated to eliminating the threat that organised workers pose to cowboy developers who underpay and sometimes kill innocent workers. For example, it records that 91 per cent of the penalties imposed by the ABCC between 2 December 2016 and 30 June 2021 were levied against the CFMEU. Only 3 per cent of penalties targeted employers. In nominal terms, in that period the ABCC fined the CFMEU over \$12 million but fined employers a mere \$367,000. It is telling that the ABCC's notional role as an impartial enforcement mechanism for laws affecting the construction industry rarely, if ever, extends to enforcing the laws that employers consistently contravene to the detriment of workers' safety.

It is troubling that *The Australian* would publish an article that misleads readers into thinking that the EY report provides an accurate, independent and comprehensive analysis of the ABCC. Quality journalism critically evaluates source materials and considers their respective biases. Former Labor Prime Minister Kevin Rudd and former Liberal Prime Minister Malcolm Turnbull have criticised Murdoch mastheads for publishing misleading and biased information that damages our democracy. This article is yet another example of that bias on display.

FIREARMS LEGISLATION

The Hon. ROBERT BORSAK (19:45): On Tuesday night during debate on the Firearms Legislation Amendment Bill 2022, I was mildly amused by the comments of members of The Greens and the Animal Justice Party. The Greens and the Animal Justice Party never miss an opportunity to demonstrate their blissful ignorance on an issue. Tuesday night was no different. New Greens member Ms Sue Higginson claimed that the Firearms Legislation Amendment Bill 2022 will not help to control and eradicate vertebrate pests. Really? Do The Greens profess some profound expert understanding and knowledge of pest control that farmers, agricultural researchers and the rest of us do not? In "A systematic review of ground-based shooting to control overabundant mammal populations", which was published in 2020 in the CSIRO journal *Wildlife Research*, the authors noted that many management programs have failed because of an inability to remove a sufficient proportion of the population to achieve population decline.

Clearly, increasing the rate of fire through the use of fit-for-purpose semiautomatic firearms increases the ability to remove the required proportion of the population to achieve population decline in a humane way. The Animal Justice Party member said that the Government's bill will weaken our gun laws. That is nonsense. Nothing in the bill, or indeed in the Shooters, Fishers and Farmers Party amendments, would weaken current gun laws. First, category D licence applicants—like all licence applicants—will still undergo rigorous vetting by New South Wales police before a licence is issued. Secondly, nothing in the bill negates the ability of police to undertake firearms and safe storage inspections of firearm licence holders at any time. Thirdly, the Shooters, Fishers and Farmers Party amendment to enable the issue of category D licences for use in the course of primary production activities is entirely consistent with the provisions of the National Firearms Agreement.

It beggars belief that, on the one hand, The Greens claim to be environmental guardians and saviours but, on the other hand, they refuse to acknowledge the need for farmers—the true environmental custodians—to improve their effectiveness in reducing the devastation caused to our environment and native species by feral species, like feral pigs, by having access to the fit-for-purpose category D firearms that they need to do the job efficiently. The Greens' blind, irrational and ideological opposition to firearms of any kind, in the belief that an inanimate tool—that is what firearms are—can kill and maim on their own, is juxtaposed with their advocacy and support for illicit drugs. Members will recall that last year The Greens member Ms Cate Faehrmann confessed in this House to illegally acquiring cannabis, supposedly for pain relief. Breaking the law and then boasting about it in Parliament is hardly being a good role model for young people in this State.

Who can forget the countless lives lost to illicit drugs? Members will remember 15-year-old Anna Woods, who died tragically in 1995 from an overdose of illicit drugs. Regrettably and tragically, hundreds of other young lives have been cut short by dangerous illicit drugs. The Greens are so breathtakingly ignorant that they refuse to accept the truth, even when it stares them in the face. Illicit drugs kill. They also fuel criminal activity and are the primary cause of the gang violence and shootings that have plagued Sydney in recent years. The Greens promote the culture of illegal drug-taking but do not take responsibility for the criminal activity that their policies foster. In *The Sydney Morning Herald* on 29 November 2020, the then police commissioner said:

The challenge was getting recreational drug users to understand their consumption was fuelling the "kidnappings, deaths, drive-by shootings".

The Greens would have people believe the gangland shootings that have plagued Sydney for the past decade are undertaken with registered firearms and committed by persons who hold firearms licences. No, they are not. Deputy Commissioner Hudson also confirmed that firearms used in those gangland shootings are not registered firearms, and nor do the perpetrators ever hold licences. The way to resolve the matter is to remove the cause of the conflict—and that is illicit drugs—not by legalising but by continuing the war on the illegal drug culture. Drugs are the fundamental cause of the gangland shootings in Sydney, while The Greens continue to run a protection racket in support of illegal and illicit drugs. That inconvenient truth will come as a great disappointment to The Greens, yet it will not stop them from pursuing their irrational and fact-free policy of banning all firearms altogether. While ever my arse points to the ground, I will vigorously oppose any attempts to destroy my culture and community.

KOALA HABITAT PROTECTION

The Hon. CATHERINE CUSACK (19:50): As members are aware, I have foreshadowed my intention to resign my position in this House and to do so in a way that minimises inconvenience to my colleagues in government. Allowing for the sitting calendar and the requirements of the Liberal Party constitution, the earliest practical date is the first week in August. I have made plans for life post-politics, including a new job. I am trying to do the right thing, so it disappoints me to learn there is a move to exploit good faith by revisiting controversial legislation to dilute the role of the Environment portfolio in protecting koala habitat. That was the intent of legislation withdrawn by the Government in 2020 after this House referred the bill to a committee. The Government stated that the bill was dead and a new policy would be delivered in 2021.

I note the Government failed to keep that commitment. It instead reverted to State Environmental Planning Policy [SEPP] 44 protections, which reduced the number of protected species of koala trees from 123 to 10. I have been making inquiries ever since. Instead of a new plan we have had incremental change, which initially saw the protections proposed by Minister Stokes restored for metropolitan areas. That has been of next to no use because most of the State's last 50 koala populations are in the regions, on rural land and in State forests, and thus their habitat still does not have those protections.

On 26 April the Deputy Premier and the Minister for Agriculture announced an overhaul of the Private Native Forestry Codes of Practice. There were some improvements in terms of expanding the species list for private native forestry [PNF] purposes, but the catch is that grandfathering provisions will allow logging of koala habitat to continue for the next five years for PNF plans approved before 2 May. I have consulted with my colleague Mr Justin Field, who estimates that since 2007 some 554,926 hectares of privately owned land has been approved for forestry in the northern region of New South Wales alone. There is little transparency around the status and terms of those approvals.

The 555,000 hectares approved for logging is not all koala habitat—in fact, I am hoping most of it is not. But to put that into context, the Office of Environment and Heritage 2018 to 2021 koala strategy protected 18,000 hectares of habitat and the 2017 to 2022 plan envisages protecting 47,000 hectares of habitat across the State. It is an average of 7,200 hectares of habitat being protected per year, compared with an estimated 14,400 hectares being destroyed per year. With half a million hectares of land approved for PNF in northern

New South Wales alone, it is important to understand the status of those agreements in order to assess the impact of the new codes.

I again raise the issue of koala plans of management [KPOMs], which have been recognised in the PNF codes. Those KPOMs are landscape strategies prepared by councils in consultation with communities and landholders. They list actions required to save koala colonies. They take many years to prepare and are expensive, with expert preparation paid for in part by the New South Wales Government. Councils approve the plans and submit them. When they are accredited, those KPOMs are an important planning instrument, protecting koalas as they feed and roam across public and privately owned land. A number of KPOMs submitted to the New South Wales Department of Planning and Environment in 2015 have been on ice awaiting a new Koala SEPP.

Some have recently been approved, but at least one has inexplicably not been approved. The Government says it will not approve any more, and I keep asking why. It means koalas are given different levels of protection according to which council area they live in, and I find that unacceptable. The latest advice received today deflects that legitimate question. The new PNF codes fail key recommendations of the Natural Resources Commission report relied upon by the Minister. For example, the mapping of koala habitat was meant to be finalised and it is not. The Environment Protection Authority [EPA] was to be given additional resources for compliance activities, but that has not happened either.

The new codes give farmers the right to challenge mapping, with taxpayers funding new studies. I accept some of that cost shift, but it seems like no resources have been allocated for the EPA to pay for it. It is so problematic. If a farmer wants to log a small number of trees to generate an extra \$20,000 of income, taxpayers could be paying \$60,000 for compliance and mapping activities. It is a shocking outcome for taxpayers and the environment. It is cheaper to pay the farmer to keep the trees. The environment Minister has a policy of doubling the number of koalas by 2050, but that is not referred to in the PNF guidelines. If the proposal to decouple environment oversight from PNF agreements goes ahead, it will require legislation. That would succeed only if I leave Parliament, which places me in an awkward position. If the Government believes it is a good idea to remove those policies, it should get a mandate at the election and let our citizens decide. I hope the matter will be resolved.

SEXUAL ASSAULT DATA

The Hon. MARK LATHAM (19:55): Before his brain explosion about the introduction of a consent app in New South Wales, former Police Commissioner Mick Fuller raised eyebrows with a claim in an article in *The Daily Telegraph* in March last year that more than 15,000 sexual assaults were reported to the NSW Police Force each year, with a conviction rate of less than 2 per cent. That contradicted the Bureau of Crime Statistics and Research [BOCSAR] reporting that in 2019 the conviction rate was 15 per cent—2 per cent versus 15 per cent is certainly a huge difference. When I put a question on the *Notice Paper* asking the police Minister about the discrepancy, he admitted that Mick Fuller had over counted and included in his numbers a broad range of sexual offences that did not actually involve assault. Mick Fuller was making a bizarre appeal to the woke brigade through the fabrication and misuse of data.

That was bad enough, but then the fake news got even worse. The NSW Law Reform Commission report 148 entitled *Consent in relation to sexual offences* was tabled in this Parliament on 18 November 2020. It formed the basis of the new positive consent laws passed by this House last year in a debate dominated more by feelings than facts. One of the fundamental principles of our democracy is that the Parliament acts on the best available, accurate information. In an era of fake news media and whacky conspiracy theories on the internet, the Parliament must be beyond reproach. We must act as one of the last bastions of evidence and accuracy. BOCSAR and the Law Reform Commission have let us down. Controversial and unworkable positive consent laws were legislated on false pretences and inaccurate data.

Chapter two of the Law Reform Commission report cited data about sexual offences provided by BOCSAR. After the report was tabled, BOCSAR notified the commission that some of the data set out in the report was inaccurate. Those corrections were made only after a concerned citizen spent nine months lobbying the NSW Police Force, BOCSAR and the Law Reform Commission to correct the errors. The revised figures show that the justice system is working better than previously thought. For example, the original Law Reform Commission report claimed that 14,171 sexual assault incidents were reported to police, of which 7.8 per cent resulted in finalised charges and only 2.7 per cent resulted in guilty verdicts. On 6 December last year the Law Reform Commission issued a statement fessing up to its errors. There were in fact 2,549 incidents—one-sixth of the original claim—of which 34.8 per cent were finalised charges and 12.7 per cent were guilty verdicts.

Seven pages of the Law Reform Commission report were junked and replaced, such was the scale of the error. How could the commission have relied upon such wildly inaccurate figures? It turns out that BOCSAR could not hit the side of a barn. They were not small rounding errors; the numbers were out by factors of

500 per cent and 600 per cent. BOCSAR used to be a well-regarded crime statistician but, as its work on coercive control has shown, it too has joined the woke brigade with politicisation and fabrication of data. On 18 October last year BOCSAR wrote to the concerned citizen, Greg Andresen, to say that it was trying to "extract the correct data". Yet it waited 25 days to tell the Attorney General, Mr Mark Speakman, that a mistake had occurred. Mr Speakman then did nothing to tell the Parliament, even though we were in the middle of debating his positive consent bill. It took BOCSAR 28 days to tell the NSW Law Reform Commission, which took a further 21 days to publish the correct figures. In total there was a delay of 49 days. That was useless to the Parliament, as the positive consent debate had concluded some 17 days earlier. We legislated under false pretences—a dreadful moment in the long history of this Chamber.

I am not claiming that the positive consent laws would not have passed this Parliament and that the new, accurate data would have swayed the numbers. The bill was passed by the major parties on the basis of emotion rather than evidence. I am saying that the figures quoted in the debate by several MPs were just plain wrong. They were misled by BOCSAR and the NSW Law Reform Commission. It is a dark day for democracy when any parliament legislates on the basis of falsehoods and incompetence. Quite frankly, BOCSAR and the Attorney General should hang their heads in shame. There should be a full inquiry into how and why this happened. Heads should roll at BOCSAR. We need a full investigation as to how our Parliament was so badly misled on such an important piece of legislation.

NEW INTERCITY FLEET

The Hon. MARK BUTTIGIEG (20:00): The New South Wales Government has failed the people of this State and our essential rail workers. The Government decided to purchase Korean trains, sending jobs and taxpayers' money overseas. Disgracefully, the trains are a billion dollars over budget and already two years late. The Korean trains have been found to be defective—from not fitting on our tracks and our platforms to being a major safety concern that puts members of the public at risk. The new intercity fleet would not have safety issues if the New South Wales Government had decided to build the trains in Australia and use New South Wales workers. The Government's obsession with sending manufacturing overseas results in taxpayers getting dodgy transport. Our transport should be built in New South Wales so that our trains actually fit the tracks and do not endanger the public. Our rail workers have rightfully continued to state that they will refuse to drive the new intercity fleet until the major safety issues are sufficiently addressed. They are protecting the residents of New South Wales. The Federal Court of Australia ruling supports this and an independent assessment has verified that safety issues need to be addressed.

The South Korean trains came directly off the shelf and are not fit for our New South Wales railway system, which is an older system with lots of curved platforms. The major safety issues have been highlighted for years by rail workers. Those safety concerns result from train guards being unable to satisfactorily monitor the platform during arrival and departure. Rail workers need to be able to see when the train approaches and departs so that they can view the platform adequately. The Rail, Tram, and Bus Union is asking that cameras be upgraded and positioned correctly because at the moment, when the doors open, they obscure the CCTV footage. Unlike the guards on other trains on our State's network, those on the new intercity fleet will need to stand at open train doorways and on the platforms so that they can see passengers. We need to ensure we are protecting the public at large, including our children and residents with disabilities. If the Government cared about the safety of New South Wales residents, it would take notice of the independent assessor who stated the following:

... there will be an unacceptable risk to the travelling public if the NSW Trains proposed operating model is implemented. Particularly to the most vulnerable of the travelling public, children and movement impaired passengers.

It is absolutely disgraceful that the Liberal employee relations Minister has disregarded that the dodgy Korean trains will endanger members of the public in their current state when experts are highlighting the safety issues. He has had no involvement with and knowledge of the trains previously. The Liberals and The Nationals have absolutely been engaged in political pointscoring and games with our transport system. The public deserve better. The New South Wales Rail, Tram and Bus Union is committed to getting the trains on the tracks if the Government ensures the safety of the trains is improved. Premier Perrottet has met with a driver and guard to hear their safety concerns. He needs to ensure that the modifications needed are made to the new intercity fleet trains. They must be safe and the Liberal-Nationals Government must prioritise our public safety instead of simply blaming unions for the defective Korean trains not running. The safety of every commuter must be the priority when these trains are put on our network. The Government should fix the safety issues so the trains can be used safely on the tracks.

The PRESIDENT: The question is that this House do now adjourn.

Motion agreed to.

The House adjourned at 20:04 until Tuesday 7 June 2022 at 14:30.